

SENATE.

MONDAY, April 16, 1906.

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

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

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 case of Octavia R. Polk *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 Henry W. Lee *v.* The United States and the Winnebago Indians; which, with the accompanying paper, was referred to the Committee on Claims, 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 resolutions commemorative of the life and public services of Hon. ORVILLE HITCHCOCK PLATT, late a Senator from the State of Connecticut.

The message also announced that the House had passed resolutions commemorative of the life and public services of Hon. BENJAMIN F. MARSH, late a Representative from the State of Illinois.

The message further announced that the House had passed a concurrent resolution providing that in the enrollment of the bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes, in the Indian Territory, and for other purposes, the Clerk be directed to restore to the bill the part proposed to be stricken out in the amendments of the Senate Nos. 26, 27, and 41, and insert in lieu thereof certain other matter, etc., in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the memorial of Henry J. Fitzgerald and 26 other taxpayers of the District of Columbia, remonstrating against the enactment of legislation to provide for the abatement of nuisances in the District of Columbia, and also for the creation of a board for the condemnation of insanitary buildings in the District of Columbia; which was ordered to lie on the table.

He also presented a petition of the American Reciprocal Tariff League, praying for the enactment of legislation to retain the foreign markets for our foreign trade in every direction; which was referred to the Committee on Finance.

He also presented a petition of the American Live Stock Association of Denver, Colo., praying for the enactment of legislation to regulate the interstate transportation of live stock; which was ordered to lie on the table.

He also presented a memorial of the Department of Minnesota, Grand Army of the Republic, of St. Paul, Minn., remonstrating against the enactment of legislation to exclude on account of age the veterans of the civil war from being employed or continuing in employment in the Executive Departments, etc.; which was referred to the Committee on Appropriations.

He also presented a petition of the Kings County Republican general committee, of Brooklyn, N. Y., praying for the enactment of legislation authorizing the construction of a second-class battle ship and a collier at the Brooklyn Navy-Yard; which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry ex-slaves and their descendants, citizens of the United States, praying that they be granted pensions; which was referred to the Committee on Pensions.

Mr. PLATT presented a memorial of Local Division No. 92, Amalgamated Association of Street and Electric Railway Employees, of Oswego, N. Y., remonstrating against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of the Kings County Republican general committee, of Brooklyn, N. Y., and a petition of the Flatbush Taxpayers' Association, of Flatbush, N. Y., praying for the enactment of legislation providing for the construction of a United States battle ship at the Brooklyn Navy-Yard; which were referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Rushford, N. Y., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of

Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of Local Council No. 13, Daughters of Liberty, of Brooklyn, N. Y., and a petition of Local Council No. 74, Daughters of Liberty, of Port Washington, N. Y., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a petition of Local Union No. 238, American Federation of Musicians, of Poughkeepsie, N. Y., praying for the enactment of legislation to regulate the employment in the bands of the country of enlisted men in competition with civilians; which was referred to the Committee on Military Affairs.

He also (for Mr. DEPEW) presented petitions of the Woman's Republican Club of New York City, of the National Association of New England Women of New York City, of the New Century Club of Utica, of the Travelers' Club of Olean, of the Woman's Educational and Industrial Union of Buffalo, of the General Federation of Women's Clubs of Kingston, of the General Federation of Women's Clubs of Canajoharie, of the General Federation of Women's Clubs of Flushing, of the General Federation of Women's Clubs of Olean, of the General Federation of Women's Clubs of Rochester, of the General Federation of Women's Clubs of Oneida, of the Westchester Women's Club, of Mount Vernon, and of the Minerva Club, of New York City, all in the State of New York, praying for an investigation into the industrial conditions of the women of the country; which were referred to the Committee on Education and Labor.

He also (for Mr. DEPEW) presented a memorial of the Horticultural Society of New York City, N. Y., and a memorial of the New York Florists' Club, of New York City, N. Y., remonstrating against the free distribution of seeds; which were referred to the Committee on Agriculture and Forestry.

He also (for Mr. DEPEW) presented a memorial of Local Division No. 132, Amalgamated Association of Street and Electric Railway Employees, of Troy, N. Y., remonstrating against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also (for Mr. DEPEW) presented petitions of Ulster Council, No. 27, Daughters of Liberty, of Bloomington; of Tonawanda Council, No. 117, Junior Order of United American Mechanics, of Tonawanda; of Local Division No. 148, Amalgamated Association of Street and Electric Railway Employees of America, of Albany, and of Guiding Star Council, No. 29, Daughters of Liberty, of Utica, all in the State of New York, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also (for Mr. DEPEW) presented a memorial of the American Protective League of New York City, N. Y., remonstrating against the passage of the so-called "Philippine tariff bill;" which was referred to the Committee on the Philippines.

He also (for Mr. DEPEW) presented a memorial of the New York Credit Men's Association, of New York City, N. Y., and a memorial of the Rochester Chamber of Commerce, of Rochester, N. Y., remonstrating against the repeal of the present bankruptcy law; which were referred to the Committee on the Judiciary.

He also (for Mr. DEPEW) presented a memorial of the New England Shoe and Leather Association, of Boston, Mass., remonstrating against the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also (for Mr. DEPEW) presented a petition of Local Union No. 43, Musicians' Protective Association, of Buffalo, N. Y., and a petition of Local Union No. 13, Musicians' Protective Association, of Troy, N. Y., praying for the enactment of legislation to prohibit Government musicians from competing with civilian musicians; which were referred to the Committee on Military Affairs.

He also (for Mr. DEPEW) presented a memorial of Tappen Camp, No. 1, Sons of Veterans, of Kingston, N. Y., and a memorial of General Sniper Camp, No. 166, Sons of Veterans, of Syracuse, N. Y., remonstrating against the enactment of legislation to prohibit the wearing of the uniform of the Army, Navy, Marine Corps, or Revenue Service; which were referred to the Committee on Military Affairs.

He also (for Mr. DEPEW) presented a petition of the Baptist, Free Methodist, and Methodist Episcopal churches of Rushford, N. Y., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also (for Mr. DEPEW) presented a petition of the Historical Society of Rochester, N. Y., praying that an appropriation be made for the restoration of the frigate *Constitution*; which was referred to the Committee on Naval Affairs.

He also (for Mr. DEPEW) presented a petition of the Lin-

nean Society of New York City, N. Y., praying for the enactment of legislation to protect animals, birds, and fish in the forest reserves of the United States; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also (for Mr. DEPEW) presented a petition of the Linnæan Society of New York City, N. Y., praying for the enactment of legislation to prohibit the killing of wild birds and animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also (for Mr. DEPEW) presented a petition of Whallonsburg Grange, Patrons of Husbandry, of Whallonsburg, N. Y., and a petition of Cherry Creek Grange, Patrons of Husbandry, of Cherry Creek, N. Y., praying for the enactment of legislation to remove the duty on denaturalized alcohol; which were referred to the Committee on Finance.

He also (for Mr. DEPEW) presented a petition of the New York Clearing House Association, of New York City, N. Y., praying for the adoption of an amendment to section 5200 of the Revised Statutes relating to the surplus funds of corporations; which was referred to the Committee on Finance.

He also (for Mr. DEPEW) presented a petition of the Henry Bergh Humane Society, of New York City, N. Y., praying that the bill for the extension of time in the interstate transportation of live stock be referred to the Committee on Interstate Commerce for action; which was referred to the Committee on Interstate Commerce.

He also (for Mr. DEPEW) presented a petition of the Chamber of Commerce of Troy, N. Y., praying for the enactment of legislation providing for an increase in the salaries of clerks in post-offices of the second class; which was referred to the Committee on Post-Offices and Post-Roads.

He also (for Mr. DEPEW) presented a petition of Cherry Creek Grange, Patrons of Husbandry, of Cherry Creek, N. Y., praying for the passage of the so-called "Hepburn-Dolliver railroad rate bill;" which was ordered to lie on the table.

He also (for Mr. DEPEW) presented a memorial of the Erie County Society for the Prevention of Cruelty to Animals, of Buffalo, N. Y., remonstrating against the enactment of legislation to extend the time for the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

He also (for Mr. DEPEW) presented a petition of the Humane Society of Auburn, N. Y., praying that Senate bill No. 3413 relative to an extension of time in the interstate transportation of live stock be recommitted to the Committee on Interstate Commerce for consideration; which was referred to the Committee on Interstate Commerce.

He also (for Mr. DEPEW) presented a petition of 25 citizens of Buffalo, N. Y., 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 ordered to lie on the table.

Mr. GALLINGER presented a petition of the Petworth Citizens' Association, of the District of Columbia, praying for the establishment of a practical form of self-government for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of Ray L. Smith, of Washington, D. C., praying for the enactment of legislation providing for the extension of Monroe street; which was referred to the Committee on the District of Columbia.

He also presented the memorials of W. W. Price and S. M. Hamilton, citizens of the District of Columbia, remonstrating against the enactment of legislation providing for the extension of Monroe street; which were referred to the Committee on the District of Columbia.

He also presented the petition of Capt. J. Walter Mitchell, national historian and secretary of the committee on legislation of the United Spanish War Veterans, of Washington, D. C., praying for the establishment of a temporary home for Union soldiers and sailors; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Northeast Washington Citizens' Association, of the District of Columbia, praying for the enactment of legislation to regulate the practice of osteopathy in the District of Columbia; which was ordered to lie on the table.

He also presented a petition of the Women's Health Protective Association of New York, praying for the enactment of legislation to regulate the employment of child labor in the District of Columbia; which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Franklin Falls, N. H., praying for the enactment of legislation to re-

strict immigration; which was referred to the Committee on Immigration.

He also presented a petition of the Woman's Club, of Rochester, N. H., praying for an investigation into the industrial condition of women in the United States; which was referred to the Committee on Education and Labor.

Mr. KEAN presented the petition of Dr. L. D. Thompkins, of Trenton, N. J., praying for the enactment of legislation granting relief to the widow of Col. C. W. Stryker, deceased; which was referred to the Committee on Military Affairs.

He also presented the petition of Herman G. F. Hunz, of Elizabeth, N. J., praying for the enactment of more stringent naturalization laws; which was referred to the Committee on the Judiciary.

He also presented a petition of Local Lodge No. 22, Brotherhood of Locomotive Firemen, of Camden, N. J., 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 Woman's Christian Temperance Union, of Bergen County, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented the memorial of Robert Biddle, of River-ton, N. J., remonstrating against the enactment of legislation to regulate the granting of restraining orders in certain cases; which was referred to the Committee on the Judiciary.

He also presented petitions of Daniel Webster Council, No. 160, Junior Order United American Mechanics, of Newark; of Pride of Mechanics, Home Council No. 61, Daughters of Liberty, of Jamesburg; of Passaic Falls Council, No. 137, of Paterson; of Local Council No. 10, Daughters of Liberty, of Elizabeth; of Elizabeth Council, No. 10, Daughters of Liberty, of Elizabeth; of H. P. Wyckoff, of Raritan, and of Mrs. Lydia T. Wright, of Paulsboro, all in the State of New Jersey, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented petitions of Charles W. Erickson, Howard Clayton, A. P. Clayton, Lester Applegate, H. M. Brower, William F. Madge, Perry Stillwell, Frank Reid, C. H. Okerson, all of Adelphia; Howard F. White, Anthony Elmer, Charles Taylor, Hezekiah White, all of Asbury Park; Harry Hammond, Peter P. Bush, Edward N. Smith, all of Allendale; William A. Jones, C. Robbins, Minnott Ridgway, C. H. Brandt, O. G. Larson, Clarence E. Woodmansee, F. W. Lear, Ernest Reeves, A. T. Cox, Andrew Brown, J. I. Birdsall, Joseph Walton, Lars Eric Larson, William Camp, W. H. Blake, William Brown, R. G. Collins, Charles A. Estlow, Edward H. Russell, Jeff. Woodmansee, J. A. Couch, Thomas Woodmansee, William Robinson, R. F. Elbersen, C. H. Russell, C. N. Conrad, Theodore Holloway, Edwin D. Birdsall, John K. A. Cox, Amos A. Bahr, F. S. Ellis, Ira S. Salmon, Norman Ridgway, George Grant, Daniel Brewer, Samuel G. Cranmer, A. D. Tolbert, William Ridgway, James Winton, jr., John Brown, all of Barnegat; Winfield G. Rhubar, of Bordentown; Harry S. Johnson, William P. Thomas, William B. Larue, James V. N. Polhemus, Rev. E. E. Roberson, Bayard Naylor, H. D. Powelson, J. R. Haoll, F. G. Sutton, John Rowland, B. F. Clark, Edward B. Rowland, Jason Tester, John H. Verhoff, O. V. Matthew, A. K. Smith, Charles Wendell, P. W. Vandane, Fred R. Mason, John W. Reed, George T. Miller, A. F. Kuntz, J. R. Boone, Clarence Duryea, Eugene Duryea, all of Boundbrook; Jesse S. Taggart, Charles W. Price, E. H. Prickett, Edwin M. Seeper, Samuel G. Shaw, John Durell, George E. Garrison, Edwin R. Lowdan, John H. Oliver, G. Roland Oliver, Lerold Greenfield, all of Burlington; Theodore F. Hineson, Edward Tunn, Edward Curtis, G. A. Manwaring, William H. Kimring, G. R. Clisdell, E. A. Tunn, Robert H. Scott, Fred Valentine, B. B. Benton, J. F. Yinling, Theodore H. Smith, William Schultre, Robert W. Edwards, George E. Welbrecht, William Vreeland, George A. Bell, J. B. Kenney, Thomas G. Vreeland, George D. Solomon, Nelson K. Kline, F. S. Turbett, Henry E. Dawkin, Sylvanus W. Clark, E. H. Miller, J. H. Collier, George Peters, Charles A. Rubinman, A. M. Van Buskirk, George W. Morton, A. G. W. Hilbert, David Thomas, O. H. Gaechee, all of Bayonne; William A. Evans, Arthur Woolson, Herbert W. Heal, Harry Husler, Charles W. Sever, Harold H. Van Seiver, all of Beverly; William H. Sloan, Otis A. Penn, E. W. Nick, Woody W. Carner, W. I. Coude, all of Brookville; Ellis Demond, of Bernardsville; Harry F. Gray, William F. Lukens, of Camden; George Hughes, of Clifton; Walter E. Reinhart, of Crawford; J. Frank Weekes, Lewis G. Eldridge, of Cold Springs; G. B. English, W. H. Howard, J. W. Spencer, A. M. Nelson, A. J. Sevens, Herbert Bane, Robert W. Lewis, Theodore Schubert, H. U. Clark, M. L. Batton, William Wilson,

George W. Tooney, William T. Tooney, Herbert Bane, William B. Baton, all of Chews; Fred W. Cook, William J. Bowden, Ira C. Ford, John R. Edwards, all of Dover; William F. Hurlis, Adam Hurlis, H. J. Case, Charles S. Jennings, J. F. Snell, Jacob V. C. Bruss, John Peters, jr., William Shively, Lewis Snyder, John H. Conklin, R. M. Apgar, Fred S. Vail, William C. Brokaw, W. W. Wallers, J. F. G. Kinney, Edward G. Lewis, E. E. Shibely, all of Dunellen; R. R. Hugo, William G. King, jr., William J. Frank, A. Kirsch, Charles E. Tilton, H. C. Hurt, S. D. Crow, Harry C. Trowbridge, E. P. Mutch, Theodore H. Boulton, John F. Healey, Charles F. Roll, L. A. Lockhart, Herman G. F. Kunz, William Kunz, sr., Charles Fischer, H. Unbekant, Lester W. Voorhees, all of Elizabeth; A. E. Dodelin, E. O. Lusenberg, of East Orange; Frederick C. Thubert, Harold P. Cox, of Elmer; Forman Vandoran, William E. Tracy, Thomas Forsythe, all of Englishtown; W. E. Nora, of Rutherford; Arthur C. Stillwell, A. S. Lambertson, Robert J. Pharo, Clarence M. Robinson, F. C. Morris, Andrew C. Campbell, Walter Stillwell, Elwood Stillwell, W. Ryall Burtis, H. L. Jewell, Albert W. Armstrong, Herbert Robinson, Romain H. Rue, George A. Emmons, E. S. Goff, Charles Lyher, G. W. Naylor, Macy Applegate, Joseph C. Thompson, D. Dye Conover, William A. Hawknow, Charles H. Griggs, Thomas Williams, Eleanor King, Mary H. Lukens, Mrs. Kate M. Bowne, Mrs. Ella Atkinson, Joanna Stillwell, all of Freehold; J. E. Seyler, of Fenville; William Vandeverter, of Flemington; Josiah Butler, William Mackentee, W. H. Stewler, John Allen, E. J. Stryker, Edward Case, G. W. Hummer, E. W. Bloom, J. C. Hugh, L. S. Mayaman, Charles B. Salter, all of Flemington; Russell Skinner, F. A. Howman, Harry C. Shute, Herman Houck, A. A. Weisner, Blande R. Screve, Joseph H. Stewart, all of Glassboro; John W. Martin, Chester White, Edwin Hurley, John S. Hultz, Joseph G. Morris, Charles Yeoman, Elwood F. Palmer, Russell Morris, Arthur Fletcher, David E. Manners, all of Glendola; John R. Patrey, of Gladstone; Crawford P. Smith, W. G. Degrew, of Glen Ridge; James Doremus, of Garfield; George Dirks, William D. Newman, W. V. Van Vorse, George M. Leonard, A. C. Dobe, O. A. Bedford, C. E. Veider, H. C. Ball, M. N. Marsh, William L. Campbell, R. H. Gilbert, Harry B. Doremus, P. H. Westerfeldt, C. De Witt Gilbert, Irving Devoe, Thomas H. Richards, C. B. Newman, George Dirks, Robert J. Bross, Harry S. Demarest, Henry Vanvorst, W. Earl Griffith, E. L. Allen, James T. Benjamin, Alfred Sykes, Adelbert C. Doughty, William Feltor, Charles S. Lozier, C. S. Schuebly, William Wyks, Joseph Wyks, all of Hackensack; Ira Wilson, James Ewing, Harry E. Sutthen, J. R. Baldwin, Israel G. Howell, Raymond Morell, W. S. Baldwin, John Hamm, Albert W. Burton, Clarence E. Hoagland, Joseph Scharch, Nelson W. Holcombe, C. C. Conner, R. R. Piggott, Alvin Meselwell, Daniel P. Holcombe, Lewis S. Breese, John McPherson, Charles H. Wyckoff, E. V. Savidge, H. B. Edwards, Peter A. Luttken, all of Hopewell; W. A. Cruser, A. V. Albertson, William C. Raub, A. B. Swayze, James W. Sabercool, Floyd McCain, R. J. Islandberger, Frank Kerr, Jacob D. Quick, Walter Storm, D. D., Herbert D. Heiser, P. H. Hartong, C. E. Bryant, M. B. Titman, A. A. Van Horn, Ernest H. Willson, F. Turner, George Albertson, Joseph Anders, George Cole, Joseph Owens, A. D. Hildebrandt, Charlie Warner, J. Irving Van Horn, A. S. Howell, William H. Bowers, John Dill, J. H. Van Camper, C. E. Bryan, Frank Shotwell, Lewis Hindebrandt, R. S. Trasen, Clinton Hindebrandt, Isaac Gibbs, W. W. Seals, M. C. McCain, George Andrews, W. R. Swayze, E. Y. Cleppers, Alfred Rwidge, Oscar Crisman, William Mericle, C. J. Sharp, I. J. Hickson, Garrett Howell, Ed. Swayze, H. P. Titus, Daniel M. Pittinger, all of Hope; George W. Levy, H. H. Stein, C. Scharf, Harry Baritone, H. A. Schrafer, Lewis W. Paulton, Russell P. Merrick, John E. Ratigeler, W. H. Fords, John W. Jopp, Frederick Malley, Ernest Craslin, Charles Jacobs, George Kerwis, J. C. Miller, William J. Taylor, C. P. Robertson, Conrad Lachmon, jr., Charles Buresch, Melvin Heimer, Theodore M. Luker, Alfred A. Ludlow, Lawrence M. Yard, all of Hoboken; Frank A. Reynolds, of Harrison; Augusta V. Lunger, of Hibernia; J. B. Kiser, of Hohokus; Samuel Tate, of High Bridge; George R. Doremus, of Hackensack; Charles E. Wells, George Bruns, Edward P. Lyons, W. E. Bruns, F. J. Bruns, Joseph Bruns, Edward S. Rice, J. M. Nixon, Robert Abel, E. A. La Vigne, E. T. Perkins, Alfred C. Daniel, J. L. Anderson, Henry T. Hurton, jr., Charles T. Nelson, Harry Newkirk, H. F. Kiesewetter, A. Lahse, Frank G. Coykendall, Samuel Kline, James N. Long, F. B. Van Sandt, E. Ridgway, Charles K. Sutton, William H. Corby, W. E. Price, W. Mutscheller, H. R. Ruinello, William Travers, Joseph Davis, J. M. Fallbatter, Harry Schmidt, John Larbs, E. F. Warner, E. S. Godfrey, John Rumpf, W. H. Best, Charles Mauer, jr., George C. Krams, all of Jersey City; J. B. Paxton, Ernest Cole, R. H. Cole, D. H. Smith, all of Jamesburg; Charles

E. Archer, of Jenkinstown; Peter Stumpf, jr., Frank Venentine, Frank G. Cole, H. Williams, Louis Barth, Fred Rarick, H. Bosteel, Albert Ebner, Harry Straight, C. DeMott, Ira Seark, all of Kenil; William E. Turner, jr., H. W. Guttevet, Irving Walderon, J. F. Foster, Charles B. Condit, James B. Trimmer, F. W. Hammond, Alexander Annis, F. W. Stultman, W. L. Allen, William A. Burrs, L. H. Hughes, Levi Thompson, Theodore Stelton, Albert W. Salmons, Henry B. Ronell, C. L. King, C. P. Burr, jr., Herbert Creek, Frank Edwards, John Edwards, William W. Conklin, Raymond Haines, Frank P. Salmons, Jacob Schornf, all of Liberty Corner; F. W. Van Blarcom, of Lafayette; David Wilkeson, of Ledgewood; Walter S. Ogden, of Lindenwold; William Johnson, of Landing; Henry Jaunt, William M. Voorhees, W. D. Mason, Thomas P. Yunker, W. A. Smith, G. B. Brown, Spencer H. Howell, D. H. Stermer, J. H. Ried, J. P. T. Warwick, F. E. Shinn, George W. Carr, L. Gerwald, J. R. Warwick, Charles E. Mathers, Raymond Smith, all of Lumberton, all in the State of New Jersey, praying for the enactment of legislation to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States; which were referred to the Committee on Immigration.

He also presented petitions of G. E. Rigen, Linwood; George W. Cobb, Albert T. Duryea, William N. Potter, W. W. Miller, Harry Wood, Charles N. McFadden, all of Long Branch; Charles H. B. Lear, Watson Dudbridge, Theodore C. Hall, all of Lambertville; R. S. Tomlinson, Merchantville; George Whitmore, Idvis Powell, Warren Whitmore, all of Mine Hill; William Pierce, Mount Hope; Lewis F. Mason, Montclair; Augustus M. Martin, William A. Morris, Harvey A. Martin, M. Oppelt, Walter P. Schendt, all of Metuchen; Chester A. O. Keson, E. W. Crenning, E. C. Hodapp, all of Milltown; William D. Shinn, F. O. Durand, Earl L. Evermind, Benj. H. Sleeper, S. A. Dobbins, jr., all of Mount Holly; J. C. Stiles, Joseph H. Rimback, George M. Hallum, Charles E. Vanfleet, E. L. Corler, jr., George W. Parson, J. C. E. Semely, H. F. Morrison, M. B. Sellance, W. H. Tompkins, all of Millburn; Bennett Adams, William J. Stiles, George Bolster, Samuel Clumm, Harry Shropshire, Charles E. Hogan, all of Millville; William M. Ross, J. Fred Orphan, John H. Metcalf, C. S. Hubbard, William Mesler, A. O. Rapployay, F. Cranford, Charles H. Dunham, Mindirt Cubberly, Julius Rolp, William J. W. Allen, George E. Schmidt, Daniel R. Richards, Garrett Griggs, John A. Montgomery, A. N. Winkler, Joseph R. Stokes, all of New Brunswick; E. T. Humphrey, Nutley; Harry Wilcox, Thomas Hilwiggle, Anthony T. Kalan, E. F. Krout, George Berger, William E. Sutton, Walker M. Loder, Henry McCondey, H. D. Falidge, jr., John T. Brustle, John L. Lipman, F. C. Smith, Philip Krugg, W. Lang Warner, St. Q. Creavel, W. A. Duryea, F. E. Brown, Samuel J. Morris, H. H. Fielder, S. W. Crumple, G. H. Henzey, Fred P. Fritz, George B. Jones, Walter G. McClusky, William H. Meeker, John F. Ward, F. Hartens, A. C. Tuttle, William D. Nestor, H. J. Buehler, John D. Fenwick, August G. Swanze, J. Brower, E. C. Cash, George F. Throw, William Stern, E. D. Smith, Wilton Cox, W. H. Earl, Samuel Bogel, William Kippack, Robert Sloan, jr., H. P. Latture, J. P. Brewster, F. G. Bowles, H. E. Berden, Alfred H. Chamberlain, Abram Crimminson, Eddie Amann, L. H. Cash, Lewis White, George V. Verry, George E. Dale, John A. Reemes, Lewis F. Holmes, William L. White, R. Calhoun, jr., J. B. Macpherson, C. S. Rosangle, Bernard Bailor, Albert F. Framan, H. F. Buhler, A. G. Lane, W. C. Flammer, W. C. Dueuler, E. C. Cash, Charles E. Bushler, H. F. Steele, George Taylor, Henry Kunmann, G. A. Mills, Clarence B. Hoagland, Claude Valentine, Albert F. Klein, Joe Kling, L. H. Cash, Fred O. Brown, William M. Cale, George E. Highy, J. B. Badger, W. C. Eveland, jr., T. J. Bummell, George Steinlach, F. H. Price, Carl Schultz, Charles C. Bishop, John C. Rall, Arthur I. Smith, George H. Bowman, E. A. Shay, Charles Steinback, A. Irving Jenkins, F. R. Clark, George W. Fitz Gerald, Thomas M. Nichols, G. J. Schawinghausen, J. W. Fitz Gerald, John C. Rall, F. A. Morgan, John Crowell, Robert Phillips, Charles R. Nunn, John W. Savacorf, Fred A. Phillips, William Jacobs, J. E. Metick, Charles S. Lair, Conrad A. Mess, Lewis Hunt, all of Newark; Howard B. West, Long Branch; Henry J. Lamb, New Durham; F. E. Smith, Orange; Arthur Lippincott, Lloyd N. Sickles, Lewis M. Van Anglen, William W. Morris, all of Oceanport; Charles J. Smith, John Bishop, Oakhurst; W. Sylvester, M. Leighton Appleby, Alonzo Green, Robert Boyce, Theo. F. Appleby, all of Old Bridge; H. A. Shoobridge, Harvey Golden, A. F. Munoz, John Torgesen, M. Hurley, W. Lembecke, Clarkson Bourse, John M. Berry, George M. Adams, Walter Richtutser, John E. Bernard, William F. Hilke, Joseph B. Quick, Gilbert C. Emmons, W. H. Bath, S. F. Braddwood, George E. Morehouse, William S. Duncan, Gardner F. Carter, D. M. Emmons, W. V. Emmons, Rolla Garretson, George H. Ryder, all of Perth Amboy; Raymond Sharp, A. Hile, Walter J.

Warren, jr., Leonard Berry, John Reading, Ogden Shropshire, B. C. Donnelly, H. C. Barraclough, Osse L. Dickel, E. J. Crab, Howard Henderson, E. D. T. Howell, Claude Hiles, Oscar Wilford, Leslie Blackman, L. R. Fowler, E. B. Peace, Alphonse Owens, A. B. Maxfield, Lemuel R. Brown, Gustavus H. Higgnett, Charles J. Maxfield, H. S. Sockwell, Joseph L. Lake, Albert Robbins, all of Port Morris; John Wesley Potter, M. B. Huyler, Irvin Trimmer, Halsey Hoffman, W. Irving Ludlow, F. H. Ludlow, all of Peapack; Harvey Dutches, William H. Conklin, George H. Briggs, Orrie Ruttenberg, all of Paterson; Bostene Thorn, A. F. Mott, C. P. Wilson, Francis Berns, W. S. Chambers, Douglass Woodward, Edward Thompson, J. H. Hoover, A. B. Chamberlain, Fred. G. Davison, Charles Griffith, Frank Patterson, Joseph G. Clark, Howard Patterson, John H. Ely, George M. Dorris, C. Allen Ely, Thomas Thompson, E. H. Potter, all of Perrineville; K. J. Hewitt, Sinclair Boice, Lewis S. Bower, C. E. Steelman, H. E. Parcells, Harry L. Lake, E. Small, Archie Risley, L. Hewitt, Charles Bauer, all of Pleasantville; Clarence H. Bilyen, jr., Joseph M. Sweeney, T. E. Crumm, jr., John E. Naylor, C. N. Beiter, George Townley, Forrester Hartpence, R. Winn, W. W. F. Randolph, Resue Magee, James M. Vail, William Pittenger, W. C. Walker, P. H. Litowett, C. W. Mower, C. F. Hulit, George F. Watts, F. G. Wehr, J. C. Hofner, George H. Staats, W. G. Creveling, W. J. Hartpence, A. E. Causbrook, C. T. Platt, Frank H. Cond, John G. Bicknell, George W. Solley, W. L. Smalley, Frank Ayar, John J. Kliner, jr., A. T. Stryker, J. Brunn, Edward E. Nelson, F. M. Legge, W. La Tourette, G. W. Harvey, Frederick L. Soper, Alice B. Dunham, Ellis H. Emery, D. Rockefeller, J. M. Sull, P. H. Blosette, Walter C. Walker, A. C. Aitken, J. Arthur Dow, E. D. Ganin, George Wunderlich, William Newmiller, jr., R. J. Metten, George B. Crassley, L. C. R. Dunham, T. M. Slater, jr., Daniel G. Van Winkle, Fred. Win, all of Plainfield; H. B. Van Seiver, Riverside; Andrew Rau, William A. Hackett, F. E. Graham, J. T. Riker, jr., W. G. Current, J. Louis Lempert, E. Holehvin, F. S. Current, S. Shaw, jr., C. N. Stanton, Watson Current, H. H. Edwards, Ray W. Tyler, J. H. Wilson, George H. Bellar, F. H. Conklin, S. C. Bellar, George Guckenbuchler, W. H. Hallock, Josephus C. Tares, F. C. Hooper, Edward T. Smith, all of Rutherford; Robert A. Doremus, J. H. Hicks, Ramsey; John K. Thompson, B. V. D. Wyckoff, F. N. Cole, all of Readington; Joseph A. Oakley, H. N. Bungut, J. T. Tumont, Walter G. Hoehler, William Ochler, C. B. Trimmer, H. Lewis Leites, all of Roselle; E. E. Horton, Ridgewood; A. P. Brower, Rahway; Charles M. Earl, John M. Gustin, A. J. Yetter, Edward J. Blanchard, all of Rockaway; William H. Bennett, A. C. Blanchy, all of Red Bank; J. B. Vandenberg, Carlos H. Fogg, Thomas Price, Peter Wentink, all of Ridgewood; Edward J. King, C. K. Alpaugh, J. Williams, Headley Roy, Fred. Thomas, Leslie Ackerson, Daniel Williams, Bert V. Cit, Zanes Ridner, Lewis Coleman, John Treloan, Harry W. Reeve, George Hill, L. G. Banks, David Thomas, John W. Fancher, Al. Fancher, G. W. Thrope, George Rewe, all of Succasunna; Gus Galley, William J. Scherer, Walter Weishaupt, N. T. Devoe, Gus Galey, Will Pratts, Edward Culver, Harvey Van Deventer, Fred. Claus, Fred. Scherer, William M. Delbart, all of South River; Isaac A. Sayre, Summit; William B. D. Slocum, David Slocum, Summerfield; L. Van Iderstine, South Orange; James C. Ross, Seaville; Arthur Streeter, Isaac N. Wyckoff, Charles P. Rimehart, John Tine, George J. F. Skillman, W. G. Kershaw, H. R. Mesler, C. W. Seip, William H. T. Fleet, A. G. Crouse, N. C. Alvord, William D. Bauer, H. A. Bird, Clarence C. Wyckoff, S. B. Pittenger, all of Somerville; Charles H. Hull, Stanhope; C. H. Berries, George Disbrow, Ben. Strausser, jr., John A. Rue, William G. Wyckoff, N. N. Pearce, J. D. Nichols, A. R. Chatten, F. M. Littell, Harvey Emmons, John T. Dill, S. H. Chatten, O. L. Carr, William E. N. Waugh, Edwin P. Wilson, George V. Bogart, J. Wright Naylor, William H. Brunnigan, J. W. Buckanan, H. E. Stratton, Charles P. Thomas, A. R. Mitchen, Elias S. Mason, Albert M. Cole, James K. Stukes, G. Van Deventer, William C. Chosy, Clarence E. Applegate, J. A. Kerr, H. T. Bush, Andrew Sprague, Frank F. Dye, L. O. Dobson, William H. Cline, George Tauser, W. Burt Deltrich, William R. Thompson, A. A. Wilson, Philip F. Render, L. Van Cleef, I. E. Montgomery, Alonzo L. Grace, Edw. M. Kenna, W. M. Emmons, William P. Nichols, B. R. Havens, John Letts, H. F. C. Atkinson, jr., Henry M. Dill, J. R. Skinner, all of South Amboy; Chauncey M. Slayton, P. J. Poppingar, Abram Embly, Frank Hampton, Thomas A. Garden, William F. Shipman, Baker Clark, T. Handpacker, all of Sea Bright; Watson M. Ward, S. D. C. Layton, Walter W. Anderson, William O. Gerry, E. C. Marshall, Jacob Yetter, William Jedder, all of Trenton; S. R. Harris, Toms River; Joseph H. Brown, C. A. Falkenburg, Benjamin L. Armstrong, Alphonso W. Kelley, all of Tuckerton; J. L. Teas, G. Charles Sahalan, Henry Schaesinger, all of Union Hill; W. Clark Taylor, Vineland; Lewis S. Fife, S. Morris Hewitt, I. F. Conover, John Rodrian, all of Woodstown;

Howard Fritz, George F. Snyder, Henry F. Mummey, T. M. Shrope, H. U. Florry, all of Washington; Charles R. Jewell, Weehawken; Charles Welcker, Wharton; L. C. Lansen, N. Stareys, George T. Johnson, F. W. Welard, all of Dover; all in the State of New Jersey, praying for the enactment of legislation to establish a bureau of immigration and naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States; which were referred to the Committee on Immigration.

Mr. RAYNER presented a petition of the congregation of the Grace United Evangelical Church, of Baltimore, Md., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and Soldiers' Homes; which was referred to the Committee on Public Buildings and Grounds.

Mr. HEMENWAY presented a petition of Lorain Council, No. 10, Daughters of Liberty, of Logansport, Ind., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of Railroad Division, No. 452, Order of Railway Conductors, of Richmond, Ind., 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 a petition of the Clio Club, of Spencer, Ind., and a petition of the Fortnightly Club, of Vincennes, Ind., praying for an investigation into the industrial conditions of the women of the country; which were referred to the Committee on Education and Labor.

He also presented a petition of Local Division No. 317, Amalgamated Association of Street and Electric Railway Employees, of South Bend, Ind., remonstrating against the repeal of the present Chinese-exclusion act; which was referred to the Committee on Immigration.

Mr. DOLLIVER presented the memorial of C. Denecke and sundry other citizens of Cedar Rapids, Iowa, remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HOPKINS presented sundry petitions of the Chamber of Commerce of Quincy, Ill., and a petition of the board of directors of the Second National Bank, of Aurora, Ill., praying for the enactment of legislation relating to uniform bills of lading; which were referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Chicago, Ill., praying for an investigation into existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Marselles, of the Ravenswood Woman's Club, of Chicago, and of the Argyle Park Portia Club, of Chicago, all in the State of Illinois, 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 ordered to lie on the table.

He also presented memorials of the Amalgamated Association of Street and Electric Railway Employees of Peoria, Venice, and Chicago, all in the State of Illinois, remonstrating against the repeal of the present Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented a petition of S. G. Tiley Lodge, No. 116, Brotherhood of Railway Trainmen, of Mattoon, Ill., praying for the passage of the so-called "employers' liability bill" and the "anti-injunction bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Farmers' Institute of Will County, Ill., praying for the enactment of legislation providing for the construction of a ship waterway between the Great Lakes and the Gulf of Mexico; which was referred to the Committee on Commerce.

He also presented a memorial of the Merchants and Business Men's Association of Elgin, Ill., remonstrating against the consolidation of third and fourth class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Illinois, praying for the removal of the internal-revenue tax on denatured alcohol; which was referred to the Committee on Finance.

He also presented a petition of the Bar Association of Quincy, Ill., praying for the enactment of legislation providing for the establishment of a Federal court at that place; which was referred to the Committee on the Judiciary.

Mr. FRYE presented a petition of the Mount Pleasant Grange, Patrons of Husbandry, of West Rockport, Me., praying for the removal of the internal-revenue tax on denatured alcohol; which was referred to the Committee on Finance.

Mr. WARNER presented sundry papers to accompany the bill (S. 4746) for the relief of George W. Cooper; which were referred to the Committee on Military Affairs.

Mr. NELSON presented a petition of the Department of Minnesota, Grand Army of the Republic, of St. Paul, Minn., praying for the enactment of legislation granting a pension of \$12 per month to all widows of soldiers; which was referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of Wabasha, Minn., remonstrating against the licensing of saloons in Alaska and praying for the admission of the Indian Territory into the Union as a prohibition State; which was referred to the Committee on Territories.

He also presented a memorial of the Chamber of Commerce of Minneapolis, Minn., remonstrating against the enactment of legislation to provide for fixing a uniform standard of classification and grading of wheat, flax, corn, oats, barley, rye, and other grains, and for other purposes; which was referred to the Committee on Agriculture and Forestry.

Mr. BURROWS presented a petition of Hamilton Grange, Patrons of Husbandry, of Decatur, Mich., and a petition of Pompeii Grange, Patrons of Husbandry, of Pompeii, Mich., praying for the passage of the so-called "railroad rate bill;" which were ordered to lie on the table.

He also presented petitions of the Michigan Bankers' Association, of sundry citizens of Albion, and of the Board of Trade of Detroit, all in the State of Michigan, praying for the enactment of legislation relating to bills of lading; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Federation of Labor of Detroit, of the Order of Railroad Trainmen of Detroit, and of the Advance Pump and Compressor Company, of Battle Creek, all in the State of Michigan, praying for the passage of the so-called "anti-injunction bill;" which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Michigan and a petition of sundry citizens of Pentwater, Mich., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of sundry citizens of Petoskey, Mich., praying for the passage of the so-called "railroad rate bill;" which was ordered to lie on the table.

He also presented petitions of the president and faculty of the Michigan State Normal College, Ypsilanti; of Pomona Grange, Patrons of Husbandry, of Berrien County; of Talmadge Grange, Patrons of Husbandry, of Ottawa County; of the Woman's Christian Temperance Union of Van Buren County, and of sundry citizens of Petoskey, all in the State of Michigan, praying for the removal of the internal-revenue tax on denatured alcohol; which were referred to the Committee on Finance.

He also presented memorials of Cobbs & Mitchell (Incorporated), of Cadillac, Mich., and of the Mashek Chemical and Iron Company, of Wells, Mich., remonstrating against the removal of the internal-revenue tax on denatured alcohol; which were referred to the Committee on Finance.

He also presented petitions of the Michigan Business and Normal College, Battle Creek, Mich., and of the Grand Rapids University, Grand Rapids, Mich., praying for the enactment of legislation relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Detroit Clearing House Association, of Detroit, Mich., remonstrating against the establishment of a postal savings-bank system; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Oakland County Medical Society, of Pontiac, Mich., praying for the enactment of legislation providing for a reorganization of the Medical Department of the Army; which was referred to the Committee on Military Affairs.

He also presented a petition of the officers of the Third Regiment of Infantry, Michigan National Guard, praying for the enactment of legislation to increase the efficiency of the militia; which was ordered to lie on the table.

He also presented a memorial of the Credit Men's Association of Detroit, Mich., remonstrating against the repeal of the present bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented a petition of the Credit Men's Association of Detroit, Mich., praying for the enactment of legislation providing for the reorganization of the consular service; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Litchfield,

Mich., praying for the enactment of legislation to increase the pension of ex-prisoners of war; which was referred to the Committee on Pensions.

He also presented a petition of Musicians' Protective Union, No. 228, American Federation of Musicians, of Kalamazoo, Mich., praying for the enactment of legislation to prohibit the employment in the bands of the country of enlisted men in competition with civilians; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Lansing Humane Society, of Lansing, Mich., remonstrating against the enactment of legislation extending the time for the interstate transportation of live stock; which was ordered to lie on the table.

He also presented petitions of the Clover Leaf Club, of Coloma; of the Woman's Historical Club, and the Woman's Club, of Big Rapids; of the Woman's Club of Saginaw; of the Woman's Club of Ovid; of the Woman's Club of Lansing; of the Ladies' History Club, of Eaton Rapids; of the Woman's Club of Lake Odessa; of the Fortnightly Club, of Lansing; of the Literary Club of East Tawas; of the West Side Club, of Lansing; of the Woman's Club of Mount Pleasant; of the Woman's Club of Traverse City; of the Monday Club, of Marshall; of the Columbia Club, of Flint; of the Home Club, of Lapier; of the Woman's Club of Detroit; of the Woman's Literary Club, of Pontiac; of the Woman's Club of Sault Ste. Marie; of the Woman's Press Association of Hillsdale; of the Woman's Club of Muskegon; of the Equity Club, of Grand Rapids; of the Nineteenth Century Club, of Dowagiac; of the Ladies' Literary Club, of Schoolcraft; of the Art Club, of Saginaw, and of the Woman's Club of Oceana County, all in the State of Michigan, praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which were referred to the Committee on Education and Labor.

He also presented a petition of the Twentieth Century Club, of Kalamazoo, Mich., and a petition of the Michigan State Federation of Labor, of Kalamazoo, Mich., praying for the enactment of legislation to establish a children's bureau in the Department of the Interior; which were referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself on the 5th instant, proposing to appropriate \$10,500 for grading Upton street east of Connecticut avenue, intended to be proposed to the District of Columbia appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

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

A bill (H. R. 17217) to amend an act entitled "An act to establish a Code of Law for the District of Columbia," regulating proceedings for condemnation of land for streets; and

A bill (H. R. 14513) to prevent the giving of false alarms of fires in the District of Columbia.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 5246) to provide for the extension of Genesee place, District of Columbia; and

A bill (S. 5221) to regulate the practice of osteopathy, to license osteopathic physicians, and to punish persons violating the provisions thereof in the District of Columbia.

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. 5673) granting an increase of pension to Hilton Springstead;

A bill (H. R. 11348) granting an increase of pension to Cynthia Cordial, now Vernon;

A bill (H. R. 14227) granting an increase of pension to Anna C. Bassford;

A bill (H. R. 12407) granting an increase of pension to Robert Bivans; and

A bill (S. 3469) to extend the provisions of the act of June 27, 1902, entitled "An act to extend the provisions, limitations, and benefits of an act entitled 'An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Cherokee disturbances, and the Seminole war,' approved July 27, 1892."

Mr. SMOOT, from the Committee on Pensions, to whom was

referred the bill (S. 3738) granting an increase of pension to Lisania Judd, reported it with amendments, and submitted a report thereon.

Mr. PILES, from the Committee on Pensions, to whom was referred the bill (S. 993) granting a pension to Samuel J. Langdon, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4088) granting an increase of pension to Henry S. Knecht, reported it with an amendment, and submitted a report thereon.

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

A bill (H. R. 12888) granting an increase of pension to Jacob Sannar;

A bill (H. R. 12415) granting an increase of pension to Elizabeth Bodkin;

A bill (H. R. 12019) granting an increase of pension to Henry Jacob Fox;

A bill (H. R. 11907) granting an increase of pension to August Danielson;

A bill (H. R. 13139) granting an increase of pension to William Walrod; and

A bill (H. R. 11824) granting an increase of pension to Jennie P. Starkins.

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. 5641) granting an increase of pension to John W. Fletcher;

A bill (S. 5571) granting an increase of pension to Betsey B. Whitmore;

A bill (S. 5492) granting an increase of pension to Joseph F. Tebbetts;

A bill (S. 5359) granting an increase of pension to William H. Ward;

A bill (H. R. 15683) granting an increase of pension to Thomas Brown;

A bill (H. R. 15835) granting an increase of pension to George M. Thompson;

A bill (H. R. 15670) granting an increase of pension to Daniel E. Durgin;

A bill (H. R. 15431) granting a pension to Theresa Creiss;

A bill (H. R. 15484) granting an increase of pension to Robert Dick;

A bill (H. R. 15396) granting an increase of pension to John T. Jacobs;

A bill (H. R. 14553) granting an increase of pension to Jesse Lienallen;

A bill (H. R. 14552) granting an increase of pension to Henry Davey;

A bill (H. R. 14853) granting an increase of pension to Helen C. Sanderson;

A bill (H. R. 14782) granting an increase of pension to Michael Manahan; and

A bill (H. R. 13928) granting an increase of pension to Harvey Foster.

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. 4175) granting an increase of pension to John Caverly;

A bill (S. 5603) granting a pension to Kate S. Hutchings; and

A bill (H. R. 15397) granting an increase of pension to Edward Gillespie.

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. 752) to extend the United States pension laws to the participants in the battles of New Ulm and Fort Ridgely, Minn., in the Sioux war of 1862;

A bill (S. 5691) granting a pension to Kate Sloan;

A bill (S. 5631) granting an increase of pension to Isaac M. Howard;

A bill (S. 5539) granting an increase of pension to Hermann Muehlberg; and

A bill (S. 3485) granting an increase of pension to Mathias Hammes.

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. 2042) granting an increase of pension to Andrew H. Wolf;

A bill (S. 5504) granting an increase of pension to Joseph Dickson;

A bill (S. 2978) granting an increase of pension to Eli W. Knowles; and

A bill (S. 442) granting an increase of pension to Francis Colton.

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. 3797) granting an increase of pension to A. E. Wood; and

A bill (S. 3798) granting an increase of pension to Charles Farrell.

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

A bill (S. 2851) granting an increase of pension to George Chambers;

A bill (S. 5536) granting a pension to William O. Clark;

A bill (S. 5379) granting an increase of pension to Otto A. Risum;

A bill (S. 5516) granting an increase of pension to Alfred M. Hamlen; and

A bill (H. R. 15687) granting an increase of pension to William F. M. Rice.

Mr. McCUMBER (for Mr. GEARIN), 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. 15840) granting an increase of pension to Edgar B. Hughson;

A bill (H. R. 15548) granting an increase of pension to Jacob Ferber;

A bill (H. R. 15256) granting an increase of pension to Benjamin F. Greer;

A bill (H. R. 14117) granting an increase of pension to William H. H. Fellows;

A bill (H. R. 13840) granting an increase of pension to Absalom Shell;

A bill (H. R. 13738) granting an increase of pension to Henry Hahn;

A bill (H. R. 13726) granting a pension to Sarah J. Manson;

A bill (H. R. 14116) granting an increase of pension to John P. Rains;

A bill (H. R. 13741) granting an increase of pension to George R. Scott;

A bill (H. R. 13504) granting an increase of pension to Elizabeth Thompson; and

A bill (H. R. 13345) granting an increase of pension to Frank Clendenin.

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

A bill (S. 1705) granting an increase of pension to Lewis S. George;

A bill (H. R. 14498) granting an increase of pension to Eliza Davidson;

A bill (H. R. 14688) granting an increase of pension to Robert Timmons;

A bill (H. R. 12996) granting an increase of pension to Eugene B. McDonald; and

A bill (H. R. 13961) granting an increase of pension to Julius Buxbaum.

Mr. McCUMBER (for Mr. TALIAFERRO), from the Committee on Pensions, to whom was referred the bill (S. 5670) granting an increase of pension to Isaac L. Duggar, reported it with an amendment, and submitted a report thereon.

He also (for Mr. TALIAFERRO), from the same committee, to whom was referred the bill (S. 4665) granting an increase of pension to Louis Du Bois, 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 severally without amendment, and submitted reports thereon:

A bill (H. R. 15321) granting a pension to Charles Skaden, jr.;

A bill (H. R. 15621) granting an increase of pension to Caleb M. Tarter;

A bill (H. R. 15487) granting an increase of pension to Truman Aldrich;

A bill (H. R. 14990) granting an increase of pension to Lucius D. Whaley;

A bill (H. R. 15569) granting a pension to Harriet A. Duvall;

A bill (H. R. 15701) granting an increase of pension to William Brown;

A bill (H. R. 15616) granting an increase of pension to Pleasant Calor;

A bill (H. R. 15277) granting an increase of pension to George W. Pierce;

A bill (H. R. 15050) granting an increase of pension to William H. Near;

A bill (H. R. 13862) granting an increase of pension to Luther S. Holly;

A bill (H. R. 12526) granting an increase of pension to Solomon Johnson;

A bill (H. R. 14780) granting an increase of pension to John A. Royer;

A bill (H. R. 10408) granting a pension to Anna E. Middleton; and

A bill (H. R. 13437) granting an increase of pension to Samuel R. Lowry.

Mr. ALGER, from the Committee on Pensions, to whom was recommittees the bill (H. R. 10251) granting an increase of pension to Sarah M. E. Hinman, reported it with an amendment, and submitted a report thereon.

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

A bill (H. R. 11692) granting an increase of pension to John P. Wishart;

A bill (H. R. 14993) granting an increase of pension to Riley M. Smiley;

A bill (H. R. 15061) granting an increase of pension to Ethan Allen; and

A bill (H. R. 15780) granting an increase of pension to Peter Cole.

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

A bill (S. 4752) granting an increase of pension to Thomas J. Tidswell;

A bill (S. 4525) granting an increase of pension to David Oglevie;

A bill (H. R. 10424) granting a pension to Emanuel S. Thompson;

A bill (H. R. 14915) granting an increase of pension to Andrew W. Tracy;

A bill (H. R. 14566) granting an increase of pension to Robert E. McKiernan; and

A bill (H. R. 15380) granting an increase of pension to Valentine Gungelman.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 5054) granting an increase of pension to George H. Woodward, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3219) granting an increase of pension to Joseph M. Allison, reported it with an amendment, and submitted a report thereon.

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

A bill (H. R. 11654) granting a pension to Emma A. Smith;

A bill (H. R. 8687) granting a pension to William I. Lusch;

A bill (H. R. 10591) granting an increase of pension to Sarah A. Scott;

A bill (H. R. 12534) granting an increase of pension to Richard Reynolds;

A bill (H. R. 14989) granting an increase of pension to Arctie E. Thompson; and

A bill (H. R. 15240) granting an increase of pension to James W. Fowler.

Mr. NELSON, from the Committee on the Judiciary, to whom was referred the amendment submitted by Mr. HEYBURN on March 6, 1906, proposing to fix the salary of the United States marshal for the district of Idaho at \$4,000 per annum, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. HEYBURN on March 6, 1906, proposing to fix the compensation of the United States district attorney for the district of Idaho at \$4,000 per annum, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. FLINT on the 10th instant, proposing to fix the compensation of the United States district attorney

for the southern district of California at \$4,500 per annum, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. FLINT on the 10th instant, proposing to fix the compensation of the United States marshal for the southern district of California at \$4,000 per annum, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. KITTREDGE, from the Committee on the Judiciary, to whom was referred the bill (S. 4456) to amend section 10 of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also (for Mr. KNOX), from the Committee on the Judiciary, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5533) to appoint an additional judge for the southern district of New York; and

A bill (H. R. 9721) to amend section 5481 of the Revised Statutes of the United States.

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

A bill (S. 4239) granting an increase of pension to Job Rice;

A bill (S. 5659) granting an increase of pension to William I. Brewer;

A bill (H. R. 8475) granting a pension to John F. Tatham; and

A bill (H. R. 12059) granting an increase of pension to Mildred W. Mitchell.

Mr. OVERMAN, 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. 5658) granting an increase of pension to Nancy Pruitt;

A bill (H. R. 11635) granting an increase of pension to Jeremiah Lunsford; and

A bill (S. 5343) granting an increase of pension to Ernest H. Wardwell.

Mr. DILLINGHAM, from the Committee on the Judiciary, to whom was referred the bill (H. R. 15910) to amend the act entitled "An act to regulate commutation for good conduct for United States prisoners," approved June 21, 1902, reported it without amendment, and submitted a report thereon.

JOHN B. LEE.

Mr. SCOTT. On behalf of the Senator from Colorado [Mr. PATTERSON], I report back from the Committee on Pensions the bill (S. 4760) granting an increase of pension to John B. Lee, with an amendment, and I submit a report thereon. I call the attention of the Senator from Missouri [Mr. WARNER] to the bill.

Mr. WARNER. Mr. President, this is a distressing case. Relief will have to be granted soon, if at all. Therefore I ask unanimous consent for the present consideration of the bill just reported by the Senator from West Virginia.

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

The amendment of the Committee on Pensions was, in line 6, before the word "Company," to strike out "of" and insert "captain;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John B. Lee, late captain Company D, Fourth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

BILLS INTRODUCED.

Mr. McCUMBER introduced a bill (S. 5697) granting an increase of pension to George H. McLain; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 5698) to regulate the practice of veterinary medicine in the District of Columbia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. PLATT introduced the following bills; which were sev-

erally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5699) granting an increase of pension to Adelaide D. Merritt; and

A bill (S. 5700) granting an increase of pension to Stacy B. Warford.

Mr. PLATT introduced a bill (S. 5701) to correct the military record of H. Clay Stewart; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (for Mr. DEPEW) introduced a bill (S. 5702) granting a pension to Anna C. Bingham; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 5703) for the relief of the State of Kentucky; which was read twice by its title, and referred to the Committee on Claims.

Mr. WETMORE introduced a bill (S. 5704) granting an increase of pension to Ruth P. Pierce; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CLAY introduced a bill (S. 5705) for the relief of Thomas F. Hastings; which was read twice by its title, and referred to the Committee on Claims.

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

A bill (S. 5706) granting a pension to Ellen J. Propst (with an accompanying paper); and

A bill (S. 5707) granting an increase of pension to James E. Bates.

Mr. HEMENWAY introduced a bill (S. 5708) granting an increase of pension to Nathalia Boepple; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DOLLIVER introduced a bill (S. 5709) to correct the military record of Nicholas Dunfee; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5710) granting an increase of pension to Samuel M. Daughenbaugh; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CLARKE of Arkansas introduced a bill (S. 5711) granting pensions to certain officers and men of the Fourth Regiment of Arkansas Mounted Infantry; which was read twice by its title, and referred to the Committee on Pensions.

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

A bill (S. 5712) for the relief of the Walnut Grove Church, of Gibson County, Tenn.; and

A bill (S. 5713) for the relief of S. M. Gentry.

Mr. WARNER introduced a bill (S. 5714) for the relief of the trustees of the Christian Church of Savannah, Mo.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also 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. 5715) granting a pension to Andrew J. Harlan;

A bill (S. 5716) granting an increase of pension to Lee W. Putnam;

A bill (S. 5717) granting an increase of pension to James C. Simmons;

A bill (S. 5718) granting an increase of pension to William D. Hoff;

A bill (S. 5719) granting an increase of pension to Thomas W. Shelton;

A bill (S. 5720) granting an increase of pension to Harrison Ferguson;

A bill (S. 5721) granting a pension to Jane Moore;

A bill (S. 5722) granting an increase of pension to James A. Warren;

A bill (S. 5723) granting an increase of pension to W. J. White;

A bill (S. 5724) granting an increase of pension to George C. Saul; and

A bill (S. 5725) granting an increase of pension to Alonzo S. Prather.

Mr. ALGER introduced a joint resolution (S. R. 47) granting condemned cannon for a statue to Governor Stevens T. Mason, of Michigan; which was read twice by its title, and referred to the Committee on Military Affairs.

REGULATION OF RAILROAD RATES.

Mr. HEYBURN. April 9 I introduced an amendment to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce

Commission. I desire to withdraw that amendment and to substitute for it another.

The VICE-PRESIDENT. The Senator from Idaho withdraws an amendment proposed by him April 9, and offers a substitute therefor. The substitute will be printed and lie on the table.

AMENDMENT TO APPROPRIATION BILLS.

Mr. HOPKINS submitted an amendment proposing to appropriate \$16,750 for alterations and repairs in the library room and the court room of the circuit court of appeals, seventh circuit, at Chicago, Ill., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. NEWLANDS submitted an amendment, proposing to appropriate \$15,000 to enable the Secretary of Agriculture to conduct experiments to ascertain what crops can be most profitably grown, etc., intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

REGULATION OF IMMIGRATION.

Mr. SIMMONS submitted an amendment, intended to be proposed by him to the bill (S. 4403) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903; which was ordered to lie on the table and be printed.

PROPOSED INVESTIGATION OF NATIONAL BANKS.

Mr. TILLMAN. I send to the desk a resolution, for which I ask immediate consideration.

The resolution was read, as follows:

Resolved, That the Committee on Finance be directed to inquire whether or not the national banks have made contributions in aid of political committees, and if so, to what extent, and why the facts have not been discovered by the Comptroller of the Currency; and whether or not such contributions have been embezzlements, abstractions, or willful misapplications of the funds of the banks which call for restitutions and criminal prosecutions. Said committee is also directed to inquire whether or not the national banks of Chicago have recently engaged in transactions beyond their lawful powers in connection with the recent failure of a bank in that city, and whether such failure involved illegalities and crimes; and also to inquire whether the national banks in Ohio have been in the habit of paying large sums of money in a secret and illicit manner to the county treasurers of Ohio as a compensation to said treasurers for making deposits of public money with such banks; and to report the facts to the Senate, and the opinion of the committee whether any legal proceedings should be instituted on account of the transactions disclosed, and whether the public interest requires any amendments of the existing national banking laws.

Mr. ALDRICH. Let the resolution go over until to-morrow.

The VICE-PRESIDENT. Under objection, the resolution will lie over.

FIVE CIVILIZED TRIBES.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was read:

IN THE HOUSE OF REPRESENTATIVES,
April 16, 1906.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill H. R. 5976, "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," the Clerk be directed to restore to the bill the part proposed to be stricken out in the amendment of the Senate No. 26 and to insert the following: On page 9, line 3, after the word "retaining," the words "tribal educational officers, subject to dismissal by the Secretary of the Interior," and restore to the bill the part proposed to be stricken out in the amendment of the Senate No. 27, and to insert in said amendment the following: On page 11, line 8, after the word "five," the words "and all such taxes levied and collected after the 31st day of December, 1905, shall be refunded."

After the word "shall," on page 11, line 16, insert "willfully and fraudulently."

After the word "punished," on page 11, line 21, insert "by a fine of not exceeding \$5,000 or by imprisonment not exceeding five years, or by both such fine and imprisonment."

In lieu of the matter proposed to be stricken out in the amendment of the Senate No. 41 insert in lieu thereof the following: "The Secretary of the Interior shall take possession of all buildings now or heretofore used for governmental, school, and other tribal purposes, together with the furniture therein and the land appertaining thereto, and appraise and sell the same at such time and under such rules and regulations as he may prescribe, and deposit the proceeds, less expenses incident to the appraisal and sale, in the Treasury of the United States to the credit of the respective tribes: *Provided*,"

Mr. GALLINGER. I think the resolution had better go over. I shall want to examine the bill in connection with the proposed resolution.

The VICE-PRESIDENT. The concurrent resolution will lie upon the table.

JAMES W. JONES.

Mr. HEYBURN obtained the floor.

Mr. GALLINGER. The Senator from Idaho yields to me for the purpose of saying that I objected on Friday last to the

consideration of the bill (H. R. 6982) for the relief of James W. Jones. The bill was read. I withdraw my objection and trust the bill may be passed.

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

There being no objection, the bill was considered as in Committee of the Whole. It proposes to pay to James W. Jones \$513.71. Said James W. Jones, a clerk of class 1 in the office of the Auditor for the Post-Office Department, was, on February 25, 1898, erroneously arrested and summarily dismissed on February 26, 1898.

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

REGULATION OF RAILROAD RATES.

Mr. HEYBURN. I ask that the railroad rate bill be laid before the Senate.

The VICE-PRESIDENT. The Senator from Idaho asks that the unfinished business be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. HEYBURN. Mr. President, on a former occasion I suggested that a phase of the bill under consideration which I deemed very important has not as yet received that attention which it seemed to me should be given to it, and that is the right of the shipper or producer. I desire to premise my remarks by a statement of the principles which I think underlie it.

The right of the producer and shipper to share in the services of the common carrier is property as much as the right of the common carrier to charge for such services. The principle of just and reasonable compensation for such service applies to both alike. The question of just and reasonable regulations and conditions of transportation apply to each alike. If one is under the protection of the provisions of the Constitution of the United States, the other is equally so.

With that statement of what I deem to be incontrovertible truths I should like to review the proposed legislation for the purpose of determining whether or not it meets the requirements of those principles. I propose to-day to waive the question as to constitutional limitation. The principles that I have suggested are as true and as applicable under one interpretation of the powers and limitation of the Government in any of its branches as under the other. It resolves itself down to a question at this time not of what we may do, because it will be admitted by all parties to this controversy that we may do what I propose to do by this amendment, so that the question confronting us is not the limiting of our powers, but the extent to which we will exercise them. There is a vast margin within which Congress may legislate without infringing upon the constitution or the rights of the people.

Mr. President, I would call attention at this period to the fact that I have had a reprint of my amendment, and it is with the clerks and can be had of them. The amendment as I originally offered it covered some things that I do not desire to cover by it, and was not drawn with that fullness as to detail which I now desire. I have therefore had it reprinted, and it may now be had by any Senator who desires to have it before him.

I shall first analyze this amendment and present it in detail to the Senate, and I shall then take up the several amendments that have been offered as to the provision concerning the right of repeal for the purpose of inquiring whether or not they go far enough to accomplish the purpose which I have stated on behalf of the complaining party—that is, the protection of the rights of the producer and shipper.

First, the amendment provides that—

Whenever any party shall have made complaint in the manner herein provided to the Interstate Commerce Commission against any common carrier charging such common carrier with charging or demanding of such complaining party an unjust, unreasonable, discriminatory, preferential, or prejudicial rate, or establishing any unjust or unreasonable charge or practice, for or in connection with the transportation of any proper subject of interstate commerce, which such complaining party has offered or may offer or may desire to offer, for transportation by the said common carrier, and the said Interstate Commerce Commission shall make and enter a decision against the claim made by such complaining party in regard to the matter complained of or against such common carrier, then such complaining party or such common carrier may cause the decision of said Commission to be reviewed by the United States circuit court sitting in the district in which the said cause of complaint has arisen, together with all the proceedings had before such Interstate Commerce Commission, relative to the said complaint, which decisions and proceedings, upon the demand of the complaining party, or such common carrier, shall be duly certified by the Interstate Commerce Commission to the United States circuit court aforesaid for review therein—

Just the proceedings that were had before the Commission may be certified to the United States circuit court upon the ap-

plication of either the complaining party or the party against whom the complaint was laid—

and said proceedings, so certified, shall constitute the record to be reviewed, considered, and passed upon by the said circuit court, and a certified copy of such decision and record, together with a notice in writing of the intention to cause such proceedings to be reviewed in said circuit court, shall be served upon said Commission and upon the common carrier against whom such complaint shall have been made, or upon such complainant, as the case may be, within thirty days from the making of the order to be reviewed—

That constitutes the subject upon which the review rests. Then—

Such service may be made by any person of lawful age acting for the party seeking the review and may be made upon any member of the Interstate Commerce Commission and upon any officer, agent, or attorney of said common carrier when such common carrier is a corporation, or upon any common carrier a party to such proceedings or the attorney of such common carrier or upon such complainant—

That is the equivalent of a summons or a subpoena that brings the parties before the court—

That the circuit courts of the United States shall have and exercise jurisdiction to review any final decision of the Interstate Commerce Commission establishing rates or conditions regulating interstate commerce under the provisions of this act—

That gives the court the jurisdiction, and we are thus relieved of the question as to whether or not, and to what extent, they have jurisdiction in the absence of any specific provision in the legislative enactment or under the Constitution—

The jurisdiction of said circuit courts to review such proceedings shall attach upon the filing therein of a certified copy of the proceedings had before the Interstate Commerce Commission, together with affidavit of service of said certified record of the proceedings had before the Commission and of the notice of intention to review said decision in said circuit court as in this section provided, which said certified proceedings shall constitute all the record upon which said review may be had—

It will be observed there that this differs from several of the amendments which have been offered in that it limits the record upon which the circuit court shall determine the controverted questions on a review of the proceedings of law and fact had before the Interstate Commerce Commission, and it puts the Interstate Commerce Commission in the position of a master in chancery appointed to hear and report the law and the facts of a case—

And upon the filing of such certified records, with notice of the service of the same as above provided, the jurisdiction of said circuit court shall fully attach for the purpose of determining all questions of law and fact presented by said record—

Limiting the consideration by the circuit court to the record which is made by the Interstate Commerce Commission—

and the court is empowered and authorized upon such review, in the event that it shall find upon the record that the rate complained of is either unjust, unreasonable, discriminatory, preferential, or prejudicial, or that the charge or practice complained of is unjust or unreasonable, to fix and determine such a rate—

That is, the circuit court shall fix the rate or practice on review of the Commission's decision—

or practice as in its judgment shall be just, reasonable, and not discriminatory, preferential, or prejudicial—

That is what the court said that they did not have the power to do under the existing law. This provision gives them the power to do what they said they would do had they the power—and shall by such order—

That is, the court shall—

and shall by such order and the execution thereof prevent any unjust or unreasonable practice in connection with such transportation, and shall enter its judgment therein according to the law and the premises—

Having before it the record made before the Commission and nothing else—no trial de novo; nothing added to that record except the papers necessary to bring the case up for review—they may declare upon that record whether or not the rate fixed is just and reasonable, and so forth; and, if it is not, they may declare a just and reasonable rate. We can either give them that power or we might as well dismiss this proposed legislation from our minds. If we can not give to the court that power upon review, then all of this argument, all of the discussion of this question, has been to no purpose. The only alternative would be for the courts to send it back and back again to the Commission for further action on their part. We must give the court that reviews the action of the Interstate Commerce Commission this power or the legislation will accomplish no purpose.

Mr. NELSON. Mr. President, may I ask the Senator from Idaho a question?

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

Mr. HEYBURN. Certainly.

Mr. NELSON. Can the United States circuit court review such a case as the Senator refers to, except by an original action commenced in that court?

Mr. HEYBURN. The United States circuit court may take jurisdiction in such manner as we prescribe in this amendment, and it may apply its judicial power to the determination of any matter thus brought before it or within its jurisdiction. We have a number of precedents for this class of review, one of which is afforded in the text of the present interstate-commerce law—that is to say, to provide for the review of a record made by an executive body by legislative action of Congress and say that jurisdiction shall attach upon the filing of the record of the legislative body. It is not an appeal. There could be no appeal from a legislative or executive body to a court. But it authorizes the jurisdiction of the United States courts to take hold of a controversy which has been prepared for final determination before an executive board.

Mr. FULTON. Mr. President—

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

Mr. HEYBURN. Certainly.

Mr. FULTON. If I understand this amendment which the Senator from Idaho has proposed to the bill, he proposes to authorize the courts on review, at the instance of a shipper dissatisfied with the orders of the Commission, to ascertain and determine what is a reasonable rate or order to be made in the matter in question. Is that correct?

Mr. HEYBURN. Yes. I propose to authorize them to do so in the process of reviewing the action taken by the administrative board.

Mr. FULTON. It seems to me—I have only looked over the amendment hurriedly—that the inquiry for that purpose is confined to a review on an appeal or application of the shipper, is it not?

Mr. HEYBURN. No; it is not. Has the Senator a copy of the reprint of the bill?

Mr. FULTON. Yes.

Mr. HEYBURN. The Senator will find that the parties have exactly equal rights in regard to every step of the proceedings in connection with the determination of what is just and fair compensation or any other controverted question.

Mr. FULTON. Do I understand the Senator correctly that on a review initiated by either party, the carrier or the shipper, he proposes to require the court, if it hears the appeal from the Commission, to ascertain and determine and pronounce what is a reasonable rate or regulation in that case?

Mr. HEYBURN. I do. I propose to allow the courts to protect both parties under the provisions of the fifth amendment of the Constitution of the United States. But I do not intend to enter into any further analysis of what may be done under that fifth amendment than may be necessary to apply the provisions in my amendment to the principle of law involved in it.

Mr. FULTON. I only asked the Senator the question in order that I might be certain that my understanding of his amendment is correct. I wish to say that I am heartily in favor of that feature of the amendment. I myself believe that when an appeal is taken from an order of the board, and the court annuls the order made by the Commission either fixing the rate or establishing a practice, the court should be required to go further and say what is a reasonable rate or a proper practice.

Mr. HEYBURN. And my amendment so provides. Then, as to the manner of its execution—

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

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

Mr. HEYBURN. Certainly.

Mr. BACON. If I understand the suggestion of the Senator from Oregon [Mr. FULTON], it is to the effect that the amendment of the Senator from Idaho [Mr. HEYBURN] proposes that the court in reviewing the action of the Commission, if it shall find that action to have been unsatisfactory or invalid for any of the reasons mentioned, shall not only set that aside, but that it shall go further and fix the rate. Is that correct?

Mr. HEYBURN. That is correct.

Mr. BACON. Now, I want to ask the Senator a question somewhat of a constitutional character, not for the purpose of controversy, but for the purpose of getting the Senator's view. Of course the Senator will recognize the fact that when the Commission fixes the rate it will be doing so in the exercise of its delegated power; in other words, the original power to make a rate is in Congress, and Congress delegates that to the Commission. I presume the Senator agrees with me to that extent. Predicated upon that, I desire to ask the Senator this question: Suppose, instead of delegating the power to fix the rate, Congress should itself fix the rate; could Congress go further and say that the court should have the right to review that rate and say whether or not Congress had fixed it properly?

Mr. HEYBURN. That depends, Mr. President, on whether

or not the provision of the act of Congress includes a rule by which the rate can be fixed by a commission.

Mr. BACON. The Senator does not understand me.

Mr. HEYBURN. We are not proposing, if I may complete my suggestion, to give the Interstate Commerce Commission a free hand in the fixing of rates. We propose that they shall fix such rates as shall be just and reasonable; and it is recognized doctrine that the meaning of those terms can be determined only by the court. So that we can not possibly divorce the proceeding under the "just and reasonable" clause from the power which we give the Interstate Commerce Commission to fix the rate.

Mr. BACON. The Senator, I fear, did not catch my exact meaning, and, therefore, with his permission, I will repeat my question in a somewhat different form. In the absence of delegation, suppose that the Congress should assume, what we all recognize to be within its power, to itself fix a rate, could we constitutionally attach to and as a part of the act fixing the rate a provision that the court should have the power to review the action of Congress in fixing the rate; and if it is found to be not valid for any reason specified in this amendment, that it should set that rate aside and itself fix the rate? Could we delegate to the court the power to review that action of Congress?

Mr. HEYBURN. I do not regard it as necessary to consider the question of whether we could delegate the power to the court or not, because the principle of delegation is not involved. If Congress should itself fix the rate, and that action by Congress should be in violation of property rights protected by the organic law of the land, the court could say that Congress had fixed a rate that amounted to a violation of individual or property rights. We can give to the Supreme Court or to any other court the power, if we see fit, to suggest to us a rate that would not do so by judicially interpreting the meaning of "just and reasonable." Otherwise what did the Supreme Court mean when it said that "While this question is before us Congress might have given the power, but Congress has not given it. All we can do, therefore, is to say that the rate is not itself illegal; we can reverse the action of the Interstate Commerce Commission; and there our power stops." What did the Supreme Court mean by that?

Mr. BACON. The Senator need not argue that proposition, because so far as it recognizes the power of courts to set aside legislation violating property rights nobody would differ with him about it.

Mr. HEYBURN. It seems to me—

Mr. BACON. If the Senator will permit me to interrupt him—I do not wish to do so unless it be agreeable to him—

Mr. HEYBURN. I do not object to being interrupted.

Mr. BACON. The Senator interjects a statement right in the midst of my statement; and if he will pardon me, in order that I may set myself right—

Mr. FULTON. Will the Senator from Georgia allow me a moment?

Mr. BACON. I hope the Senator will permit me to make my suggestion.

Mr. FULTON. It is right in connection with the question he is going to ask, if I understand the Senator.

Mr. BACON. I am asking a question, and I hope the Senator will permit me to finish it.

Mr. FULTON. Certainly.

Mr. BACON. Nobody will for a moment take issue with the Senator in what he says, that, if Congress should pass an act which was unconstitutional, the court would so determine; but what I desire to ask the Senator is this: If Congress should fix a rate—leaving the Interstate Commerce Commission out of the question—if Congress should fix a rate, could we say in the act fixing that rate that, if there was anything in it which the parties found to be "unjust, unreasonable, discriminatory, preferential, or prejudicial," the court should have the power to revise that and change it and fix a rate which would not be open to those objections?

Mr. HEYBURN. Yes; unqualifiedly so. We have done that in many instances.

Mr. BACON. I am asking about the Senator's amendment.

Mr. HEYBURN. I will answer the suggestion of the Senator.

Mr. BACON. I am quoting the language of the Senator's amendment.

Mr. HEYBURN. I have been quoting the language of the amendment. We have done that—

Mr. FULTON. Mr. President—

Mr. HEYBURN. The Senator will pardon me for just a moment.

Mr. FULTON. Will the Senator from Georgia answer a question?

Mr. HEYBURN. I should like to answer the question which the Senator propounded to me.

Mr. FULTON. It is right in connection with that.

Mr. HEYBURN. Then, I will answer both together.

Mr. FULTON. That is what I want.

Mr. HEYBURN. All right.

Mr. FULTON. What I want to ask the Senator from Georgia is this: If there is any difference in the exercise of the power on the part of Congress, whether it fixes the rate itself or commits it to a commission under proper instructions; in other words, when it directs the Commission to fix the rate, is not that the action of Congress, and if not, is it not a void act?

Mr. HEYBURN. The answer to both of those questions is just this: Congress has from the beginning been doing just what it is proposed to do by this amendment. The land laws of the United States lay down a general principle. They leave the execution and administration of the law to a Department of the Government, and provide that it shall be done under such rules and regulations as, in the judgment of the Department or the officer of the Department, will accomplish the ultimate purpose that Congress had in enacting the law. That is one instance. In the case of the location of a mining claim, the law says that the claim shall be so distinctly marked upon the ground that its boundaries can be readily traced; and the courts are left to say whether or not the parties have complied with it.

Here we say to a department of the Government, corresponding in many ways to the Land Department: "Within certain lines and within certain general limitations you may determine these questions of fact." They are questions of fact that the department is to determine—whether or not certain conditions stated constitute a violation of what is right or reasonable or just, just as the other department is delegated with authority to say whether or not certain conditions upon the ground constitute the carving out of an estate that may be of vast value or of none; for we propose that Congress shall by this legislation delegate to the Interstate Commerce Commission the power to take up the facts that are presented in the petition of the complaining party, sift them, apply the law to them, and determine whether or not, in the judgment of the Commission, the acts complained of are in accord with or in violation of the law, and render its decision, which is equivalent to a judgment. That is what we propose they shall do. They say that the lawful rate or the reasonable rate or the just rate is \$2 a ton, and that is based upon the facts before them. They have no jurisdiction to determine until after the statement of the facts is before them. Those facts being before the Commission, upon such facts they draw a deduction as to the right and the wrong—that is the right of the party. Can we authorize the court to review it? The courts have been reviewing that class of controversy every day since this Government was founded, and it is one of the most constant sources of the courts' jurisdiction.

Mr. President, I am not troubled about the power of Congress to authorize the United States circuit court to review the law or the facts, or the facts and the law, because the law flows from the facts. As proposed by my amendment, in these cases a complaining party, dissatisfied with the rate or with the conditions surrounding him, states the facts and not the law or the conclusions to be drawn from them; he states the facts to the Interstate Commerce Commission, and that Commission, taking those facts and applying the law as it understands it, says, "You are right," or thus and so. They are authorized through the machinery of the court to enforce their decisions. Can there be any doubt about the power to do that?

Let us see what the amendment which I propose provides in regard to the manner of the exercise of that power. I last referred to the provision at the bottom of page 3 of the amendment, that the court should review the question of whether or not these rates were discriminatory, etc.—

And shall by such order and the execution thereof—

That is, the United States circuit court shall—

prevent any unjust or unreasonable practice in connection with such transportation, and shall enter its judgment therein according to the law and the premises.

Mr. McCUMBER. May I interrupt the Senator to ask a question?

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

Mr. HEYBURN. Certainly.

Mr. McCUMBER. I desire to ask the Senator what does he mean by the words "such transportation?" Does he mean the particular transportation that is involved in the particular case that is complained of?

Mr. HEYBURN. Yes.

Mr. McCUMBER. Let me ask the Senator—for I am in sym-

pathy with the appeal by the shipper as well as by the common carrier from every decision—whether or not the Senator contends that the court can be compelled to determine, not only whether this rate is unreasonable and unjust, but also can be compelled to determine what is an unjust and an unreasonable rate—that is, that Congress has the power to say to the court, "You shall not only determine the specific question whether it is unjust or unreasonable, but shall lay down a rule of what shall constitute an unreasonable and an unjust rate?"

Mr. HEYBURN. Is that the Senator's point?

Mr. McCUMBER. Yes.

Mr. HEYBURN. Congress could not, if it would, provide that a judgment might be rendered against any party that was not in court; and I have taken especial care in this amendment to limit the application of those words on the first page of the amendment—I call the Senator's attention to it—"when such complaining party has offered, or may offer, or may desire to offer for transportation by said common carrier any proper subject of interstate commerce." That limitation runs all through the amendment. I have not thought for a moment that a court could lay down a rule that would be binding upon a party not before it; but I do believe, as a matter of practice, when the court makes a rule people will acquiesce in it, because they would know that it would be entirely futile and a source of expense to them to take up a case resting upon a principle that had already been determined by the court to again hear it. They could only possibly be induced to do it for the purpose of harassing some one, and they would get very tired of that by the time the court applied the rule that governs frivolous appeals.

Mr. McCUMBER. The real question that I wanted information upon was whether the Senator's contention was that in a case where the rate, we will say, is 5 cents a hundred for shipment between points, and the court may determine that that 5 cents per hundred is unreasonable, has Congress any power to compel the court to say that 3 or 3½ cents would be reasonable, and compel it to render a decision of that kind and incorporate it as a part of its decision, and then to enforce a rule or order in that particular case that the common carrier should only charge 3 or 3½ cents if it should find that to be the limit of a reasonable charge?

Mr. HEYBURN. I should say that I do not exactly agree with the Senator as to the use of the term we may "compel" a court to do a thing. A court might stubbornly refuse to do anything in any case. The court will not probably refuse in these cases to do what Congress has legislated they may do. It is not to be presumed that they would refuse to do it if we provide as a part of this scheme of legislation that it shall be the duty of the court—not that the court may do it, but that it shall be the duty of the court—upon the record before it to determine these things. It only remains a question as to whether or not we have the power to do it; and that I have already passed. I do not think there is any objection to the effect that we have no power to do it. As I say, we have been doing it, and the statutes are full of instances in which we give the court just such duties to perform.

But, Mr. President, my amendment continues, and here comes in the manner of exercising the power—

and the hearing and consideration of such cases by the said circuit court shall be without any avoidable delay and such cases shall have priority in hearing and determination over all other cases except criminal cases.

That is the usual, useful, and necessary provision in this class of cases, because it relieves the court of embarrassment. When these cases are on the calendar the court may simply say, "Under the statute by which we take jurisdiction in this case it is entitled to a preference over all other controversies except criminal cases."

That the said circuit court shall have power to execute its orders and decrees and to make, issue, and enforce all necessary interlocutory orders and writs for the preservation of the rights of the parties litigant pending the hearing and determination of the review of the proceedings of the Interstate Commerce Commission.

Mark you, it "shall have power to execute its orders and decrees and to make, issue, and enforce" them. We do not say that they shall issue any writ; we do not say that they shall not. We say we commit to the chancellor of the court, the man whose judgment is the exercise of a conscience not bounded by the rules or precepts or limitations surrounding statutory rights and remedies; but a court, whether it be the same man or another, who acts only on conscience under his oath; and we know that in the record of the jurisprudence of this country, of our mother country, and of the civilization of the world it has been very seldom indeed that in the last analysis we have been justified in criticising the acts of the great chancellors in whom we have rested our faith. So this leaves it to them. I do not

believe that any conscientious chancellor will stay a proceeding except upon good cause shown. Now, mark you:

Provided, That no order or writ shall be made suspending the operation of the order under review, except upon the party asking for such order giving an indemnity bond in such sum as the court or judge thereof may direct, or depositing the amount of such indemnity with the court, subject to its order.

That is the general provision. The courts do not grant injunctions, except under the rarest circumstances, without requiring indemnity that would be adequate to meet any possible loss. Then:

And the liability under such indemnity bond or deposit shall cover the costs of the hearing before the Interstate Commerce Commission and the review thereof by the circuit or Supreme Court, together with the amount of money involved in the controversy to be reviewed—

Making it absolute—

and a reasonable attorney fee to be fixed by the court.

I did not have that clause in this amendment when I first drew it. I had some doubt about the justice of including the attorney's fee in this class of cases; but, upon reviewing the bill before us and the amendments, I found that it seemed to be generally accepted that we should include an attorney's fee. I have no particular objection to it, because I think the court would always keep it within reasonable bounds.

And no stay of the order of the Interstate Commerce Commission shall be allowed under any order or writ made or issued by the circuit court for a period of more than sixty days, at the expiration of which time, should the parties seeking to have the proceedings of the Interstate Commerce Commission reviewed desire a further stay, they must show to the said court or judge thereof that they have been and are exercising due diligence in the preparation and prosecution of the action, and that injustice would result from the refusal to grant such extension of time.

That is for protection against delay. If they make a showing in the first place upon which the chancellor will stay the proceeding, within sixty days, or at the end of sixty days, that stay falls, unless they come before the court and show—as they ought to be compelled to do, especially in mining litigation—they come before the court and show a reasonable excuse why their case has not come to a final consideration. Any chancellor, inspired with a sense of equity and justice, would say upon a proper showing, "Your stay will be extended for thirty days or sixty days," as the case may be, leaving it always within the power of the chancellor, where there is an evident purpose of delay, to compel the parties to come to a speedy determination.

I am endeavoring by this amendment to provide a remedy and such a method for the application and enforcement of the remedy as will be in harmony with the recognized system of chancery practice in the United States courts—an application of the present rules of procedure to this case after the court has jurisdiction of it.

Mr. President, I did not intend and I do not now intend to read all of this amendment, but I desire to go over it in this way in order to impress upon the minds of the Senate its provisions and the necessity therefor that occurred to my mind for presenting them. I did not draw this amendment simply to draw an amendment to this bill, but to give such aid as is due from every member of this body to the end that we may frame a law that will be in accord with our powers and our duties.

The amendment then provides—

That the circuit court having jurisdiction of the cause shall at all times be open for any purpose or proceeding.

Then I make the usual provision that it shall be open without regard to term time. Such a provision is necessary because the time within which the case may be reviewed is so short that if it were not that the courts were deemed always open, it would be impossible to comply with the ordinary rules of practice of the court.

That the decisions of the United States circuit courts upon a review of any of the proceedings of the Interstate Commerce Commission as aforesaid, or of any matter pertaining thereto, shall be final, except that whenever it shall be made to appear by verified petition to the Supreme Court of the United States or to a justice thereof, accompanied by a certified copy of the record upon which the final judgment of the circuit court is based, that any of the rights of the contesting parties under the Constitution of the United States have been violated by a denial of such rights of the parties to such controversy by the order, judgment, or decree under review, then and in that case the Supreme Court or a justice thereof may, by appropriate order or writ, cause the record of the proceedings of the said circuit court to be certified to the Supreme Court of the United States for review thereby—

Taking them up by the ordinary process of certiorari or a writ the equivalent of it, and taking up to that court only the question involving the rights of the parties under the Constitution to their property and their personal enjoyment thereof.

In the circuit court it is provided by this amendment that the court may review both law and fact and determine the question as though it came before it upon the report of a master in chancery. But in reviewing the action of the circuit

court it is not necessary that these cases should be thrown into the Supreme Court of the United States at the whim of either party for a determination of the facts, or for any further purpose than that the fundamental rights of the parties to the controversy may be considered in their relation to the constitutional rights of property and person.

Now, Mr. President, the amendment goes on to provide that—

The Supreme Court shall have the power to make such orders and issue such writs as in its judgment are appropriate and necessary to protect the rights of the parties litigant pending the hearing and determination of the cause to the same extent as is herein provided in this behalf during the pendency of the review of such cause in the circuit court.

In other words, it gives the United States Supreme Court the power to continue in force protective orders at its discretion. It obviates the consideration of the question whether they have that right regardless of the statute or can have it only by statute. I can accept every word that was said by the Senator from Texas [Mr. BAILEY] as to their not having it except we give it to them. I can with good conscience stand here and urge upon the Senate our duty to give it to them. He admits we have the power to give them this right of review, and denies to them the power unless we give it to them; and I propose that we give them the power and leave no doubt about that question, but give it to them with the limitation as to the exercise of the jurisdiction.

The amendment contains further provisions with respect to the proceedings for the review of the judgment of the circuit court by the Supreme Court. It has now become a decree, or a judgment in the circuit court. It may be a judgment for money, and that the circuit court will give the parties the right of trial by jury. The existing law is sufficient to regulate that matter. The amendment deals with the appeal from the circuit court as with any other appeal. It denominates the review of the action of the board as a "review." We may create new writs in Congress. Congress, while recognizing the writs known at the common law and in chancery practice, may provide for the institution of new methods of review. We did it in the act of 1891, creating the circuit courts of appeals, where we provided an entirely new and distinctive method of transferring a cause from one court to another for the purpose of review, and it is within our power, beyond a question, to authorize the transfer of the controversy, after a decision, from the Interstate Commerce Commission to the circuit court. But after that, in proceeding from one court to another, there is no embarrassment. It is by appeal with all the attributes of an established method.

This amendment further provides that—

The proceedings for the review of the judgment of the circuit court by the Supreme Court, whether by appeal or otherwise.

It might be by certiorari; a question of jurisdiction might be raised, and it might be by writ of error, where the judgment of the circuit court was for damages; and, as I have already said, the circuit court might award a jury trial where the question came within the common-law jurisdiction of the circuit court.

The amendment provides—

That the proceedings for the review of the judgment of the circuit court by the Supreme Court, whether by appeal or otherwise, shall be commenced therein by filing a certified transcript of the record, proceedings, and judgment or decree had in the circuit court in said cause with the clerk of the Supreme Court of the United States—

That is the usual way. It would not have been necessary to provide herein for it, except that it fills out and harmonizes a method of procedure that was intended to be complete in this amendment—

within thirty days—

That is time enough. The record is made up, and in this age of duplicating records by typewriting and other processes it is not necessary to provide for those long intervals between the trial of a case and the making up of the record that it formerly was. So I have thought here that thirty days was a sufficient lapse of time between the decision of the Commission and the presenting of the record to the Supreme Court—

within thirty days after the entry of such judgment by the said circuit court, and that thereafter the consideration by the Supreme Court of the United States of such causes shall have priority in hearing and determination over all other causes, except criminal causes, but the pendency of such review or appeal in the Supreme Court of the United States shall not vacate or suspend the order appealed from, except in the manner or under the conditions as hereinbefore provided in the case of the proceedings in the circuit court to review the order of the Interstate Commerce Commission.

That is to say, sixty days is the limit of supersedeas except upon a showing of necessity that would appeal to the court for further time.

That any order made by the Interstate Commerce Commission fixing or regulating interstate traffic rates, or any matters pertaining thereto

under the authority vested in said Commission by law, shall be in force from time of the making of such order by the said Commission, and shall only be suspended in the manner hereinbefore provided.

A judgment is in force from the time of docketing it. Why should not these orders be in force? Who is benefited by this delay of thirty days, postponing the effect of an order thirty days, when you give the direct and prompt right of review, and they can take advantage of this right of review should they see fit to do so within twenty-four hours after the decision? I have known reports of masters in chancery to be before the court on the day they were made. Why do we need a lapse of thirty days between the decision of the Interstate Commerce Commission and the time when the order shall go into effect?

That any order made . . . shall be in force from time of the making of such order by the said Commission, and shall only be suspended in the manner hereinbefore provided.

That is all there is of this amendment, and I submit to the Senate that it constitutes a complete provision and method of procedure for the review of the action of the Interstate Commerce Commission which is in accord with the present practice of United States courts, and violates no rule of those courts and no statute governing the right of review of any court.

Mr. President, so much for that amendment which I commend to the Senate for its consideration. It is in behalf of the people at whose original demand the interstate-commerce bill was passed. The railroads did not demand the passage of an interstate-commerce bill in 1887 or at any time. It was the producers and the shippers of the country who demanded it. One might think from much that we read and some that we hear that this is a question of seeing how much we may encroach upon the rights of the common carrier as between the Commission and the carrier. The Commission is merely a board of arbitration. We could not, should we deem it desirable to do so, invest it with any greater powers than those belonging to a board of arbitration. It is merely, and should be, a convenience for the purpose of enabling the complainant to reach into a court.

Of course if both parties were satisfied with the decision of the arbitrator, there would be no occasion for going into court, but generally they are not. More than half of the cases decided in the last five years by the Interstate Commerce Commission were decided against the complainants. More than half of the formal complaints that were submitted to the Interstate Commerce Commission, upon which testimony was taken and hearings had, were decided against the producer, who sometimes is the shipper and sometimes is not the shipper. But for convenience of expression I speak of him as the shipper. Was he never right? Can it be possible that in so large a proportion of the controversies submitted by complaint to that body the shipper was never right? Does the record establish the infallibility of the judgment of the Interstate Commerce Commission to the extent that we can believe that those complaints were turned down because they had no merit? Out of twenty-seven cases that have been appealed from the Commission the Commission has been turned down twenty times. It was right seven times out of twenty-seven.

Now I say that without any disrespect personally to the Board. I say it because it is a fact which ought to be taken into consideration in determining the weight and the conclusiveness which we will attach to the decisions of the Commission in weighing the rights of those who make complaints before it. It is not a question of protecting either the Commission or the common carrier alone. They should both be protected within the limits of fairness and reason. But the primary object of the interstate-commerce legislation was to protect the very party who was left out of the interstate-commerce bill. He has been treated with suspicion from the very beginning. Section 9 of the existing law contains the provision that if the complainant elects to submit his case to the Interstate Commerce Commission, he does it at the jeopardy of waiving his rights under the common law to recover damages to the extent of his losses. Was ever such a provision incorporated in a bill that claimed to have been enacted for the protection of the shipper? Pass a law, ostensibly granting him some right to protection, and then say, "You can have this, but only in case you are willing to throw yourself with perfect faith and trust into the arms of the Commission for the ultimate decision of your rights," and then waive a right that was more valuable to him before the enactment of any law than any right that the law pretends to give him—the right to sue in the courts of the State or of the United States to recover back any sums that had been unjustly collected from him by the transportation company.

Common carriers have been recognized since the beginning of written and unwritten history as necessary to every community. I have wondered sometimes, as I sat here and listened to the

discussion of this question, whether Senators realized that in parts of our country for many months—I might say for periods covering years—our common carriers were dog trains and pack animals. The first year I was in the Coeur d'Alene country much of the produce—and it was not trifling in amount—came in on dog trains; in the winter time on sledges pulled by dogs; in the summer time on dogs' backs on little pack saddles. They were carriers; that was interstate commerce. They came from Trout Creek, Belknap, and Thompsons Falls, in Montana, and other points over the line into Idaho, and they carried hundreds and hundreds of tons of the stuff we needed in that country. Was not that interstate commerce—mule trains, dog trains, pack trains, that carried probably as much freight across the State line as is in some sections carried upon the railroad trains? The whole settlement of California and Oregon and Nevada and Washington and Idaho was based upon interstate commerce through the medium of wagon and pack trains.

Mr. President, the income per mile of the railroads from passenger traffic is almost twice what it is from freight traffic. The income of the railroads of the United States from passenger traffic will approximate \$5,500 per car per mile, and from freight about \$3,000. We are treating this question as though it was one entirely pertaining to the hauling of coal, iron, and commodities of that kind. It is a broader question.

Mr. President, I wish to call attention to an amendment that is germane to the one I have just been discussing, which I have offered to this bill. After line 19, on page 3, I propose to strike out the words "on substantially similar circumstances and conditions."

The discussion of this amendment is one upon which I desire to have the attention of the Senate, and I realize that in the hour in which I am speaking the Members of the Senate are necessarily not all in the Chamber. I would prefer to defer the discussion of this particular legal question until I can have the attention of the Senate. I do not desire to inconvenience Senators who are at their luncheon or absent because of necessity. I make the suggestion at this time—

Mr. TILLMAN. Mr. President—

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

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

Mr. HEYBURN. I did not desire to have that suggested.

Mr. TILLMAN. The Senator from Idaho is talking on an important matter in which the Senators are interested and upon which they have to vote, and he has a right to have them here to listen to him.

The VICE-PRESIDENT. The Senator from South Carolina suggests the absence of a quorum. The Secretary will call the roll.

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

Aldrich	Clapp	Hopkins	Perkins
Allee	Clark, Wyo.	Kean	Piles
Ankeny	Clay	Kittredge	Rayner
Bacon	Culberson	McCreary	Scott
Berry	Cullom	McCumber	Spooner
Beveridge	Daniel	Martin	Sutherland
Blackburn	Dillingham	Money	Tillman
Brandegee	Dubois	Morgan	Warner
Bulkeley	Foraker	Nelson	Wetmore
Burnham	Frye	Newlands	
Burrows	Gallinger	Nixon	
Carter	Heyburn	Overman	

Mr. MORGAN. My colleague [Mr. PETTUS] is detained at home by sickness in his family, and is not able to attend the Senate.

The VICE-PRESIDENT. Forty-five Senators have answered to their names. A quorum is present.

Mr. HEYBURN. Mr. President, I desire to discuss for a few minutes an amendment which I offered on the 9th of April, providing a method for obtaining information indispensable to the determination of what constitutes just compensation or a fair and reasonable rate. The bill as introduced and as reported by the Senator from South Carolina contains a provision in general terms under which such information may be obtained. I desire to call the Senate's attention to the amendment which I have offered, to be inserted on page 3, after section 1, which provides:

That for the purpose of enabling the Interstate Commerce Commission to determine the basis upon which to ascertain what rates shall be just and reasonable the said commission shall require any common carrier against whom complaint shall be made under the provisions of this act to file with said Commission, at its office in the city of Washington, in the District of Columbia, a copy of its articles of incorporation, together with any amendments or supplemental articles adopted by it, duly certified by the secretary of state or officer corresponding thereto of the State, Territory, district, insular possession, or foreign country wherein such corporation shall have been incorporated, and shall also file in like manner a copy of any and all by-laws of such corporation duly certified by the president or vice-president thereof, and under the seal thereof, attested by the secretary of the corporation.

That at the time of filing the articles of incorporation and by-laws

of any corporation, as hereinbefore provided, and on or before June 30 in every succeeding year, the corporation so filing the same shall file with said Commission a statement verified by the oath of its president or vice-president, fully setting forth as follows:

First. The name of the corporation and the place and date of incorporation.

Second. The names, residence, and business or occupation of the officers of the corporation.

Third. The business in which the corporation is actually engaged, and in what States, Territories, districts, or insular possessions it is engaged in transacting such business.

Fourth. The cash value of the assets of the corporation and the nature and character of such assets.

Fifth. The amount of indebtedness of the corporation, and if such indebtedness is secured, in what manner.

Sixth. A statement in detail of all bonds and mortgages issued by and outstanding against said corporation, showing when said bonds were issued and when the same become due and the consideration received by the corporation for said bonds in property or money, and if in property, the nature and cash value of such property and where situated; and in case of mortgages, showing the date of such mortgages, the date of their maturity, the property covered thereby, and the cash value thereof.

Seventh. The amount of shares of stock or bonds owned or controlled by said corporation in any other corporation, and the proportion of the entire capital stock which such holding represents, both in the reporting corporation and the corporation whose shares it holds.

Eighth. The amount of assets and liabilities of any corporation in which such reporting corporation holds stock or bonds, giving the character of such assets and liabilities and of what such assets and liabilities consist.

Ninth. The number of shares of the capital stock of the corporation which have been actually issued, and the amount and value of the consideration actually received into the treasury of the corporation for such shares; where the payment was made in money, then the amount in money per share; where such payment was made in property, a description of such property as to location, character, and the cash value thereof.

Tenth. That no other stock of any character has been issued or is outstanding than that so reported.

Eleventh. That the corporation has issued no other bonds, mortgages, or other evidence of indebtedness than those stated in said report to have been issued.

Twelfth. The amount expended for extensions, construction, and improvements each year and where expended and the character thereof.

Thirteenth. The earnings receipts from each branch of the business and from all sources, the operating and other expenses, balances of profit and loss, and a complete exhibit of the financial operations of the carrier each year, including an annual balance sheet. Such reports shall also contain information in relation to rates or regulations concerning freights or fares, or agreements or arrangements or contracts affecting the same, as the Commission may require—

That is in the bill as reported—

Such detailed report shall contain all the required statistics for a period of twelve months ending on the 30th day of June of each year, and shall be made under oath and filed with the Commission, at its office in Washington, on or before the 30th day of September, then next following, unless additional time may be granted in any case by the Commission; and if any carrier, person, or corporation subject to the provisions of this act shall fail to make and file such annual report within the time above specified or within the time extended by the Commission for making and filing the same, or shall fail to make specific answer to any question authorized by the provisions of this section within thirty days from the time it is lawfully required so to do, such parties shall forfeit to the United States the sum of \$100 for each and every day it shall be in default in respect thereto.

Then it provides for monthly reports as in the existing bill. I will say that the additional features provided for by this amendment require the officers to state, under oath, as to the exact amount of property and indebtedness, and the earnings thereon. If we are going to invest the Interstate Commerce Commission with the power and the duty of determining what shall constitute fair and reasonable rates, we have got to know upon what that calculation is to be based. We must know the investment of the railroad company; we must know the cost of operating it; we must know its indebtedness; we must know whether or not its stock represented the actual value of the road, and what relation the bonded indebtedness bears to the value of the road. We ought to know what it has returned for taxation, but the habit has so grown up almost universally in the United States of taxing property without regard to its value that that perhaps would afford no criterion.

Mr. NEWLANDS. Mr. President—

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

Mr. HEYBURN. Certainly.

Mr. NEWLANDS. I wish to ask the Senator whether he has examined any of the reports made by the railroads under existing law? My impression is that the reports now made by the railroads of the country engaged in interstate commerce give all the data called for by this amendment.

Mr. HEYBURN. I will say to the Senator that I have spent some days and a part of some nights in examining those reports for the purpose of informing my own mind as to whether or not there was occasion or necessity for this amendment. I did so both before and after its introduction. I find that those reports come up to a certain point and stop right there, and the point at which they stop is the point at which their usefulness would begin. I would refer to the reports as they are in the volume containing the report of the Interstate Commerce Commission for 1904, which is a very large volume, and they cover

about three-fourths of the book. There is not enough valuable information upon which the Commission could act to cover ten pages, and I will undertake to say that the Commission were of that opinion, and that in determining the questions which they had before them they had slight and infrequent cause to refer to that report.

Mr. NEWLANDS. Mr. President—

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

Mr. HEYBURN. Certainly.

Mr. NEWLANDS. I ask the question for information; but my recollection is that the reports themselves made by the common carriers of the country are much fuller than the statistics given in the volume published by the Commission.

I will ask the Senator whether he has examined any of the reports of the leading companies? I have done so recently, and my recollection is, though I may be mistaken, that these reports cover fully all the data required here. I am entirely in sympathy with the purpose of the Senator in securing a basis for the action of the Commission, but it strikes me that so far as this statistical information is concerned, it is already within the reach of the Commission through these reports, and that what we require is in addition to that a physical valuation of all the property of the common carriers by experts under the direction of the Interstate Commerce Commission. Such a valuation having been ascertained within a period of one or two years, it would be very easy thereafter to add every year the additions made to the plant or the property of the various carriers, and to deduct therefrom such amounts as should properly be deducted for depreciation.

Mr. HEYBURN. Mr. President, one of the most marked instances in which the present manner of reporting is insufficient is in this, that it does not undertake to state the interest which one transportation company has in another. There is no more useful information to be furnished to the Interstate Commerce Commission.

Mr. NEWLANDS. Right here I will state that in the reports which I have examined I have found statistics of that kind. For instance, in the original report of the Baltimore and Ohio or the Pennsylvania Railroad or the New York Central, which I have examined, I find detailed information given by those reports regarding the holdings of those corporations in other companies. For instance, it appears in the report of the Baltimore and Ohio road that that company owns about thirty million dollars' worth of securities in the Reading, which is engaged not only in transportation, but in working coal mines. Then, with reference to the New York Central, I recall the fact that the report of that company gives its stocks and bonds in a number of companies, not only transportation companies, but producing companies. I also found in the reports of some of the subsidiary companies of the New York Central system, such as the Michigan Southern Railroad, a statement of the corporate holdings of that road both in transportation companies and in producing companies.

So I ask the Senator whether he has rested simply upon the statistics which are given in this published report or whether he has gone back to the original sources of information, the reports themselves.

Mr. HEYBURN. I ask the Senator if he refers to the documents that are on file in the pigeonholes of the Interstate Commerce Commission?

Mr. NEWLANDS. Yes.

Mr. HEYBURN. I have not gone to those documents, because under the law the Interstate Commerce Commission is required to publish these reports, and I have a right to assume that if they are not to be found in their annual publications they have no such reports. Now, I can not know, neither can any citizen of this country know, that the Interstate Commerce Commission in determining a controversy in which I may be interested, or may not, had that class of information except as we look at the observance of the law by that Commission.

Mr. NEWLANDS. If the Senator will pardon me, I did not expect the Interstate Commerce Commission in considering a case affecting a particular road to send for the original report. I think that the Senator will find that those reports are remarkably full. If there is any defect in them of course I should be very glad to see the defect pointed out and remedied; but my impression is that the original reports are very full.

As to the publication in this volume, I imagine that the statistician of the Commission in discharging his duty does it with a view to a remedy, and that it would be almost impossible, or, at all events, a very great elaboration, to publish all the data contained in these reports.

I am sure the Senator has a very valuable suggestion here, but I will suggest to him that before proceeding further upon

this amendment he look into the original reports and see whether or not they comply with the requirements of the amendment which he has prepared.

Mr. HEYBURN. It is not so important at this time to look into the manner in which these reports are being made as it is to consider the sufficiency of the existing law, or the wisdom of the proposed law upon this question. Some of these requirements are contained in existing law and in proposed legislation, but not in all of them, and it is merely an endeavor to complete and fill out the requirements of the statute, so that if the companies have been voluntarily doing that which they were not required to do, and the doing of those things is helpful or necessary, let us make it a statutory provision.

Now, Mr. President, there have been some queer things incorporated into the interstate-commerce law. I suppose that we are at liberty in this age to criticize a Congress as a Congress in the abstract of fifteen or twenty years ago. We will have to do it.

I find, and we all find, in the statutes upon this question evidence of compromise, and we know that there has been some great force at work there, either to prevent the legislation or to shape it to suit the selfish purposes of somebody.

In the present interstate-commerce act in section 4 I find one of these provisos, and we can picture in our own mind how they come about. When a great amount of persuasion is brought to bear upon the members probably in the last hours of the session or in the hour of doubt as to whether they can enact a law they say, "Oh, well, all right, we will put in a proviso."

Now, listen to this one. After enacting a wise provision, one that would have accomplished practically all that the people wanted, they laid it upon the altar of sacrifice in the proviso in section 4:

Provided, however, That upon application to the Commission appointed under the provisions of this act such common carrier may, in special cases, after investigation by the Commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property, and the Commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

The agitation for the enactment of the interstate-commerce law was based upon the very principles to which that exception applies. That was the subject of complaint, that the carriers were discriminating, showing favoritism, making preferred classes in cases and conditions. That was the cause of complaint. And yet after they had in the beginning of section 4 said that these carriers should not do the things complained of, for the sake of getting a bill through, a bill of some kind, of any kind, they inserted that proviso, which took the force and effect out of all of the enactment preceding it and allowed to be done the thing for which Congress in that hour was assembled to prevent. They had said in section 4:

That is shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance.

Now, that is where the law stood when the necessities of the occasion prompted them to accept the proviso I have just read, which took all the merit that was contained in the first part of section 4 out of it and left it equivalent to the declaration on the part of Congress that "we will turn you over to the mercy of the Interstate Commerce Commission without any bounds or limits or restrictions as to what you may be able to induce them to do."

That was the proposition in that statute. I have moved to strike out the words "under substantially similar circumstances and conditions" because they have been misused, misapplied; because the purpose the people expressed in the selection of a Congress to relieve them from their difficulties was defeated by it. The Supreme Court has taken that language as a Congressional license, authorizing them to do it, if in their judgment peculiar circumstances would not only justify but would enable them to do it. They were authorized to do it and it has been a question not of how strong the line may be drawn against unfairness by the carrier, but how it may be relaxed.

My amendment provides for the striking out of that clause. I desire to urge it at this time as a final declaration of principle upon that subject. The long and short haul clause is contained within that provision.

Then, on page 10, in line 17, because the words have been misused, because they have been made a medium of oppression, I desire to strike out the words "unjustly and unduly," because without those words the expression of the act exactly meets the requirements of justice. It says that they shall de-

termine whether such rates are "unjust or unreasonable, or unjustly discriminatory"—they should not be discriminatory at all to any degree—"or preferential." Why should a Commission have the right to discriminate or prefer one shipper against another?

Mr. President, I suggest that the provision which I have submitted to the Senate for the review of the decision of the Interstate Commerce Commission is an absolute necessity; that if we send this legislation to the people without it they will condemn us and will say, "You have legislated for the other party. What have you done for us? You have spent weeks and months in construing the constitutional rights of the railroads. How much time have you spent in determining or considering the constitutional rights of property which the shipper or producer has, in the equal right with every other man, to the services of the common carrier?" That right is as much within the protection of the fifth amendment of the Constitution as is the right of the carrier to be compensated for services as carrier.

It has been proposed here—not for that purpose, perhaps I ought to say in fairness to those who have urged the proposition—that we shall in effect guarantee an income which is clothed in the terms "just and reasonable compensation;" that we shall guarantee an income to the transportation companies of the land. Has it been at any time proposed that we guarantee an income to the producer of the commodity whose servants these transportation companies are? He takes his chances under the law of contract.

I do not believe that the Interstate Commerce Commission is going to meet the expectation of the people in this matter. I do not believe that any department of the Government that has closed the doors, after a hearing, upon more than half of those who have applied for redress is going to meet the expectation of those in whose interest we are proposing to legislate, and I want in this hour to sound a word of warning, because it will come back to us.

This is not a party or a political question. It is one of political economics in which all the people are interested, one section of the country as much as another, from the humblest means of transportation to the palace car.

Does the present interstate-commerce law afford any relief to the people? And when I say "the people" I mean those who produce commodity and employ the common carrier. They are the people. The common carriers are a part of the people, but they are the servants of the people in that in consideration that they receive from the people the privileges and franchises under which they exercise their right as common carriers; they are given franchises of great value and the right to charge a reasonable compensation for their services, but the people who gave them that right retained the right to enjoy at their pleasure the services of these common carriers and the provisions for performing their services.

Mr. President, I do not know how much more consideration the Senate will give to the legal questions and refinements as to what we can or what we cannot do. But I do know that in a great majority of the matters which come before us we do not have to approach closely either of those lines. There is a wide field for action by Congress in which it does not have to inquire minutely whether it may or may not do things. It is in this case a question of Will we do it? Does justice to the people demand that we shall create this body as an arbitrator and make ample provision for the submission of proper controversies to it, that they may create a record that shall speak the truth, and that that record, in the event of discontent by either party with the decision of the Commission, may be taken into the circuit court of the United States and there reviewed, both the law and the fact, but confined always to the record that was made before the Commission? It does not open the doors of the circuit court to a trial de novo, but leaves them to review it as they would the report of a master in chancery, and then the amendment provides that the order of the Commission shall only be stayed for the limited period of sixty days and that upon showing, except that the party asking for it can show that he has been diligent, can show a condition that will satisfy the mind of a chancellor that such order is necessary, and that the Supreme Court of the United States will not review any question except that of the rights of the parties under the Constitution appearing upon the record brought up from the circuit court—that makes a short review—and the amendment puts the order of the Commission into effect at once and does not wait thirty days after decision.

Mr. BACON. May I make an inquiry of the Senator?

Mr. HEYBURN. Certainly.

Mr. BACON. The question of this review, of course, is the vital question in this proposed legislation. For the purpose of thoroughly understanding the Senator, I wish to ask him

whether he means the court shall have the same breadth of review as if we were now to organize two commissions—an inferior and a superior commission—and that the superior commission should have the entire review of the proceedings of the inferior commission. I wish to know what that review means. Does the Senator mean that in that sense the court shall, in this proposed law, have the review of the actions of the Commission?

Mr. HEYBURN. No.

Mr. BACON. I should be glad if the Senator would differentiate.

Mr. HEYBURN. The amendment, I think, is plain in regard to that matter. The amendment provides that the certified record of the proceedings of the Commission, accompanied by a notice to the parties of the intention to review such proceedings, shall be filed in the circuit court. There, at that point, for the first time the United States circuit court obtains jurisdiction of the controversy between the complainant and the party against whom the complaint was made before the Commission. For the purpose of enabling them to decide as between those parties they consider the record, which contains all the evidence and all the deductions made by the Commission from the evidence. In other words, if a party desires his case fully presented in the circuit court, he has only to see to it that his case is fully presented before the Commission; and he would not be heard in the circuit court to complain that there were other matters that might have been introduced before the Commission, because other portions of the statute than that to which this amendment is directed provide for a rehearing before the Commission. I did not think it necessary to incorporate that into this section, because it is already provided for in the bill. When he has had all the hearings before the Commission that will enable him fully to state his case, his case is made up, and it is presented for a determination of the law and the facts before the circuit court. It is provided by this amendment that in that determination that court may say whether or not the decision of the Commission as to what the rate regulation should be was right; and then, if it is right, the court will say so; and if it is not right, it will lay down a rule as to what constitutes the right, just as the courts do now in many instances, as I have before said, where we have delegated the power to executive branches of the Government, with authority to make rules and regulations in the enforcement of a law for the ascertainment of the facts to which the law must be applied. That is already the existing practice, and we do not need to amend our statutes in that regard. The amendment merely provides that these cases shall come within that rule of practice.

Of course the hearing before the circuit court of the United States would be a full hearing upon a printed record. The court would make its own rules in regard to printing and other details. We do not make those rules. The court would doubtless at a very early day establish a rule that the record in a case should be printed.

The amendment provides for the notice, how it shall be given, to whom it shall be given, and that, upon the filing of the record, the jurisdiction of the circuit court attaches. What more do we need? Then we give the court the power to review these questions. Then we say that, having reviewed them, it may enforce its judgment, as it may in any other case. There is no lack of power when Congress has spoken, whatever they might lack in the absence of Congressional action.

Mr. BACON. Mr. President, with the permission of the Senator—

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

Mr. HEYBURN. Certainly.

Mr. BACON. I am not making the inquiry for the purpose of in any manner entering into a controversy with the Senator, although I have a somewhat definite opinion myself, but I am really extremely anxious to know what is the exact position of Senators who favor what they call the "broad review." I want to get it so accurately defined that we may be able to see whether or not we agree with it or whether we differ from it. The Senator, in response to the inquiry which I made of him in pursuance of that desire on my part, answered in the negative; and yet, if I correctly understand him, what the Senator said, in explaining what he meant by the negative, is not consistent with the negative reply, though it may be I did not properly understand what the Senator said. The Senator is contending for the right of a full review by the courts, and, in order to ascertain what he meant by that, I asked this question: If, instead of one commission with the right of review by a court, this bill proposed to organize two commissions—an inferior commission, and a superior commission charged with the

duty and power of reviewing in every particular and detail the acts of the inferior commission—and if there were, under such an arrangement, if there were such a provision by which the entire action of the inferior commission were to be reviewed by the superior commission, we would know what that meant.

Mr. HEYBURN. What would it mean?

Mr. BACON. It would mean that the superior commission would have the same supervision of a case decided by the inferior commission that the Supreme Court has in an equity cause that goes from a circuit court on appeal. There they have a full case before them, and there is no element of a decision of the circuit court that the Supreme Court has not the power to revise and correct. In the same way, if we were organizing two commissions—an inferior commission and a superior commission—the design being that there should be, in the sense I have indicated, an appeal from the inferior commission to the superior commission, when the case came before the superior commission that superior commission would have full jurisdiction for the consideration of every element that entered into the consideration and determination by the inferior commission and every conclusion of the inferior commission, and its determination would cover the field as fully and as perfectly as if it had originated with that superior commission.

Now, what I desire to know of the Senator is this: Under the contention made by him for a broad review, does the Senator contend for that review in the sense I have indicated, or, rather, with the power which that review would have in case we were to organize two commissions, the inferior and the superior? Does the Senator contend for a review by the courts as full and as ample as there would be in case two commissions were created and there was an appeal from one to the other of everything involved in the consideration of a matter by the first commission? Is that what the Senator contends for?

Mr. HEYBURN. Mr. President, that is quite a question.

Mr. BACON. I think it is the question, the vital question, in this case.

Mr. HEYBURN. If I may have the Senator's attention I will answer it.

Mr. BACON. I shall be very glad to give attention.

Mr. HEYBURN. In the first place, I will eliminate the term "broad review." This discussion has resulted in coining more phrases that have no meaning, except any meaning that you choose to put upon them, than any discussion I have ever heard. A broad review, as I would probably on first impulse state it, would be a review that opened the door to a reconsideration of the case without regard to what had transpired at any former hearing—a trial de novo. That would probably be the nearest approach to a definition of broad review. I do not favor this kind of review.

Mr. SPOONER. Will the Senator say what would be a narrow review?

Mr. HEYBURN. I am going to. I have stated what a broad review is.

But first, as to the two commissions which the Senator has presented to us, I care not whether you call the first reviewing tribunal a second commission or a court; but having provided in my amendment that the reviewing authority shall be the United States circuit court, with the recognized and clearly defined powers and duties of that court, it is not necessary to define the manner in which it may deal with a question of which it has jurisdiction. I am not proposing any second reviewing board at all. It would be very interesting to me to know what might happen if such a second reviewing board were proposed; but not having proposed one, and having proposed that the decision of the original board shall be reviewed by a court of clearly defined powers and jurisdiction, it seems to me that I am relieved from a further consideration of what might happen if we provided for the second reviewing board. Now, I want to suggest to the Senator from Wisconsin—

Mr. SPOONER. If the Senator will allow me, would a second reviewing board be any more judicial than the first?

Mr. HEYBURN. No.

Mr. BACON. Oh, Mr. President, Senators do not understand me. I was simply using that by way of illustration.

Mr. SPOONER. Illustrating what?

Mr. BACON. Illustrating the extent of the review on the part of the courts for which the Senator is contending. That was for the purpose of putting an illustration where there would be no doubt as to the breadth of review.

Mr. SPOONER. Does the Senator think that it is within the constitutional capacity of Congress to limit or enlarge the judicial power in passing upon any right arising under the Constitution and laws of the United States?

Mr. BACON. I have very grave doubt about it, at least where jurisdiction of the subject-matter is given, and for that reason—

Mr. SPOONER. I did not think the Senator had any doubt about it.

Mr. BACON. Inasmuch as the Senator asked me a question, I hope he will permit me to answer it.

Mr. SPOONER. I will.

Mr. BACON. I have very grave doubt about it, certainly so far as concerns constitutional rights, and for that reason I have my interest very much excited to know what is the design, what is the desire, and what is the contemplation of those who insist upon the incorporation in this bill of a provision which shall give what they call, whether appropriately termed or not, the "broad review."

Mr. HEYBURN. But I did not—

Mr. BACON. So far as that goes, if the Senator is content with just such a review as the courts would have in the absence of any express provision in this bill, then no amendment is needed, because the bill as it came from the House is certainly in a position where the courts can take all the jurisdiction that they are entitled to exercise in a general way, outside of any express provision, and, according to the suggestion of the Senator from Wisconsin, with which I am very largely disposed to agree, that is a jurisdiction which exists outside of any express provision in this legislation. Therefore, it seems to me that whatever may be the power of Congress, we are rather engaged upon a superfluous act when we attempt to designate in this bill what shall be the jurisdiction. That is the conclusion, Mr. President, not only to which my mind is rapidly drifting, but is the direction in which it has tended all the time, and the conclusion which is becoming more and more definitely fixed in my mind. It is possible that developments in this discussion may show considerations leading to a different conclusion.

Mr. SPOONER. Now, will the Senator from Idaho and the Senator from Georgia permit me?

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

Mr. SPOONER. But it requires the consent of both.

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

Mr. HEYBURN. Certainly.

Mr. SPOONER. Permit me to put a question to the Senator from Georgia?

Mr. BACON. The Senator from Idaho has granted permission.

Mr. SPOONER. It requires the consent of each.

Mr. BACON. Very well; go ahead.

Mr. SPOONER. Does the Senator from Georgia see any distinction or recognize any distinction between the power of the Federal courts in a suit brought under the fourteenth amendment to enjoin the enforcement of a rate fixed by a State under the fourteenth amendment to the Constitution and the power of the court in passing upon a rate fixed by Congress under the fifth amendment to the Constitution?

Mr. BACON. Is that the question?

Mr. SPOONER. That is the question.

Mr. BACON. The Senator has wandered from the question.

Mr. SPOONER. No.

Mr. BACON. I beg pardon; the Senator has wandered from the question immediately under discussion and has rather ventured into the field where we are promised by the Senator a very exhaustive discussion of the question of the power of courts in granting injunctions.

Mr. SPOONER. No; not at all.

Mr. BACON. I am now on the question of the breadth of review.

Mr. SPOONER. If the Senator will permit me, not at all.

Mr. BACON. Then I misunderstood the Senator.

Mr. SPOONER. I am not discussing at all, or suggesting a discussion, as to the power of Congress to restrict, as is proposed here, the chancellor in the exercise of judicial power, but this is a thing which I frankly confess to my friend from Georgia, who is a great lawyer—

Mr. BACON. I thank the Senator very much. I fear the Senator overestimates.

Mr. SPOONER. The Senator need not thank me. It is a fact; the Senator is responsible for that; not I. But this has troubled me: Where the State fixes a railway rate, either directly through legislative action or by a commission, and an original bill is filed in the circuit court of the United States to restrain the enforcement of that order upon the ground—and that is the only ground—that it violates the fourteenth amendment, I can very well see that the judicial power of the courts is more or less restricted, because the fourteenth amendment prohibits the States from passing any law which, among other things, shall take private property without due

process of law, or deny the equal protection of the law. The court is to determine, as the court has often said, not whether the rate in that case is reasonable; not whether it is just compensation under the fifth amendment; but whether the rate is so low and so destructive of property rights as to constitute a taking of property without compensation as to be not due process of law.

What I wanted to attract the attention of the Senator to was this—and it has never been decided; it has never been presented to the courts of the United States, because Congress has never exercised the power until now—whether, where under an act of Congress a rate is fixed subject to the limitation of the fifth amendment, which provides two things, one of which is not provided for by the fourteenth amendment, first, that private property shall not be taken without just compensation and without due process of law, the scope of the review, the judicial power of the court, is not of necessity different in measure and scope from what it is under the fourteenth amendment?

Mr. BACON. Mr. President, I think so far as the fifth amendment is concerned—I may be in error about that, but I think not—the court would have no right to enjoin a State commission—

Mr. SPOONER. The Senator does not understand me.

Mr. BACON. The Senator asked his question, and then discussed it at such length that I really do not know that I understand definitely his question. I wish the Senator would propound it again.

Mr. SPOONER. The question is whether the Senator from Georgia recognizes a distinction between the scope of the judicial power of the Federal court, when invoked by an original bill to restrain the enforcement under the fourteenth amendment of a rate fixed by the legislature of a State, and the scope of the jurisdiction of the Federal court when invoked to restrain the enforcement of a rate fixed under the fifth amendment by the Congress of the United States?

Mr. BACON. Well, Mr. President, I do not think a State would have the right to violate the provision of the fourteenth amendment, nor do I think Congress would have the right to violate the fifth amendment. As to which is the greater obligation, that is another matter. I do not know how to draw the distinction between the two, except that it is one of degree.

Mr. HEYBURN. I only desire to say that the discussion between the Senator from Wisconsin [Mr. SPOONER] and the Senator from Georgia [Mr. BACON] has wandered somewhat from the point that I desire to answer.

Mr. SPOONER. I understand that was just the distinction which the Senator from Idaho drew.

Mr. HEYBURN. I wanted to answer the question of the Senator from Wisconsin and then let its application follow. The question remains unanswered.

Mr. FULTON. Will the Senator allow me to put in a question?

Mr. HEYBURN. I would gladly yield to the Senator, but I desire to answer this question.

Mr. FULTON. You can answer the one I wish to propose at the same time.

Mr. HEYBURN. Sometimes it may be convenient to bunch questions in that way, but it is not always so. The Senator from Wisconsin asked me a question. He asked me with reference to a broad or a narrow review and as to what my amendment provided. I would call his attention to the provision in this amendment for a review, and you can call it either a broad or a narrow review as may seem best to you. The jurisdiction of the circuit court being attached, the amendment provides:

The jurisdiction of said circuit court shall fully attach for the purpose of determining all questions of law and fact presented by said record, and the court is empowered and authorized upon such review in the event that it shall find upon the record that the rate complained of is either unjust, unreasonable, discriminatory, preferential, or prejudicial, or that the charge or practice complained of is unjust or unreasonable, to fix and determine such a rate or practice as in its judgment shall be just, reasonable, and not discriminatory, preferential, or prejudicial.

They must do it upon the record which comes from the Interstate Commerce Commission to the court, and I direct the attention of the Senator from Georgia to this part of my reply. The court being a judicial tribunal is presumed rightly to be best able to apply the legal principles by which what is right and just and reasonable are to be determined as to those facts, and that is the object and purpose of the review; and in that it is not a second board, but a judicial tribunal.

Mr. BACON. Will the Senator pardon me a moment?

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

Mr. HEYBURN. Certainly.

Mr. BACON. The amendment of the Senator is for the purpose of directing the attention of the Commission and the court

to anything which is "unjust, unreasonable, discriminatory, preferential, or prejudicial." Now, I should like, by way of illustration, if the Senator would point out, assuming that the Commission has made an award, or rather fixed a rate—

Mr. SPOONER. That is not an award.

Mr. BACON. I corrected myself, and I said "fixed a rate," that is complained of. Now, I desire the Senator to point out, if he can, what particular act of the Commission in fixing that rate would or would not be reviewable by the court under his amendment, or rather, I would say, would not be reviewable by the court under his amendment.

Mr. HEYBURN. Every one of those questions might, or only one of them might, be involved in the review.

Mr. BACON. Very well, but—

Mr. HEYBURN. That would depend upon the facts of the particular case.

Mr. BACON. Now, if the Senator will pardon me—

Mr. HEYBURN. The law being applicable to the facts which may arise in each case, the court would only apply them so far as they would be applicable.

Mr. BACON. I understand the Senator to say that, under the review given the court, the court would have the right to review and reverse any judgment by the Commission, if we may call it a "judgment," or any order by the Commission which was either "unjust or unreasonable or discriminatory or preferential or prejudicial."

Mr. HEYBURN. Yes.

Mr. BACON. That is pretty broad.

Mr. HEYBURN. Any one of them.

Mr. BACON. If the Senator will pardon me, those are the things which the Senator suggests under his amendment shall be reviewable. Will the Senator now suggest any act by the Commission in the making of this order, which, under the above language of his amendment, the Senator does not think would be reviewable? Can he suggest any single act of the Commission which, under the words of his amendment, he does not think would be reviewable under his amendment?

Mr. HEYBURN. Does the Senator mean any act enumerated here, or any act at all?

Mr. BACON. Any act at all.

Mr. HEYBURN. We are legislating within the restrictions of the legislation proposed. It is not necessary to go outside—

Mr. BACON. I wish to put a question to the Senator.

Mr. HEYBURN. If the Senator will pardon me, I want to answer the question which has been propounded. I am not going to be led outside of the limits of the subject-matter of the legislation existing and proposed.

There may be a hundred things that may be done that might or might not be reviewable, but this amendment enumerates the things that are reviewable, and the present statute enumerates the same things that are reviewable. So I do not think the question that the Senator asks is, in all friendliness, a fair question at all, because I am not proposing by this amendment that the court shall review any other questions than those enumerated. I have not gone beyond the enumeration of the existing statute nor of any proposed amendment.

Mr. BACON rose.

Mr. HEYBURN. Now, if the Senator will permit me—

Mr. BACON. Will the Senator permit me?

Mr. HEYBURN. Yes.

Mr. BACON. Will the Senator let me vary the question, as I was not fortunate in so phrasing it before as to meet the Senator's approbation? Will the Senator suggest any act of the Commission in making any order fixing any rate which would not fall within one of these designations, if there was fault found with it that it was either "unjust, unreasonable, discriminatory, preferential, or prejudicial?"

Now, if the Senator will pardon me, in order that I may make myself clearly understood—

Mr. HEYBURN. I want to answer the question.

Mr. BACON. If the Senator objects to my propounding an inquiry I will not intrude upon him.

Mr. HEYBURN. No; I merely wanted to answer the question that had been asked.

Mr. BACON. But I want to ask another question.

Mr. HEYBURN. I do not want the Senator to ask a question and answer it himself.

Mr. BACON. I was not proceeding to do so; but if the Senator objects, I will not intrude further upon him.

Mr. HEYBURN. I have not the slightest objection to a question. The Senator asked me whether or not I could think of any other subject than those enumerated. Perhaps I could, but it is immaterial whether I could or not. Those enumerated are the recognized questions necessary to be covered by the legisla-

tion. The question of whether or not a rate is unjust is certainly one that can be readily conceived of under many circumstances. It would be unjust to charge one man more than another. The word "unjust" probably comprehends every other word in that category, and those other definitions and distinctions are there because they are unjust. The word "unreasonable" is broad enough to cover every one of them, because that is an unreasonable rate which is an unjust rate or a discriminatory or a preferential rate. The words "discriminatory" and "preferential" are in classes of themselves and have a distinct meaning that is recognized both in and out of the courts.

It depends upon the testimony. For instance, take some of the decisions that have already been rendered, or imagine a case. It is a discriminatory act if you permit me to have a rebate, secret or otherwise, because it discriminates in your favor as a carrier and against me as a shipper; it is discriminatory if you refuse to furnish another man cars and furnish them to me. That is a discrimination. It is not difficult for a court, in reviewing the act of a commission, to say whether or not, under the facts that are in the record, those offenses have been committed. It is the natural function of the court to do that; it is what the court does every day in other matters of business and life—to say whether or not that is the case.

Mr. FULTON. Mr. President—

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

Mr. HEYBURN. Yes; I yield to the Senator.

Mr. FULTON. I should like to call the Senator's attention back to the suggestion made by the Senator from Wisconsin a moment ago, if he does not object to it.

Mr. HEYBURN. I do not object at all.

Mr. FULTON. I should like to hear the Senator on the proposition suggested by the Senator from Wisconsin a moment ago. The question suggested by the Senator from Wisconsin was whether or not there is any difference in the power to be exercised by the court, if I understood him, in entertaining a suit brought to restrain the putting in force of a schedule of rates made under a statute enacted by a State legislature—the Federal court, of course, exercising its power solely under the fourteenth amendment, which prohibits the taking of private property without due process of law, and a suit brought to restrain a rate pursuant to an act of Congress, under the fifth amendment, where property is prohibited from being taken without just compensation. I want to ask the Senator if the question as to what constitutes taking of property is not involved in either and equally in both classes of cases?

Mr. HEYBURN. It necessarily is.

Mr. FULTON. What constitutes, then, a taking of private property without due process of law must be the same as what constitutes a taking without just compensation up to the point of compensation. Therefore if the Supreme Court—

Mr. SPOONER rose.

Mr. FULTON. Just a second. If the Supreme Court, under the fourteenth amendment, shall define what constitutes a taking, that would necessarily be the same definition, would it not, that the court would say would apply, if the question of want of just compensation were also involved? That is the proposition.

Mr. SPOONER. Will the Senator from Idaho permit me?

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

Mr. HEYBURN. Yes.

Mr. SPOONER. I am not controverting at all the line of thought of the Senator from Idaho. On the contrary, he is speaking of a distinction which seems to me to exist.

Almost every State constitution provides that private property shall not be taken for public use without just compensation. Suppose the legislature of a State passes a law providing for a railroad commission, and gives to that commission the power to fix rates, and confers upon the courts of the State the power to review, as is done in my State and many other States, the question whether the rate fixed by the commission is or is not a just compensation within the meaning of the constitution of the State; what question does that present to the courts of the State? Simply the question whether the taking is without due process of law, because the rate is so low as to destroy the value of the use of the property?

Mr. FULTON. Let me ask the Senator, Would it not be, in that case, what constituted the taking of property?

Mr. SPOONER. Yes; but it would not be what constitutes the taking of private property without just compensation. Now, would not in that case the court of the State be authorized and required to consider the question upon the proof at the trial whether the compensation was or was not a just compensa-

tion? That is what courts are for—to protect from invasion the rights secured by constitutional provisions.

If the Senator will permit me, when you come to the fourteenth amendment it has seemed to me—and I am troubled about it—that the question presented to the courts of the United States on an original bill to restrain the enforcement of a rate fixed by a State, on the ground that it violated the fourteenth amendment, was different. The fourteenth amendment says nothing about the taking of private property without just compensation. It provides that private property shall not be taken without due process of law; and the courts of the United States, therefore, have held themselves limited to inquiring and deciding not whether any rate fixed was just compensation, for the courts of the United States are not carrying into operation the constitution of the State or the laws of the State. Their only ground of interference is the alleged violation of the fourteenth amendment, and they therefore consider whether the rate fixed is so low as to constitute, because of the utter absence of just compensation, a taking without due process of law.

I now come to the fifth amendment to the Constitution, which puts the legislation of Congress on precisely the same basis that the legislation of the State is put on under the constitution of the State.

Mr. FULTON rose.

Mr. SPOONER. I want to add this question: Whether the question as to the validity of a rate fixed by Congress, or the compensation, in other words, fixed by the Commission under an act of Congress, which is subject to the limitations of the fifth amendment, is not precisely the same as the question which the State court is obliged to consider under the State constitution embodying the same language—that is, whether the rate is or is not just. That is what I want to present to the Senator.

Mr. BACON. If the Senator from Idaho will pardon me for a moment, in order that my meaning may be plain, in a review by a court of the acts of the Commission with these proposed powers, the court is not limited to the question of the value of the property or what may represent property, because the powers conferred upon the Commission go beyond the mere matter of fixing rates and include regulations and practices; and when it comes to that it is a very different thing. One is under explicit constitutional protection, while the other may not be. It is a very different question from that suggested by the Senator from Wisconsin or the Senator from Idaho; at least it is not covered, as I understand, by anything they have so far said.

I had that distinction in mind when I was endeavoring to get from the Senator from Idaho a definition of what he meant by "the review of the court." I was not limiting my suggestion to the contemplation simply of a review of the matter of the rate; and if I understood the Senator from Idaho correctly, it would embrace every regulation and every practice prescribed by the Commission if the court is to have an unlimited review.

Mr. SPOONER. If the Senator from Idaho will permit me, I value the opinion of the Senator from Georgia, and I want to ask him this question, if he will allow it.

Mr. BACON. Certainly.

Mr. SPOONER. Whether, in his mind, there is not a distinction, and a clear distinction, between the due process of law under the fourteenth amendment and the just compensation under the fifth amendment.

Mr. HEYBURN. I suggest to the Senator from Wisconsin, although I do not want to interrupt the colloquy between him and the Senator from Georgia, that the fourteenth amendment has not application at all outside of the States. It is intended only to control the States, and its language has been construed so often that I do not see how it can possibly affect the consideration of this question. It is an interesting subject, but the language of the clause of the construction placed on it takes it out of the consideration of this question entirely. It says:

Nor shall any State deprive any person of life, liberty, or property, without due process of law.

There is no more of the element of the fifth amendment in that than there is in the Pentateuch.

Mr. SPOONER. Will the Senator pardon me?

Mr. HEYBURN. Yes.

Mr. SPOONER. That had occurred to me, and was the keynote, as I understood, of the Senator's amendment and the Senator's argument.

Mr. HEYBURN. I am sorry the Senator so understood it, because it is not based upon that to any extent—

Mr. SPOONER. No—

Mr. HEYBURN. Or in any manner whatever.

Mr. SPOONER. We are not proceeding here under the fourteenth amendment.

Mr. HEYBURN. Not at all.

Mr. SPOONER. I know that.

Mr. HEYBURN. It has no application to the question under consideration.

Mr. SPOONER. I understand, but we are proceeding under the fifth amendment.

Mr. HEYBURN. It was intended as a limitation upon the States. It has nothing whatever to do with a question of this kind. If there is a limitation of our power, or a direction of the manner of its exercise, it is in the fifth amendment of the Constitution, and that amendment does have to be considered, but not to the extent of controlling our deliberations here. There is ample power for us to legislate upon this question and to pass it by without disrespect to it or disregarding its injunction. The fifth amendment to the Constitution of the United States was intended to protect individual property against the taking by any kind of government, by any process, except in the manner to be exercised under the amendment.

Mr. FULTON. Mr. President—

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

Mr. FULTON. If it will not annoy the Senator from Idaho I should like to explain briefly the idea I had in propounding to the Senator from Wisconsin the question I did.

Mr. HEYBURN. It will not disturb me.

Mr. FULTON. It seems to me that under the fourteenth amendment, which prohibits the taking of private property without due process of law, and under the fifth amendment, which prohibits the taking of private property for public use without just compensation, the rules of construction in the two cases must run parallel up to the point and until it has been determined what constitutes a taking. Under the fourteenth amendment the Supreme Court has time and again said that a rate fixed by a State commission which precludes the carrier from realizing a sufficient income to meet his expense and pay a fair return on his investment or on the value of his property, is a taking without due process of law. Now, do they not, in passing on that, virtually determine what would also be a just compensation?

Mr. HEYBURN. I call the Senator's attention to the fact that the language is exactly the same in both the fifth and the fourteenth amendments in regard to that question. The fifth amendment is larger in its application and wider than the fourteenth. Let me call the Senator's attention to the distinction in the language. The fifth amendment says:

Nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.

That is the fifth amendment. All there is in the fourteenth amendment is a repetition of a part of that amendment:

Nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

It did not need the repetition of that in the fourteenth amendment at all except as a limitation on the State. It was already in the fifth amendment as a national principle.

So, as I said a few moments ago, we do not consider the fourteenth amendment at all in disposing of this question. Every principle that is stated in it that might be applicable or useful was already contained in the fifth amendment to the Constitution.

As I have endeavored to show, the rights of the two parties here are the same. If we can not take the property of the carrier we certainly can not take the property right of the owner of the commodity, because his right to participate in the services of the common carrier is just as much property as the right of the carrier to compensation for its services; and to pass him by, as he seems to have been passed by for the last twenty years or thereabouts, it seems to me is doing less than our duty, if it is not an open and violent disregard of, and an outrage upon, the rights of the very party in whose interest we are assuming to act and whose interests we would be overlooking entirely.

Mr. CULBERSON. I desire to ask the Senator from Idaho a question.

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

Mr. HEYBURN. Certainly.

Mr. CULBERSON. It may be that while I was out of the Chamber the Senator from Idaho has touched upon the question to which I wish to invite his attention in reference to his amendment, but nevertheless I direct his attention to its language, on page 3:

And the court is empowered and authorized upon such review, in the event that it shall find upon the record that the rate complained of is either unjust, unreasonable, discriminatory, preferential, or prejudicial, or that the charge or practice complained of is unjust or un-

reasonable, to fix and determine such a rate or practice as in its judgment shall be just, reasonable.

The Senator seems by that clause of the amendment to intend to confer the rate-making power on the circuit courts of the United States, authorizing them to fix a rate which will operate in the future. But it seemed to me that if there was any question settled by the Supreme Court of the United States it was that the courts had no such power and could not be clothed with such power; and I invite the attention of the Senator to a paragraph in the Reagan case (154 U. S., p. 400):

As we have seen, it is not the function of the courts to establish a schedule of rates. It is not, therefore, within our power to prepare a new schedule or rearrange this. Our inquiry is limited to the effect of the tariff as a whole, including therein the rates prescribed for all the several classes of goods, and the decree must either condemn or sustain this act of quasi legislation. If a law be adjudged invalid, the court may not in the decree attempt to enact a law upon the same subject which shall be obnoxious to no legal objections. It stops with simply passing its judgment on the validity of the act before it. The same rule obtains in a case like this.

I call the attention of the Senator, repeating somewhat what I have said, that if there is any question which seems to be settled by the Supreme Court of the United States it is that the courts will not exercise the power to fix a rate which shall be operative in the future. Notwithstanding, it seems that the Senator's amendment is intended to incorporate such a provision in the law.

Mr. HEYBURN. The court in the case to which the Senator refers and in the case upon which their decision in that particular case is based stated that Congress had not given them the power which they decline to assume. They are there interpreting the law that we are proposing to amend. The question is not whether that law is or is not right. The question is whether we will change that law and give the court this power. It is a very different proposition. The court said in another case in which that decision is used that Congress has not given the court the power to do more than to review the decision and say whether it was right; that it has not given the courts the power to say what shall be a lawful rate, inferring that when Congress shall see fit to give it the power it would exercise it. That is the difference between those cases.

Mr. TELLER. Mr. President, I do not wish to detain the Senate by making a speech. I desire, however, to ask the Senator from Idaho or any other Senator who is willing to answer a question.

It seems to me that the principal matter of controversy just now is as to the court review; just what it is; how broad it shall be, or how limited. I should like to have some Senator tell me what is the difference between the Bailey amendment and the Long amendment, save and except the fact that the Senator from Texas [Mr. BAILEY] in his amendment provides that there shall be no interlocutory injunction. Are not those two amendments practically the same, and is not the Senator's [Mr. HEYBURN] amendment practically the same, so far as the court review is concerned? Would not the same end be accomplished by either one of those amendments, looking simply to the question of court review, if adopted?

It seems to me the court review must be what the party complaining makes it. He may complain of everything the Commission has done; he may complain of only one thing the Commission has done, whether the complainant is the carrier or the shipper, and I think the shipper should be allowed to make complaint as well as the carrier. I would like to have the Senator from Idaho answer it, if he has given it sufficient thought.

Mr. HEYBURN. I have considered the question, and I have a note before me which I had intended to take up, comparing the different provisions in the different amendments and in the original bill, and I had made some analysis of them, but I had so long overrun the time I intended to occupy that I omitted to do so.

I will make this suggestion in reference to the amendment proposed by the Senator from Texas [Mr. BAILEY]. It provides:

Any carrier, or person, or corporation, party to such complaint, and dissatisfied with the rate—

That would cover both parties.

Mr. TELLER. Yes.

Mr. HEYBURN. Yes—

or charge, regulation or practice so established and prescribed, may file a bill against the Commission in any circuit court of the United States for the district in which any portion of the line of the carrier or carriers may be located, alleging that such rate or charge will not afford a just compensation for the service or services to be performed, or that the regulation or practice is unjust and unreasonable.

The first part of that could not possibly contemplate the right of the complainant, because he is not asking for just compensation.

Mr. TELLER. No.

Mr. HEYBURN (reading)—

For the service or services to be performed, or that the regulation or practice is unjust or unreasonable—

If he came in at all it would be under the second clause— Or that the regulation or practice is unjust and unreasonable; and if upon the hearing the court shall find that such rate or charge will not afford a just compensation—

That can not refer to the shipper—

for the service or services to be performed, or that the regulation or practice is unjust and unreasonable—

Those regulations and practices of course all emanate from the carrier; they are not the practices of the shipper— it shall enjoin the enforcement of the same.

The very fact that it enjoins the enforcement of the order that is made against the railroad company cuts out any possible interpretation that the amendment is intended to give the right to the complaining party to have it reviewed. It shows that that portion of the amendment was not intended to include the complainant at all, because all its provisions are directed to the relief that may or may not be granted to the carrier. Then this statement says:

This amendment so far would seem to provide for a review upon the question as to whether or not such rate or charge will afford just compensation for the service or services to be performed, or whether the regulation or practice is unjust or unreasonable, for it is only in the event of the court so finding that it is authorized to enjoin the enforcement of the order. And this would not include the consideration by the court of the rights of the complaining party, the shipper or producer, because such shipper or producer does not render services to be performed, and the question of just compensation can only apply to such services.

Mr. TELLER. What is the Senator reading from?

Mr. HEYBURN. From the notes I had made.

Mr. TELLER. Go on.

Mr. HEYBURN. I say:

The proviso of the Bailey amendment relates to the practice in regard to suspending orders and precludes clearly suspension of any rate charge, regulation, or practice prescribed by the Commission by any preliminary or interlocutory decree or order by the court. The right of appeal to the Supreme Court of the United States clearly is limited to the carrier and the Commission.

In its provision for appeals to the Supreme Court of the United States it is not broad enough to permit the complainant to take advantage of it.

Now, I have similar notes with respect to all the amendments and all of the provisions contained in the amendment regulating the appeal, and I only left them out of my talk to-day because of the time I have already occupied. I also have the Long amendment annotated in the same way.

Mr. TELLER. As I said, I do not desire to go on and discuss this question now, but it seems to me we have discussed it long enough now to get to some positive provision as to what the review shall be. I have not been able to learn from any speaker exactly what he was satisfied to have reviewed. I understand, of course, that all these questions could be complained of by the carrier; that it could complain of any improper regulation just as well as it could that a rate was confiscatory, if the regulation invaded its right. Whatever is at issue must be what is complained of. If he complains of all the things, they are all at issue. If he complains of one of them, that is the only one in issue.

Of course, this is an irregular kind of a proceeding, by petition. I presume the court will hold eventually that this proceeding, although called a petition, must conform to the equity practice. A man comes in by petition, and he has to state in his petition what his grievance is. And when he comes to trial, he will be limited to what he has alleged in his petition. He will not be allowed to enter the whole field unless he has complained of the whole. That is my notion about it.

Under the bill as it came from the House there are two things the Commission may do. It may first determine that the rate fixed by the railroad company is unfair and unjust and improper. And then it may fix one that it says is just and proper. There are two issues to be made there by the railroad company. In the first place, they can say when they get into court, "The rate established by the company is a just and proper one." Secondly, they may say the rate fixed by the Commission is not just and proper. You have two questions. One, of course, is a negative of the other. Will anyone contend that the court may determine that the rate fixed by the railroad is not fair, and stop there? Will not the railroad company be accorded an opportunity to prove that

the rate fixed by the Commission is unfair? For, you may say what you are a mind to about it, this fixes rates. Is the court limited to saying that the rate fixed by the Commission is confiscatory? Not at all, in my judgment.

I have made these suggestions, and I hope somebody who has given thought to the question how extensive the review will be will give it attention. So far as I am concerned, I believe that whatever the railroad company or the shipper, if he is allowed to come in, as he should be, complains of should be a matter for the consideration of the court.

Mr. LODGE. I offer an amendment to the pending bill, which I ask may be printed and lie on the table.

The VICE-PRESIDENT. The proposed amendment presented by the Senator from Massachusetts will be printed and lie on the table.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of the Indian appropriation bill.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15331) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907, which had been reported from the Committee on Indian Affairs with amendments.

Mr. CLAPP. I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments may be considered as they are reached in the reading of the bill.

The VICE-PRESIDENT. Without objection, that course will be pursued.

Mr. CLAPP. I call the attention of Senators present to the fact that at the back of the bill there is an index and that the report is also indexed. The clerk of the committee prepared these, and they will be convenient to Senators in referring to the bill or the report.

The VICE-PRESIDENT. The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill. The first amendment of the Committee on Indian Affairs was, under the subhead "President," on page 2, after line 13, to strike out:

That no part of the moneys herein appropriated for fulfilling treaty stipulations shall be available or expended unless expended without regard to the attendance of any beneficiary at any school other than a Government school.

And to insert:

Mission schools on an Indian reservation may, under rules and regulations prescribed by the Commissioner of Indian Affairs, receive for such Indian children duly enrolled therein the rations of food and clothing to which said children would be entitled under treaty stipulations if such children were living with their parents.

Mr. GALLINGER. Let the amendment go over.

Mr. LODGE. I ask that the amendment be passed over.

The VICE-PRESIDENT. The amendment will go over.

The next amendment was, on page 2, after line 23, to insert:

That upon the petition of any Indian allottee to whom a trust or other patent containing restrictions upon alienation has been or shall be issued under any law or treaty the President may in his discretion continue such restrictions on alienation for such period as he may deem best.

The amendment was agreed to.

The next amendment was, under the subhead "Secretary," on page 3, line 20, before the word "in," to strike out "purchase" and insert "purchases;" so as to read:

That as far as practicable Indian labor shall be employed and purchases in the open market made from Indians, under the direction of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 4, line 5, after the word "reported," to insert "to Congress with the reason therefor;" and in line 6, after the word "detail," to strike out "and the reason therefor, to Congress;" so as to read:

That any diversions which shall be made under authority of this section shall be reported to Congress with the reason therefor in detail at the session of Congress next succeeding such diversion.

The amendment was agreed to.

The next amendment was, on page 5, after line 2, to insert:

That the homestead settlers on all ceded Indian reservations in Minnesota who purchased the lands occupied by them as homesteads be, and they hereby are, granted an extension of one year's time in which to make the payments now provided by law.

The amendment was agreed to.

The next amendment was, on page 5, after line 7, to strike out:

That when not required for the purpose for which appropriated, the funds herein provided for the pay of specified employees at any agency

may be used by the Secretary of the Interior for the pay of other employees at such agency; but no deficiency shall be thereby created; and, when necessary, specified employees may be detailed for other service when not required for the duty for which they were engaged; and that the several appropriations herein or heretofore made for millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulation for the several Indian tribes, may be diverted to other uses for the benefit of said tribes, respectively, within the discretion of the President, and with the consent of said tribes, expressed in the usual manner; and that he cause report to be made to Congress, at its next session thereafter, of his action under this provision.

The amendment was agreed to.

The next amendment was, on page 6, after line 14, to insert:

That the act entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," approved February 8, 1887, be, and is hereby, amended by adding the following:

"No lands acquired under the provisions of this act shall, in any event, become liable to the satisfaction of any debt contracted prior to the issuing of the final patent in fee therefor.

The amendment was agreed to.

The next amendment was, at the top of page 7, to insert:

That where, under existing laws, timber has been cut from the allotment of any Indian under contract approved by the Interior Department the Secretary be, and he hereby is, directed to immediately cause to be paid to said allottees, or their heirs, all moneys on deposit to their credit and all sums due the said allottees from the timber so cut, said payments to be made to the parties in interest or their next of kin or guardian upon his personal check drawn upon said funds: *Provided*, That the Secretary of the Interior be, and he is hereby, directed to investigate and report to Congress whether the Indians upon reservations having timber, and Indians owning allotments with timber, may not themselves, under the supervision and instruction of competent men to be appointed for that purpose from the Interior Department, cut and manufacture said timber to the end that they may receive a price more nearly commensurate with the value of said timber, and at the same time may become familiar with the business of manufacturing lumber.

The amendment was agreed to.

The next amendment was, on page 7, after line 18, to insert:

That when the land of deceased allottees has been sold under existing laws, the Secretary of the Interior be, and he hereby is, directed to immediately cause to be paid to the heirs of said deceased allottees any and all moneys on deposit due said heirs from the sale of said land of said deceased persons, and that he be further directed to cause to be paid immediately upon collection, all moneys due Indian allottees or their heirs as the proceeds of leases upon individual allotments: *Provided*, That no money accruing from any lease or sale of lands held in trust by the United States for any Indian shall become liable to be subjected to the payment of any debt of, or claim against, such Indian contracted or arising during such trust period, or, in case of a minor, during his minority, except with the approval and consent of the Secretary of the Interior, who is hereby vested with full power and authority to do and perform all things necessary hereunder.

The amendment was agreed to.

The next amendment was, on page 8, line 17, before the words "per centum," to strike out "three" and insert "four;" so as to read:

That the shares of money due minor Indians as their proportion of the proceeds from the sale of ceded or tribal Indian lands, whenever such shares have been, or shall hereafter be, withheld from their parents, legal guardians, or others, and retained in the United States Treasury by direction of the Secretary of the Interior, shall draw interest at the rate of 4 per cent per annum, unless otherwise provided for, etc.

Mr. GALLINGER. I will venture to ask the chairman of the committee why that amendment has been made? We are pretty fortunate nowadays if we get 3 per cent on safe investments in ordinary business. I should like to know why we should pay more to these Indians than the House thought was a fair interest. The Senator from Minnesota doubtless can give me the desired information.

Mr. CLAPP. There is another provision somewhere, I think, that also provides for 4 per cent, and the Department thought it was better to have the same rate of interest drawn in both cases. Personally I myself think 3 per cent would be a sufficient interest.

Mr. GALLINGER. While we look up the other provision, I will ask that the amendment may go over.

The VICE-PRESIDENT. The amendment will be passed over for the present.

The next amendment was, on page 8, after line 24, to insert:

That as to any Indian lands allotted under any law or treaty without the power of alienation and within a reclamation project approved by the Secretary of the Interior, all restriction as to alienation as to any such allottee is hereby removed subject to the approval of the Secretary of the Interior and under such rules and regulations as he may prescribe, to the end that such allottee may alienate so much of his allotment as may not be necessary for him, in the opinion of the Secretary of the Interior, to retain, and to the end that such allottee may enter into the necessary agreement as to the portion of his allotment to be retained; provided for in the act of June 17, 1902 (32 Stats., p. 389).

The amendment was agreed to.

The next amendment was, on page 9, after line 12, to strike out:

That any Indian allotted lands under any law or treaty without the power of alienation, and within a reclamation project approved by the Secretary of the Interior, may sell and convey any part thereof, under

rules and regulations prescribed by the Secretary of the Interior, but such conveyance shall be subject to his approval, and when so approved shall convey full title to the purchaser the same as if final patent without restrictions had been issued to the allottee: *Provided*, That the consideration shall be placed in the Treasury of the United States, and used by the Commissioner of Indian Affairs to pay the construction charges that may be assessed against the unsold part of the allotment, and to pay the maintenance charges thereon during the trust period, and any surplus shall be a benefit running with the water right to be paid to the holder thereof.

The amendment was agreed to.

The next amendment was, under the subhead "Commissioner," on page 12, line 5, after the word "service," to strike out "and that so much of the acts of March 2, 1892, and April 21, 1904, which require the Commissioner to report annually the names of all employees in the Indian Service is hereby also repealed;" so as to make the clause read:

That so much of the section 3 of the act of August 15, 1876, as required the Commissioner of Indian Affairs to embody in his annual report a detailed and tabular statement of all bids and proposals received for any services, supplies, and annuity goods for the Indian service, together with a detailed statement of all awards of contracts made for any such services, supplies, and annuity goods for which said bids or proposals were received, is hereby repealed, and hereafter he shall embody in his annual report only a detailed statement of the awards of contracts made for any services, supplies, and annuity goods for the Indian service.

Mr. GALLINGER. I will ask the Senator in charge of the bill why that amendment is made. I do not quite understand the purpose of the amendment. Will the Senator explain it? As I understand it, and I think that is right, if those words are stricken out the Commissioner is required to certify the employment. Am I correct, I will ask the Senator?

Mr. CLAPP. Well, not in detail. It was thought that that was an expense and labor hardly necessary, and so the committee struck it out.

Mr. GALLINGER. That is all right.

The amendment was agreed to.

The next amendment was, on page 12, line 13, before the word "thousand," to strike out "ten" and insert "twenty;" and in line 13, after the word "dollars," to insert "\$10,000 of which to be used exclusively in the Indian Territory;" so as to make the clause read:

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to take action to suppress the traffic of intoxicating liquors among Indians, \$20,000, \$10,000 of which to be used exclusively in the Indian Territory.

The amendment was agreed to.

The next amendment was, on page 12, line 17, before the word "thousand," to insert "and sixty;" so as to make the clause read:

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, \$1,360,000.

The amendment was agreed to.

The next amendment was, on page 12, line 21, before the word "thousand," to strike out "fifteen" and insert "ninety-three;" so as to make the clause read:

For construction, purchase, lease, and repair of school buildings, and sewerage, water supply, and lighting plants, and purchase of school sites, and improvement of buildings and grounds, \$493,000.

The amendment was agreed to.

The next amendment was, on page 12, line 23, making the total appropriation for "General provisions" in connection with the Office of Indian Affairs \$1,793,000, in lieu of \$1,715,000.

Mr. LODGE. As we have amended the preceding items, the total is \$1,853,000, as I figure it, and it ought to read that way.

Mr. CLAPP. The committee will accept the amendment to the amendment.

Mr. DUBOIS. There is obviously a mistake there, and I call the attention of the chairman of the committee to it. There is an appropriation of \$18,000 which the committee made, and it should go in there. My attention was just called to it.

Mr. LODGE. Certainly as it stands it does not correspond to the figures. This total covers \$1,360,000—

The VICE-PRESIDENT. The Assistant Secretary stated that it covers the item of \$20,000 in line 13.

Mr. LODGE. Does it cover the \$20,000 also? Then \$20,000 in the first paragraph, \$1,360,000 in the second, \$493,000, make \$1,873,000. There can not be any question about the figures.

Mr. DUBOIS. I ask that the item may go over. There is an item for \$18,000 which the committee agreed to and which should be there.

Mr. LODGE. That would make the total more erroneous than it is now. Does not the Senator see that it is over a hundred thousand dollars short?

Mr. CLAPP. I desire to amend it so that it will be correct.

The VICE-PRESIDENT. The Senator from Wisconsin moves the following amendment, which will be stated.

The SECRETARY. It is proposed to correct the total in lines 23 and 24 so as to read:

In all, \$1,873,000.

Mr. LODGE. Now, I should like to ask the Secretary, who added \$20,000 to my original figures, if that is not a separate appropriation not included in the total? There is a period at the end of that paragraph.

Mr. CLAPP. I think the Senator is right.

Mr. LODGE. That is a separate and isolated appropriation. Therefore I suggest that we amend lines 23 and 24 so as to read:

One million eight hundred and fifty-three thousand dollars.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 13, line 8, after the word "dollars," to insert the following proviso:

Provided, That not exceeding \$5,000 of this amount may be used under direction of the Commissioner of Indian Affairs in the transportation and placing of Indian pupils in positions where remunerative employment can be found for them in industrial pursuits. The provisions of this section shall apply to native pupils brought from Alaska.

Mr. McCUMBER. Mr. President, I suppose I hardly should take advantage at this time of an objection to that amendment, but I was not in the committee at the time it was adopted. I simply want to enter now my protest against that provision or any similar provision. It is simply a provision to authorize the Commissioner of Indian Affairs to find places of employment for Indian girls and boys—mostly, I understand, girls—from those schools. My own opinion is that no good whatever has come of taking these girls away from the schools and sending them out into private employment, and I do not think that any sum of money should be used for that purpose.

Mr. GALLINGER. Mr. President, as I heard the proposed amendment read it struck me as being a very wise provision, and I certainly shall give it my hearty support, unless the Senator from North Dakota can present some facts showing that no good has come from an effort along these lines.

I know it is frequently said that when the young Indian boys whom we educate at Carlisle and Hampton go to their homes after getting their education they go back to a very considerable extent to their former lives and habits; but I think that has been overstated. I have made some investigation along that line, and I think very great good has come from the education of the Indian youth in those schools and in schools of that character.

It does seem to me that we may very well expend this small sum of \$5,000 in finding homes for these Indian girls or boys and giving them an opportunity to become more useful than they otherwise would become. I will ask the Senator from North Dakota if he knows as a matter of fact that failure has attended efforts along this line. I myself have no knowledge of it whatever.

Mr. McCUMBER. Mr. President, to determine whether failure has followed one would have to consider whether success has followed in any case. I do not know of a single case of success. I do know of a number of cases where girls have been taken out of the school and, instead of being sent home, have been sent out to private employment, getting practically nothing for the time that they were employed as domestic servants. I have known of their writing letters, innumerable letters, home, begging and praying for some one to take them away from their place of employment, and having been placed out by a school they are practically there often against their own will. They do not know where to go; they have no way of getting away. If they are put into the employment of people who simply wanted to make hired help out of them, they have no way of escaping from it like a white person. It may be the case of an Indian girl from my State working for a private family in the State of New Jersey, and I have known one or two instances where they have often threatened to commit suicide if they were not released from their thralldom.

My position in this matter I may as well state now. I do not believe there is any use or anything to be gained in trying to make a white person out of an Indian, whether it is an Indian girl or an Indian boy. I do believe that the Indian girl is doing more for the civilization of the Indians, if we are doing anything at all for their civilization, than all of the schooling of the Indian girls and boys. They are taught to cook, they are taught to be housekeepers, they are taught to take a little pride in their home, and that really to me is the foundation of all progress; and when they go home to their reservations and marry in their reservations they do considerable toward keeping up a pleasant and agreeable home.

I think the salvation of the Indian would lie in the Indian

girl, so far as civilization is concerned. I must say, though, I do not think there is much hope even for that. But I do not believe it is good for an Indian girl to take her away from one of her kind, where for two or three or four months she never sees another Indian girl or anyone with whom she can associate. It is a species of imprisonment that produces, in my opinion, no good results whatever.

Mr. GALLINGER. Mr. President, I have very great regard for the opinion on a matter of this kind of the Senator from North Dakota, who lives in a State where Indians in considerable numbers are to be found. But there is one point I wish to emphasize. The instances the Senator cites are of Indian boys and girls, particularly girls, who have been put out to service directly from the schools. It will be observed that in this amendment they are to be under the direction of the Commissioner of Indian Affairs. I take it that that official, who is a very competent man, will inquire into all the circumstances of the case and not place these young Indian girls or boys in positions that they do not wish to occupy. I think there is that difference, which we ought to keep in mind.

It does seem to me, I will repeat, that it will be good legislation for us to appropriate this very small amount to make this experiment, because I take it that it is experimental at best.

Mr. McCUMBER. I will simply say that it would be impossible for the Commissioner of Indian Affairs or anyone situated here in this city to look after the employment of the few individuals who would receive employment under this provision. For myself I am free to say that I think no good whatever has ever come of taking any persons away from their own tribe or nationality, segregating them and placing them where they can not even associate or see one of their own kind.

The amendment was agreed to.

The next amendment was, on page 13, line 21, after the word "supervision," to insert "and control;" so as to read:

That all expenditure of money appropriated for school purposes in this act shall be at all times under the supervision and direction of the Commissioner of Indian Affairs, and in all respects in conformity with such conditions, rules, and regulations as to the conduct and methods of instruction and expenditure of money as may be from time to time prescribed by him, subject to the supervision and control of the Secretary of the Interior, etc.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was under the subhead "Miscellaneous," on page 15, after line 8, to insert:

That section 2 of an act of Congress entitled "An act to provide for the acquiring of rights of way of railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes," approved March 3, 1899, be, and the same hereby is, amended so as to read as follows:

"SEC. 2. That such right of way shall not exceed 50 feet in width on each side of the center line of the road, except where there are heavy cuts and fills, when it shall not exceed 100 feet in width on each side of the road, and may include grounds adjacent thereto for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, not to exceed 200 feet in width by a length of 3,000 feet, and not more than one station to be located within any one continuous length of 10 miles of road: *Provided*, That this section shall apply to all rights of way heretofore granted to railroads in the Indian Territory where no provisions defining the width of the right of way are set out in the act granting the same."

The amendment was agreed to.

The next amendment was, under the subhead "Indian agents—Proviso," on page 19, after line 24, to strike out:

The appropriations for the salaries of Indian agents shall not take effect nor become available in any case for or during the time in which any officer of the Army of the United States shall be engaged in the performance of the duties of Indian agent at any of the agencies above named; and the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may devolve the duties of any Indian agency or part thereof upon the superintendent of the Indian school located at such agency or part thereof whenever in his judgment such superintendent can properly perform the duties of such agency. And the superintendent upon whom such duties devolve shall give bond as other Indian agents.

And to insert:

That no army officer shall be engaged in the performance of the duties of Indian agent.

Mr. LODGE. I ask that that amendment may be passed over. It is a very important one.

The VICE-PRESIDENT. The amendment will be passed over at the request of the Senator from Massachusetts.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the subhead "Truxton Canyon School," on page 23, line 2, after the word "reservation," to strike out "(four hundred and ninety thousand dollars);" so as to make the proviso read:

Provided further, That when said irrigation system is in successful operation, and the Indians have become self-supporting, the cost of operating the said system shall be equitably apportioned upon the lands irrigated, and to the annual charge shall be added an amount sufficient to pay back into the Treasury the cost of the work within thirty

years, suitable deductions being made for the amounts received from disposal of lands which now form a part of said reservation.

The amendment was agreed to.

The next amendment was, under the subhead "Sherman Institute," on page 24, after line 11, to strike out:

For the purpose of removing obstructions from the bed of the stream which drains into the El River in the Round Valley Reservation, Mendocino County, Cal., \$8,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 15, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to expend not to exceed \$100,000 to purchase for the use of the Indians in California now residing on reservations which do not contain land suitable for cultivation, and for Indians who are not now upon reservations in said State, suitable tracts or parcels of land, water, and water rights in said State of California, and have constructed the necessary ditches, flumes, and reservoirs for the purpose of irrigating said lands, and the irrigation of any lands now occupied by Indians in said State, and to construct suitable buildings upon said lands, and to fence the tracts of land so purchased, and fence, survey, and mark the boundaries of such Indian reservations in the State of California as the Secretary of the Interior may deem proper. One hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, for the purpose of carrying out the provisions of this act.

Mr. KEAN. Before that amendment is acted on, Mr. President, I should like to hear the Senator from California [Mr. PERKINS] explain it.

Mr. PERKINS. Mr. President, my friend from New Jersey is coming out to California this season, and I shall then have an opportunity of explaining this matter to him at length. I will only say now that the Commissioner of Indian Affairs, after thoroughly considering all the surrounding conditions of those people in our State, has recommended this appropriation as being a most meritorious one, and one for which there is urgent need. I am sure when my friend from New Jersey understands the matter fully, he will not object to the amendment.

Mr. KEAN. I do not object to it, Mr. President.

The amendment was agreed to.

Mr. DUBOIS. I ask that we now go back to page 12, to the total in line 23. There was a mistake in putting the words "and sixty" in line 17. "Sixty" and "eighteen" were added by the committee to "fifteen," in line 21, making the total there \$493,000. The total in lines 23 and 24 is incorrect; but the words "and sixty" should be dropped out.

My recollection is now very clear that two provisions were inserted, one of \$60,000, and one of \$18,000; but they were put in the wrong place. On page 12 the words "and sixty" were put under the wrong heading. They were dropped out from that heading and added in the next clause, where "fifteen" was increased by "sixty" and by "eighteen," so that the words "and sixty" should be dropped out of the bill. It is a mistake in the printing or the preparation of the bill.

Mr. CLAPP. The Senator is correct about that.

The VICE-PRESIDENT. The amendment in line 17, on page 12, will be restated.

The SECRETARY. On page 12, line 17, before the word "thousand," the amendment of the Committee on Indian Affairs is to strike out "and sixty."

The VICE-PRESIDENT. In the absence of objection, this amendment will be regarded as disagreed to. It is disagreed to; and the total, in line 23, on page 24, will stand as proposed to be amended by the committee at "\$1,793,000."

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the head of "Idaho," on page 26, after line 19, to insert:

That there be appropriated from the moneys of the United States Treasury not otherwise appropriated the sum of \$25,000 for completing the survey on the Fort Lemhi and the Fort Hall Indian reservations, in Idaho; expenses in connection therewith in the office of the surveyor-general for Idaho, and for the examination of said surveys; also for a reconnaissance survey and preparation of plans for a comprehensive irrigation system for Indian lands and lands ceded by the act of June 6, 1900, on the Fort Hall Reservation, in Idaho, including consideration of a possible storage system.

That before any of the lands in the Lemhi Reservation, in Idaho, ceded by the agreement concluded on May 14, 1880, set forth in the act of February 23, 1889 (25 Stat., p. 687), the provisions of which are accepted by agreement executed December 28, 1905, by a majority of all of the adult male members belonging on or occupying the said reservation, and approved by the President on January 27, 1906, be opened to settlement or entry, the Commissioner of Indian Affairs shall cause to be prepared a schedule of the improved lands to be abandoned, with a description of the improvements thereon and the name of the Indian occupant, a duplicate of which shall be filed with the Commissioner of the General Land Office.

Before entry shall be allowed of any tract of land occupied and cultivated and included in the schedule aforesaid, the Secretary of the Interior shall cause the improvements on said tract to be appraised and sold to the highest bidder.

No sale of such improvements shall be for less than the appraised value. The purchaser of such improvements shall have thirty days after such purchase for preference right of entry of the lands upon which the improvements purchased by him are situated, not to exceed 160 acres: *Provided*, That the proceeds of the sale of such improve-

ments shall be paid to the Indians owning the same: *Provided further*, That any missionary or religious society to which the Government has assigned lands in said reservation may remove or dispose of the improvements thereon within a reasonable time after the removal of the Indians to the Fort Hall Reservation, and if sold the purchaser of such improvements shall have thirty days from the date of sale thereof for preference right to entry of the lands upon which the improvements purchased by him are situated, not exceeding 160 acres.

Mr. GALLINGER. I suggest to the chairman of the committee that it would be better, I think, to change the amendment, in line 19 on page 27, and to say "and the names of Indian occupants," making it plural. There are various lands there, and I take it there are a great many occupants.

Mr. CLAPP. The committee will accept the suggestion of the Senator from New Hampshire.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment of the committee, on page 27, line 19, after the words "and the," by striking out "name" and inserting "names;" and in the same line, after the word "Indian," to strike out "occupant" and insert "occupants."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment was, under the subhead "Coeur d'Alenes (treaty)," on page 29, after line 11, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed, as hereinafter provided, to sell or dispose of unallotted lands in the Coeur d'Alene Indian Reservation, in the State of Idaho.

That as soon as the lands embraced within the Coeur d'Alene Indian Reservation shall have been surveyed, the Secretary of the Interior shall cause allotments of the same to be made to all persons belonging to or having tribal relations on said Coeur d'Alene Indian Reservation, to each man, woman, and child 160 acres, and, upon the approval of such allotments by the Secretary of the Interior, he shall cause patents to issue therefor under the provisions of the general allotment law of the United States.

That upon the completion of said allotments to said Indians the residue or surplus lands—that is, lands not allotted or reserved for Indian school, agency, or other purposes—of the said Coeur d'Alene Indian Reservation shall be classified under the direction of the Secretary of the Interior as agricultural lands, grazing lands, timber lands, or mineral lands, and shall be appraised under their appropriate classes by legal subdivisions, with the exception of the lands classed as mineral lands, which need not be appraised, and which shall be disposed of under the general mining laws of the United States, and, upon completion of the classification and appraisal, such surplus lands, with the exception of mineral lands, shall be opened to settlement and entry, under the provisions of the homestead laws, at not less than their appraised value, in addition to the fees and commissions now prescribed by law for the disposition of lands of the value of \$1.25 per acre, by proclamation of the President, which proclamation shall prescribe the manner in which these lands shall be settled upon, occupied, and entered by persons entitled to make entry thereof: *Provided*, That the price of said lands when entered shall be fixed by the appraisement, as herein provided for, which shall be paid in accordance with rules and regulations to be prescribed by the Secretary of the Interior upon the following terms: One-fifth of the purchase price to be paid in cash at the time of entry and the balance in five equal annual installments to be paid in one, two, three, four, and five years, respectively, from and after the date of entry, and in case any entryman fails to make the annual payments, or any of them, promptly when due all rights in and to the land covered by his or her entry shall cease, and any payment theretofore made shall be forfeited and the entry canceled, and the lands shall be reoffered for sale and entry. But nothing in this act shall prevent homestead settlers from commuting their entries under section 2101 of the Revised Statutes by paying for the land entered the appraised price, receiving credit for payment previously made, but the right to commute by said entryman shall not be allowed as to any lands classified as timber land: *Provided further*, That the lands remaining undisposed of at the expiration of five years from the opening of the said lands to entry shall be sold to the highest bidder for cash, at not less than \$1 per acre, under rules and regulations to be prescribed by the Secretary of the Interior, and that any lands remaining unsold ten years after the said lands shall have been opened to entry may be sold to the highest bidder for cash without regard to the above minimum limit of price: *And provided further*, That sections 16 and 36 of said lands be, and they are hereby, excepted from the foregoing provisions and are hereby granted to the State of Idaho for school purposes, and the United States shall pay to said Indians therefor the sum of \$1.25 per acre: *And provided also*, That if the State of Idaho has made any selections under existing law in lieu of sections 16 and 36 of the lands affected by this act the acreage of such selections shall be deducted from the acreage to be paid for under the preceding proviso.

That the said lands shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, and enter any of said lands except as prescribed in such proclamation.

That the Secretary of the Interior shall reserve from said lands, whether surveyed or unsurveyed, such tracts for town-site purposes as in his opinion may be required for the future public interests, and he may cause any such reservations, or parts thereof, to be surveyed into blocks and lots of suitable size, and to be appraised and disposed of under such regulations as he may prescribe, and the net proceeds derived from the sale of such lands shall be paid to such Indians, as herein provided.

That the net proceeds arising from the sale and disposition of the lands aforesaid, including the sums paid for mineral and town-site lands, shall be, after deducting the expenses incurred from time to time in connection with the allotment, appraisal, and sales, and surveys herein provided, deposited in the Treasury of the United States to the credit of the Coeur d'Alene and confederated tribes of Indians belonging and having tribal rights on the Coeur d'Alene Indian Reservation, in the State of Idaho, and shall be expended for their benefit,

under the direction of the Secretary of the Interior, in the education and improvement of said Indians and in the purchase of stock cattle, horse teams, harness, wagons, mowing machines, horse-rakes, thrashing machines, and other agricultural implements for issue to said Indians, and also for the purchase of material for the construction of houses or other necessary buildings, and a reasonable sum may also be expended by the Secretary, in his discretion, for the comfort, benefit, and improvement of said Indians: *Provided*, That a portion of the proceeds may be paid to the Indians in cash per capita, share and share alike, if in the opinion of the Secretary of the Interior such payments will further tend to improve the condition and advance the progress of said Indians, but not otherwise.

That any of said lands necessary for agency, school, and religious purposes, including any lands now occupied by the agency buildings, and the site of any sawmill, gristmill, or other mill property on said lands are hereby reserved for such uses so long as said land shall be occupied for the purposes above designated: *Provided*, That all such reserved lands shall not exceed in the aggregate 3 section and must be selected in legal subdivisions conformable to the public surveys, such selection to be made by the Indian agent of the Coeur d'Alene Agency, under the direction of the Secretary of the Interior and subject to his approval.

That the Secretary of the Interior is hereby vested with full power and authority to make all needful rules and regulations as to the manner of sale, notice of same, and other matters incident to the carrying out of the provisions of this act, and with authority to reappraise and reclassify said lands if deemed necessary from time to time, and to continue making sales of the same, in accordance with the provisions of this act, until all of the lands shall have been disposed of.

That nothing herein contained shall be construed to bind the United States to find purchasers for any of said lands, it being the purpose merely to have the United States act as trustee for said Indians in the disposition and sales of said lands and to expend or pay over to them the net proceeds derived from the sales as herein provided.

That to enable the Secretary of the Interior to allot, classify, appraise, and conduct the sale and entry of said lands as herein provided the sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated, from any money in the Treasury not otherwise appropriated, the same to be reimbursed from the proceeds of the sales of the aforesaid lands: *Provided*, That when funds shall have been procured from the first sales of the land the Secretary of the Interior may use such portion thereof as may be actually necessary in conducting future sales and otherwise carrying out the foregoing provisions.

The amendment was agreed to.

The next amendment was, under the head of "Indian Territory," on page 35, line 25, before the word "thousand," to strike out "thirty" and insert "fifteen;" so as to make the clause read:

For clerical work and labor connected with the sale and leasing of Creek and the leasing of Cherokee lands, \$15,000.

The amendment was agreed to.

The next amendment was, at the top of page 36, to insert:

That all Choctaw and Chickasaw freedmen whose names appear upon the rolls of said tribes as approved by the Secretary of the Interior shall each have the preference right to purchase, at a valuation to be ascertained by appraisement to be hereafter made under rules and regulations prescribed by said Secretary, 80 acres of the unallotted lands of said tribes.

That there shall be reserved from allotment 1 acre of the lands of the Choctaw and Chickasaw tribes for each church under the control of or used exclusively by the Choctaw or Chickasaw freedmen; and there shall be reserved from allotment 1 acre of said lands for each school conducted by Choctaw or Chickasaw freedmen, under the supervision of the authorities of said tribes and officials of the United States, and patents shall issue, as provided by law, to the person or organization entitled to receive the same. There are also reserved such tracts as the Secretary of the Interior may approve for cemeteries; and such cemeteries may be reserved, respectively, for Indians, freedmen, and whites, as the Secretary may designate.

The amendment was agreed to.

The next amendment was, on page 37, line 2, before the words "Indian Territory," to strike out "Wagner," and insert "Wagoner;" so as to make the clause read:

That there is appropriated, out of any money in the United States Treasury not otherwise appropriated, the sum of \$1,236, to pay Toney E. Proctor \$2 per day in lieu of subsistence from August 13, 1899, until April 23, 1901, while serving as town-site appraiser of Wagoner, Ind. T., Creek Nation.

The amendment was agreed to.

The next amendment was, on page 37, line 11, after the word "of," to strike out "orphan Indian children at the Whittaker Home, Pryor Creek, Ind. T.," and insert:

Cherokee orphan Indian children in the Indian Territory, and that the proceeds from leasing of the lands allotted to such orphan Indian children shall be used, under direction of the Secretary of the Interior, for their care and support.

So as to make the clause read:

That the Secretary of the Interior be, and he is hereby, authorized to make such contract as in his judgment seems advisable for the care of Cherokee orphan Indian children in the Indian Territory, and that the proceeds from leasing of the lands allotted to such orphan Indian children shall be used, under direction of the Secretary of the Interior, for their care and support, and for the purpose of carrying this provision into effect, the sum of \$10,000, or so much thereof as is necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was on page 38, after the word "dollars," to insert the following proviso:

Provided, That so much as may be necessary may be used in the employment of clerical force in the office of the Commissioner of Indian Affairs.

The amendment was agreed to.

The next amendment was in the subhead, before the word "Schools," to strike out "Superintendent of;" so as to make the subhead read "Schools."

The amendment was agreed to.

The next amendment was, on page 39, line 13, before the word "therein," to strike out "noncitizens" and insert "parents of other than Indian blood;" and in line 15, before the word "thousand," to insert "and fifty;" so as to make the clause read:

For the maintenance, strengthening, and enlarging of the tribal schools of the Cherokee, Creek, Choctaw, Chickasaw, and Seminole nations, and making provision for the attendance of children of parents of other than Indian blood therein, and the establishment of new schools under the control of the Department of the Interior, the sum of \$150,000, or so much thereof as may be necessary, to be placed in the hands of the Secretary of the Interior, and disbursed by him under such rules and regulations as he may prescribe.

The amendment was agreed to.

The next amendment was, on page 39, after line 18, to insert:

That the Court of Claims be, and is hereby, authorized and empowered, upon final determination of the case or cases involving the claim of the intermarried white persons in the Cherokee Nation to share in the common property of the Cherokee people, and to be enrolled for such purpose (being Nos. 419, 420, 421, and 422, on the docket of the United States Supreme Court for October term, 1905), to ascertain and determine the amount to be paid the attorney and counsel of record for the Cherokee Indians by blood in said cases, in reimbursement of necessary expenses incurred, and as reasonable compensation for services rendered in such proceedings. Such court shall further designate the persons, class, or body of persons by whom such payment should equitably be made and the fund or funds held by the United States out of which the same shall be paid and enter a decree for the amount so found; and the sum necessary to pay the same is hereby appropriated out of the fund or funds designated by the court, and the Secretary of the Treasury shall pay the same.

The amount awarded by the court when paid shall be in full for all expenses and services of said attorney and counsel in connection with the claim of the intermarried whites.

Mr. LODGE. That clause is not only new legislation, but it is clearly a private claim, and I make the point of order against it.

Mr. CLAPP. What is the point?

Mr. LODGE. I make the point of order that it is a private claim and also new legislation.

Mr. CLAPP. I think it was held last year—

Mr. McCUMBER. What is the amendment?

Mr. CLAPP. The one relating to intermarried whites in the Cherokee Nation.

The VICE-PRESIDENT. What is the suggestion of the Senator from Minnesota?

Mr. CLAPP. I think it was held by the Senate last year, relying upon a case that came up three or four years ago, that where the effect of the amendment was to reach a tribal fund the amendment was not subject to the point of order.

If it were an appropriation of money outside of tribal funds, it would be.

Mr. LODGE. I do not make the point of order that this is an appropriation of money not estimated for. I make the point of order that it is obnoxious to the rule because it is new legislation, which seems to me obvious, and also that it is a private claim to pay attorneys.

Mr. McCUMBER. I should like to ask the Senator from Massachusetts what rule provides against new legislation. It is all new legislation.

Mr. LODGE. A change of existing law. New legislation is not in order on an appropriation bill.

Mr. McCUMBER. That prohibition is against general legislation.

Mr. GALLINGER. "General," we call it.

Mr. LODGE. The rule says:

No amendment which proposes general legislation shall be received to any general appropriation bill—

I said "new legislation" instead of "general legislation"—

nor shall any amendment not germane or relevant be received. * * * No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation.

Mr. CARTER. Mr. President, I am not familiar with the purposes of this amendment, but I assume from the wording that there must be some contract existing in these cases, providing for what the committee probably considered was an exorbitant sum, and that the purpose of the amendment is to enable the court to fix a reasonable fee in lieu of the contract fee provided for.

Mr. GALLINGER. But it makes an appropriation likewise.

Mr. CARTER. But out of the tribal funds. Some member of the committee may be able to explain whether contracts exist which would take out of the tribal fund a much larger sum than the sum here contemplated.

Mr. LODGE. It does not appear from the amendment.

Mr. CARTER. It does not so appear.

Mr. LODGE. The amendment does not suggest to my mind an economy of money at the expense of the attorneys.

Mr. CARTER. I take quite the contrary view of it from that of the Senator from Massachusetts. It has frequently occurred, as the Senator is aware, that very unconscionable contracts have been made with attorneys for Indians for the payment of fees.

Mr. LODGE. That I know.

Mr. CARTER. It is probable, I take it, that the court is called upon to fix the fees, to the end that they may not be exorbitant or unjust. The facts in this case I do not pretend to understand.

Mr. McCUMBER. I have not recently looked at the rule the Senator from Massachusetts invokes, but certainly it does not seem to me that this amendment can be subject to objection upon the ground that it is general legislation. It is special legislation directed toward a specific subject connected with this bill, which appropriates money for the support and care of the Indians. Wherein can it be said that this is general in its character? It applies to only one specific thing.

Mr. LODGE. I do not care to insist upon that point, though I know it is good. But the amendment is legislation providing for a private claim.

The VICE-PRESIDENT. The Chair will submit the point of order to the Senate under Rule XX, if it is desired.

Mr. CARTER. Before that is done, I should like to have the Senator from North Dakota, or some other member of the committee, explain the purpose of the amendment.

Mr. McCUMBER. The Senator from Minnesota is in charge of the bill.

Mr. CARTER. If it is for the protection of the Indians and in the interest of economy, I should vote one way. If it is merely a donation of fees, I should be differently inclined.

Mr. CLAPP. There is in the report of the committee a copy of a previous report upon this same question; first session "Fifty-ninth Congress," it reads here. I think it should be the Fifty-eighth. It will be found on page 26 of the report, and it gives a history of this matter. There are a great many cases of this kind pending to test the rights of intermarried whites with Cherokees. I think there was a contract. I forget the amount. So far as I am concerned, I would not care if the Senate once for all would make a rule that these matters should not go on this bill.

However, before any vote is taken I should like to submit an amendment, because when we vote it will probably show the want of a quorum.

Mr. CARTER. I suggest that the matter go over until tomorrow.

Mr. GALLINGER. I suggest, if the question is to be submitted to the Senate, that the Senator from Minnesota let the matter go over, because manifestly a vote would adjourn the Senate.

Mr. CLAPP. I ask that it be passed over.

Mr. LODGE. In order that it may go in the RECORD, as the amendment is to be passed over, I have been looking at the House report to which the Senator from Minnesota called attention, in regard to the attorneys' claim, and I find that it is a report on a bill to pay claims—a perfectly proper bill, in proper form, reported from the Committee on Indian Affairs, but not an appropriation bill.

Mr. CLAPP. I will explain that to the Senator. It has been the custom for a good many years, when the Senate committee had the Indian appropriation bill under consideration, for those people to bring their matters to that committee, and we made a sort of rule this winter that before we would consider matters of that character they must get a favorable report from the House. So they introduced this as a House bill, and they brought it over. That was done as a sort of partial protection to the committee.

Mr. LODGE. It was not put on the bill in the House, and I understand why, because a point of order would lie against it there, and it would have gone out in a moment. In fact, it would not have been let in for a second. Therefore it is brought around to us.

What I want to call attention to is that in the report occurs this language:

The Secretary of the Interior wrote a letter last year to the chairman of the Committee on Indian Affairs stating that this controversy had grown out of the administration of the affairs and distribution of the property of the Cherokee people under the authority of the United States, and that some provision should be made for adjusting the claim of the attorneys for compensation.

It is defined in this very House report as a private claim. I do not mean to say it is not a good claim; I am not attempting to pass upon it; but the Senate rule as to private claims is extremely strict, and I think it would be very bad practice

for us to get into to put private claims on general appropriation bills. I know nothing whatever of the merits of this claim. From what the House report says, I should suppose it was a claim that should be referred to the court for adjustment; but I do object very much to a claim of this kind, defined in the House report as a private claim, being placed on a general appropriation bill.

I wish this to go in the RECORD, because the matter will come up again.

The VICE-PRESIDENT. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the subhead "Five Civilized Tribes," on page 40, line 20, after the word "Tribes," to strike out "exclusive of salaries and expenses of Commissioners;" so as to make the clause read:

For the completion of the work heretofore required by law to be done by the Commission to the Five Civilized Tribes, \$200,000; said appropriation to be disbursed under the direction of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 40, after line 23, to insert:

The Secretary of the Interior is hereby authorized and directed to reexamine the enrollment records of the Five Civilized Tribes, for the purpose of ascertaining whether said enrollment records show that persons who were minors at the time that the enrollments were made were of Indian blood on the side of either parent, and to make such transfer of the names of such minors from one roll to another as he may now determine they are entitled to on account of the facts appearing by such enrollment records.

Mr. CARTER. In line 2, page 41, I move to strike out the word "minors;" in line 3 to strike out "were;" in line 5, on the same page, to strike out the word "minors" and insert "persons;" and at the end of line 5 to strike out the words "he may now determine."

Mr. CLAPP. What is the Senator's object in moving to strike out the words "he may now determine?"

Mr. CARTER. I do not insist upon striking them out, although they would make the judgment of the Secretary of the Interior final, I think, in deciding whether either of the parties was, as a matter of law, entitled on the record to a certain standing.

Mr. CLAPP. If the Senator will pardon me, I want to protest against striking out those words. The history of the matter is simply this: In the other bill that came over there was an effort made to open up the roll down there. The Senate rejected that effort except where the right was based upon documentary evidence. Now, it appears that people were enrolled under a ruling at that time that the child followed the status of the mother. Since then the Secretary has held that it follows the status of the father. If it is left to the Secretary, and he desires to affirm his last position, he can do so. I do not think we ought, as a matter of law, to transfer it.

Mr. CARTER. Very well. I will withdraw that portion of the amendment relating to the words "he may now determine."

Mr. McCUMBER. Let me call the Senator's attention to the fact that as he proposes to amend the clause, it would be difficult to ascertain its meaning. He proposes to strike out the word "minors," in line 2, page 41; and it will then read:

For the purpose of ascertaining whether said enrollment records show that persons who were persons at the time the enrollment was made.

Mr. CLAPP. No.

Mr. CARTER. I think the Senator does not get the reading of the amendment. The amendment as I propose to amend it would read:

For the purpose of ascertaining whether said enrollment records show that persons who were at the time that the enrollments were made of Indian blood, on the side of either parent, and to make such transfer of the names of such minors from one roll to another, as he may now determine they are entitled to, on account of the facts appearing by such enrollment records.

Mr. McCUMBER. The Senator strikes out the word "minors," in the second line, and does not insert anything.

Mr. CARTER. In the second line.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Montana.

The SECRETARY. Page 41, line 2, strike out the word "minors;" in line 3 strike out "were;" and in line 5 strike out the word "minors" and insert the word "persons."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 41, after line 7, to insert:

That the Commissioner to the Five Civilized Tribes is hereby authorized to add the names of the following persons to the final roll of the citizens by blood of the Choctaw tribe: Malinda Pickens, Morris Battiest, and Samuel Sydney Burris; and the names of the following persons to the final roll of the citizens by blood of the Chickasaw tribe: Rebecca Pitts, Maggie Wade; and the name of Nancy Bigknife to the final roll of the citizens by blood of the Cherokee tribe, the

said persons being either Choctaw, Chickasaw, or Cherokee Indians by blood, whose names, through neglect on their part or on the part of their parents have been omitted from the tribal rolls; *Provided*, That the enrollment of said persons by the Commissioner to the Five Civilized Tribes shall not be objected to by the said tribes, and shall be approved by the Secretary of the Interior.

The amendment was agreed to.

Mr. CLAPP. On page 41, after the amendment just agreed to, I move to insert as a new paragraph what I send to the desk.

The SECRETARY. After line 22, on page 41, it is proposed to insert:

That the Secretary of the Interior shall have prepared and printed in a permanent record book the tribal rolls of the Five Civilized Tribes, and that one copy of such record book shall be deposited in the office of the recorder in each of the recording districts for public inspection free of charge.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the subhead "Choctaws. (Treaty)," on page 43, line 8, after the word "cents," to strike out the colon and insert a period.

The amendment was agreed to.

Mr. CLAPP. On page 43, after the word "cents," in line 8, I move to insert what I send to the desk.

The SECRETARY. On page 43, after the word "cents," in line 8, it is proposed to insert:

And provided, That the Secretary of the Interior is hereby authorized, in case, after investigation, he deems it for the best interests of the tribe, to set aside 640 acres of Choctaw land for the benefit of Old Goodland Indian Orphan Industrial School, and to convey the same to said school in conjunction with the executive of the Choctaw tribe.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 43, after line 8, to strike out:

Provided, That the Court of Claims is hereby authorized and directed to hear, consider, and adjudicate the claims against the Mississippi Choctaws of the estate of Charles F. Winton, deceased, his associates and assigns, for services rendered and expenses incurred in the matter of the claims of the Mississippi Choctaws to citizenship in the Choctaw Nation, and to render judgment thereon, on the principle of quantum meruit, in such amount or amounts as may appear equitably or justly due therefor, which judgments, if any, shall be paid from any funds now or hereafter due such Choctaws by the United States. Notice of such suit shall be served on the governor of the Choctaw Nation and the Attorney-General shall appear and defend the said suit on behalf of said Choctaws.

The amendment was agreed to.

The next amendment was, on page 43, after line 21, to insert:

Provided, That hereafter clerks and deputy clerks of United States courts in the Indian Territory who are ex officio recorders of recording districts in said Territory, shall be allowed, out of the fees received for the recording and filing of instruments, 25 per cent in addition to the sum of compensation and actual expenses for clerk hire now provided by law.

Mr. LODGE. I should like to ask the Senator from Minnesota why the increase of 25 per cent in the pay of the clerks has become necessary?

Mr. CLAPP. That was on the recommendation of the Commissioner. The fact is that provision was in the other bill, but as it was reported in the first conference I think it was so situated that it could not properly be a subject of conference; and for that reason it was put in here.

Mr. LODGE. It is a necessary increase?

Mr. CLAPP. It was so thought by the Commissioner; and I will say that the next amendment is also an amendment that got in such shape in the other bill that it could not be the proper subject of conference.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Indian Affairs.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 44, after line 3, to insert:

That section 2 of the act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved _____, 1906, be, and the same is hereby, amended by striking out thereof the words "*Provided further*, That nothing herein shall be construed so as to hereafter permit any person to file an application for enrollment in any tribe where the date for filing application has been fixed by agreement between said tribe and the United States: *Provided further*, That nothing herein shall apply to the intermarried whites in the Cherokee Nation whose cases are now pending in the Supreme Court of the United States."

The amendment was agreed to.

The next amendment was, on page 44, after line 16, to insert:

That, in addition to the places now provided by law for holding courts in the central judicial district of Indian Territory, terms of the district court of the central district shall hereafter be held at the town of Wilburton, and the United States judge of said central district is hereby authorized to establish by metes and bounds a record-

ing district for said court. That all laws regulating the holding of courts in the Indian Territory shall be applicable to the court hereby created at the town of Wilburton.

That there is hereby created in the Cherokee Nation, Indian Territory, an additional recording district, to be known as "district No. 27." Said district shall be bounded as follows: Beginning at the northwest corner of the Cherokee Nation, thence east along the north boundary line of the Cherokee Nation to the northeast corner of section 17, in township 29 north, of range 14 east; thence south to the township line at the corner of section 32; thence west along said township line to the northeast corner of section 4, in township 28 north, of range 14 east; thence south with the section line to the township line between townships 23 and 24; thence west to the dividing line between the Osage and Cherokee nations; thence north along said dividing line between the Osage and Cherokee nations to the place of beginning.

That not less than two terms of court in each year shall be held at the town of Bartlesville, in said recording district No. 27, and a United States commissioner's court shall be established in said recording district No. 27 and maintain an office at Bartlesville, in said district, and an act of Congress entitled "An act providing for the recording of deeds and other conveyances and instruments in writing in Indian Territory, and for other purposes," approved February 19, 1903, shall have the same force and effect in said district No. 27 as it has in the districts created by said act approved February 19, 1903.

That there is hereby created in Indian Territory an additional recording district, to be known as "recording district No. 28." Said district shall be bounded as follows: Beginning at the southwest corner of the Cherokee Nation, thence north along the western boundary line of the Cherokee Nation to the township line between townships 23 and 24 north; thence east along the township line between townships 23 and 24 north to the range line between ranges 14 and 15 east; thence south along the range line between ranges 14 and 15 east to the township line between townships 16 and 17 north; thence west along the township line between townships 16 and 17 north to the range line between ranges 12 and 13 east; thence north along the range line between ranges 12 and 13 east to the township line between townships 13 and 19 north; thence west along the township line between townships 13 and 19 north to the range line between ranges 10 and 11 east; thence north along said range line to the Arkansas River; thence northwest up said river to a point where it crosses the north line of the Creek Nation; thence east along the north line of the Creek Nation to the place of beginning.

That the judge of the western judicial district of Indian Territory shall hold not less than three terms of court in each year at the town of Tulsa, in said recording district No. 28; and a United States commissioner's court shall be established and maintained in said recording district No. 28, which commissioner shall maintain his office at Tulsa, in said district, and an act of Congress entitled "An act providing for the recording of deeds and other conveyances and instruments in writing in Indian Territory, and for other purposes," approved February 19, 1903, shall have the same force and effect in said recording district No. 28 as it has in the districts created by the said act approved February 19, 1903.

That all that portion of territory included in said recording district No. 28, as herein defined, lying within the boundaries of the Cherokee Nation, and being now a part of the northern judicial district of Indian Territory, shall become, and the same is hereby, attached to and made a part of the western judicial district of Indian Territory; and all of the power, authority, and jurisdiction of the United States court of the western judicial district of Indian Territory and of the judges and marshals thereof are hereby extended to and put in force over all the territory included within the boundaries of said twenty-eighth recording district as herein defined and established.

That in addition to the places now provided by law for holding courts in the southern judicial district of Indian Territory courts shall be held in the town of Duncan, and all laws regulating the holding of the courts in the Indian Territory shall be applicable to the said court hereby created in the said town of Duncan.

That the territory next hereinafter described shall be known as recording district No. 27, beginning at a point where township line between townships 2 and 3 north reaches the east boundary line of Oklahoma Territory; thence east on said township line 24 miles to where it intersects with range line 3 and 4 west; thence south on said range line 12 miles to where it intersects the base line between townships 1 north and 1 south; thence east along said base line 6 miles to the range line between ranges 2 and 3 west; thence south 12 miles along said range line to the township line between townships 2 and 3 south; thence west 30 miles along said township line to where it intersects with the east line of Oklahoma Territory; thence north along said line 24 miles to the place of beginning.

That the present boundaries of recording district No. 18, in the Indian Territory, is hereby amended so as to read as follows: Beginning at a point at the South Canadian River where the same intersects the range line between ranges 3 and 4 east; thence south on said range line to a section line 3 miles south of the township line between townships 4 and 5 north; thence west on said line to the meridian line between ranges 4 and 5 west; thence north on said meridian line to the South Canadian River; thence down said South Canadian River, following the meanderings thereof, to the place of beginning. The place of record for district No. 18 shall be Purcell.

That the present boundaries of recording district No. 17, in the Indian Territory, is hereby amended so as to read as follows: Beginning at a point 3 miles south of the township line between townships 4 and 5 north where said line intersects with the range line between ranges 3 and 4 east; thence south along said range line to the base line; thence west on said base line to the meridian line between ranges 4 and 5 west; thence north on said meridian line to a section line 3 miles south of the township line between townships 4 and 5 north; thence east on said section line to the place of beginning. The place of record for district No. 17 shall be Pauls Valley.

That it is further provided that all the provisions of the act of Congress approved February 19, 1903, shall apply to districts numbered 17, 18, and 27 where applicable. That all laws or parts of laws in conflict with the provisions hereof are hereby repealed.

The amendment was agreed to.

Mr. KEAN. Does the Senator from Minnesota care to go on further with the bill this evening?

Mr. CLAPP. I wish to do simply what is the pleasure of the Senate. If it is desired to have an executive session I will agree to that course.

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 twenty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 17, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 16, 1906.

ASSOCIATE JUSTICE.

Milton C. Garber, of Oklahoma, to be associate justice of the supreme court of the Territory of Oklahoma, to succeed James K. Beauchamp, whose term expires May 12, 1906.

APPOINTMENT IN THE ARMY.

Maj. Gen. Henry C. Corbin, adjutant-general, to be Lieutenant-General from April 15, 1906, vice Bates, retired from active service.

POSTMASTERS.

ARKANSAS.

Elijah O. Lefors to be postmaster at Bentonville, in the county of Benton and State of Arkansas, in place of Elijah O. Lefors. Incumbent's commission expires May 8, 1906.

CONNECTICUT.

Mary E. Bell to be postmaster at Portland, in the county of Middlesex and State of Connecticut, in place of Mary E. Bell. Incumbent's commission expires June 19, 1906.

GEORGIA.

Henry Blun, jr., to be postmaster at Savannah, in the county of Chatham and State of Georgia, in place of Henry Blun, jr. Incumbent's commission expires May 9, 1906.

ILLINOIS.

George W. Baber to be postmaster at Paris, in the county of Edgar and State of Illinois, in place of George W. Baber. Incumbent's commission expires April 26, 1906.

Chester B. Claybaugh to be postmaster at Toulon, in the county of Stark and State of Illinois, in place of Chester B. Claybaugh. Incumbent's commission expires May 19, 1906.

George J. Price to be postmaster at Flora, in the county of Clay and State of Illinois, in place of George J. Price. Incumbent's commission expires May 2, 1906.

Alonzo C. Sluss to be postmaster at Tuscola, in the county of Douglas and State of Illinois, in place of Alonzo C. Sluss. Incumbent's commission expires June 10, 1906.

KANSAS.

George T. Boon to be postmaster at Chetopa, in the county of Labette and State of Kansas, in place of George T. Boon. Incumbent's commission expires June 10, 1906.

John A. Hartley to be postmaster at Cheney, in the county of Sedgwick and State of Kansas. Office became Presidential January 1, 1906.

Ewing Herbert to be postmaster at Hiawatha, in the county of Brown and State of Kansas, in place of Ewing Herbert. Incumbent's commission expires May 19, 1906.

William A. Moriston to be postmaster at Bonner Springs, in the county of Wyandotte and State of Kansas. Office became Presidential April 1, 1906.

KENTUCKY.

Asa Bodkin to be postmaster of Bardwell, in the county of Carlisle and State of Kentucky, in place of George G. Witty. Incumbent's commission expired February 10, 1906.

Berry T. Conway to be postmaster at Lebanon, in the county of Marion and State of Kentucky, in place of Berry T. Conway. Incumbent's commission expires April 18, 1906.

A. Downs to be postmaster at Murray, in the county of Calloway and State of Kentucky, in place of David L. Redden. Incumbent's commission expired January 13, 1906.

Frank M. Fisher to be postmaster at Paducah, in the county of McCracken and State of Kentucky, in place of Frank M. Fisher. Incumbent's commission expires May 15, 1906.

William H. Harrison to be postmaster at Flemingsburg, in the county of Fleming and State of Kentucky, in place of William H. Harrison. Incumbent's commission expires May 15, 1906.

Daniel D. Hurst to be postmaster at Jackson, in the county of Breathitt and State of Kentucky, in place of Daniel D. Hurst. Incumbent's commission expires April 25, 1906.

William T. West to be postmaster at Lancaster, in the county of Garrard and State of Kentucky, in place of William T. West. Incumbent's commission expired February 10, 1906.

LOUISIANA.

Elwyn J. Barrow to be postmaster at St. Francisville, in the parish of West Feliciana and State of Louisiana, in place of Elwyn J. Barrow. Incumbent's commission expired April 5, 1906.

MAINE.

Newton H. Fogg to be postmaster at Sanford, in the county of York and State of Maine, in place of Newton H. Fogg. Incumbent's commission expires May 21, 1906.

Reuel W. Norton to be postmaster at Kennebunk Port, in the county of York and State of Maine, in place of Reuel W. Norton. Incumbent's commission expires June 30, 1906.

Willis W. Wait to be postmaster at Dixfield, in the county of Oxford and State of Maine. Office became Presidential April 1, 1906.

MASSACHUSETTS.

Thomas A. Hills to be postmaster at Leominster, in the county of Worcester and States of Massachusetts, in place of Thomas A. Hills. Incumbent's commission expires June 2, 1906.

MICHIGAN.

James Buckley to be postmaster at Petoskey, in the county of Emmet and State of Michigan, in place of James Buckley. Incumbent's commission expires May 19, 1906.

MINNESOTA.

Peter J. Schwartz to be postmaster at Shakopee, in the county of Scott and State of Minnesota, in place of Peter J. Schwartz. Incumbent's commission expires May 8, 1906.

MISSOURI.

John C. Rickey to be postmaster at Clarence, in the county of Shelby and State of Missouri, in place of Reuben N. Shanks. Incumbent's commission expired March 25, 1906.

MONTANA.

James W. McKenzie to be postmaster at Havre, in the county of Chouteau and State of Montana, in place of Charles D. Howell, resigned.

NEBRASKA.

Howard C. Miller to be postmaster at Grand Island, in the county of Hall and State of Nebraska, in place of Howard C. Miller. Incumbent's commission expires May 19, 1906.

NEW HAMPSHIRE.

Simeon M. Estes to be postmaster at Meredith, in the county of Belknap and State of New Hampshire, in place of Simeon M. Estes. Incumbent's commission expires June 5, 1906.

Eugene Lane to be postmaster at Suncook, in the county of Merrimack and State of New Hampshire, in place of Eugene Lane. Incumbent's commission expires June 5, 1906.

NEW JERSEY.

George C. Reed to be postmaster at Park Ridge, in the county of Bergen and State of New Jersey, in place of George C. Reed. Incumbent's commission expired February 28, 1906.

NEW YORK.

George E. Call to be postmaster at Northport, in the county of Suffolk and State of New York, in place of George E. Call. Incumbent's commission expires April 22, 1906.

Burt Graves to be postmaster at Middleport, in the county of Niagara and State of New York, in place of Burt Graves. Incumbent's commission expires May 14, 1906.

George M. Mayer to be postmaster at Olean, in the county of Cattaraugus and State of New York, in place of George M. Mayer. Incumbent's commission expired March 21, 1906.

OHIO.

Conrey M. Ingman to be postmaster at Marysville, in the county of Union and State of Ohio, in place of Conrey M. Ingman. Incumbent's commission expires May 19, 1906.

PENNSYLVANIA.

Christian W. Houser to be postmaster at Duryea, in the county of Luzerne and State of Pennsylvania. Office became Presidential April 1, 1906.

Harry D. Patch to be postmaster at Wilmerding, in the county of Allegheny and State of Pennsylvania, in place of Harry D. Patch. Incumbent's commission expires June 30, 1906.

Huston S. Williams to be postmaster at Fairchance, in the county of Fayette and State of Pennsylvania. Office became Presidential April 1, 1906.

TEXAS.

Caroline Cotulla to be postmaster at Cotulla, in the county of La Salle and State of Texas. Office became Presidential April 1, 1906.

VERMONT.

Frederick G. Ellison to be postmaster at Springfield, in the county of Windsor and State of Vermont, in place of Fred G. Ellison. Incumbent's commission expires June 28, 1906.

VIRGINIA.

W. Griffin to be postmaster at Salem, in the county of Roanoke and State of Virginia, in place of W. Lee Brand. Incumbent's commission expires April 26, 1906.

WEST VIRGINIA.

Lester G. Toney to be postmaster at Northfork, in the county of McDowell and State of West Virginia. Office became Presidential April 1, 1906.

WYOMING.

Otis Rife to be postmaster at Kemmerer, in the county of Uinta and State of Wyoming. Office became Presidential January 1, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 16, 1906.

DEPUTY AUDITOR FOR POST-OFFICE DEPARTMENT.

Charles H. Keating, of Ohio, to be Deputy Auditor for the Post-Office Department.

DISTRICT JUVENILE COURT JUDGE.

William H. De Lacy, of the District of Columbia, to be the judge of the juvenile court of the District of Columbia, as provided for by the act approved March 19, 1906.

RECEIVER OF PUBLIC MONEYS.

Harvey J. Ellis, of Alliance, Nebr., to be receiver of public moneys at Alliance, Nebr.

POSTMASTERS.

ILLINOIS.

John Haig to be postmaster at Le Roy, in the county of McLean and State of Illinois.

Mark L. Harper to be postmaster at Eureka, in the county of Woodford and State of Illinois.

George A. Lyman to be postmaster at Amboy, in the county of Lee and State of Illinois.

W. H. Mix to be postmaster at Byron, in the county of Ogle and State of Illinois.

William Stickler to be postmaster at Lexington, in the county of McLean and State of Illinois.

INDIANA.

Lewis Dennis to be postmaster at Salem, in the county of Washington and State of Indiana.

Bennett M. Grove to be postmaster at Liberty, in the county of Union and State of Indiana.

MAINE.

Winchester G. Lowell to be postmaster at Auburn, in the county of Androscoggin and State of Maine.

MASSACHUSETTS.

George G. Cook to be postmaster at Milford, in the county of Worcester and State of Massachusetts.

John A. Thayer to be postmaster at Attleboro, in the county of Bristol and State of Massachusetts.

MISSOURI.

William E. Coolidge to be postmaster at New Franklin, in the county of Howard and State of Missouri.

Dan McCoy to be postmaster at Sikeston, in the county of Scott and State of Missouri.

NEW HAMPSHIRE.

Lewis H. Baldwin to be postmaster at Wilton, in the county of Hillsboro and State of New Hampshire.

Thomas D. Winch to be postmaster at Peterboro, in the county of Hillsboro and State of New Hampshire.

NEW JERSEY.

John T. Kanane to be postmaster at Kenilworth (late New Orange), in the county of Union and State of New Jersey.

NEW YORK.

Frank Fogg to be postmaster at Port Richmond, in the county of Richmond and State of New York.

Max Geldner to be postmaster at New Dorp, in the county of Richmond and State of New York.

George M. Mathews to be postmaster at Brocton, in the county of Chautauqua and State of New York.

Francis H. Salt to be postmaster at Niagara Falls, in the county of Niagara and State of New York.

PENNSYLVANIA.

Martin E. Strawn to be postmaster at Starjunction, in the county of Fayette and State of Pennsylvania.

Andrew J. Sutton to be postmaster at Smithfield, in the county of Fayette and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

MONDAY, April 16, 1906.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

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

TRANSPORTATION OF DUTIABLE MERCHANDISE.

Mr. PAYNE, from the Committee on Ways and Means, presented the bill (H. R. 11037) relating to the transportation of dutiable merchandise without appraisement; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PORT OF OSWEGO.

Mr. PAYNE, from the Committee on Ways and Means, presented the bill (H. R. 13938) to extend the privileges of the seventh section of the act approved June 10, 1880, to the port of Oswego, N. Y.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GILLET of Massachusetts, from the Committee on Appropriations, presented the bill (H. R. 18198) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1907, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. FITZGERALD. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from New York reserves all points of order.

FIVE CIVILIZED TRIBES.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent for the present consideration of the concurrent resolution which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill H. R. 5976, "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," the Clerk be directed to restore to the bill the part proposed to be stricken out in the amendment of the Senate No. 26 and to insert the following: On page 9, line 3, after the word "retaining," the words "tribal educational officers, subject to dismissal by the Secretary of the Interior," and restore to the bill the part proposed to be stricken out in the amendment of the Senate No. 27, and to insert in said amendment the following: On page 11, line 8, after the word "five," the words "and all such taxes levied and collected after the 31st day of December, 1905, shall be refunded."

After the word "shall," on page 11, line 16, insert "willfully and fraudulently."

After the word "punished," on page 11, line 21, insert "by a fine of not exceeding \$5,000 or by imprisonment not exceeding five years, or by both such fine and imprisonment."

In lieu of the matter proposed to be stricken out in the amendment of the Senate No. 41 insert in lieu thereof the following: "The Secretary of the Interior shall take possession of all buildings now or heretofore used for governmental, school, and other tribal purposes together with the furniture therein and the land appertaining thereto, and appraise and sell the same at such time and under such rules and regulations as he may prescribe, and deposit the proceeds, less expenses incident to the appraisal and sale, in the Treasury of the United States to the credit of the respective tribes: *Provided*."

Mr. KEIFER. Mr. Speaker, I think I shall have to object to that.

Mr. HEPBURN. Mr. Speaker, I raise the point of order.

The SPEAKER. The gentleman is asking now for unanimous consent for the further consideration of the concurrent resolution.

Mr. CURTIS. Mr. Speaker, I hope the gentleman from Ohio will reserve his objection.

Mr. KEIFER. Mr. Speaker, I reserve the objection until I can hear some explanation. My point is this, that it looks as though we were proposing to legislate by a concurrent resolution and not in the ordinary way.

Mr. CURTIS. Not at all. In this case the resolution simply makes the bill read as it was agreed to in the conference. In the first conference report the statement was correctly made. It was printed, and in the second conference report the clerk of the Senate Committee on Indian Affairs was directed to have the language printed as in the first conference report. We agreed upon it the same as we did in the first conference report. There was no disagreement at all on this subject between the conferees of the House and the conferees of the Senate, but after the clerk had prepared the report he was informed by a clerk in the Senate that the Senate could not recede with an

amendment, and that the House must recede. So he struck out the words "the Senate receded" and made it read "the House receded," presented the report, and we signed it without noticing these mistakes. It was not noticed until after the report was agreed to by the Senate, too late to go back to conference. Now, if the bill goes through as it is presented here it will simply destroy three sections agreed on in conference.

Mr. KEIFER. Where is the bill now?

Mr. CURTIS. Waiting to be enrolled in the Clerk's office.

Mr. KEIFER. Mr. Speaker, it looks to me as though from the gentleman's statement it is a question simply of enrollment, and does not need the action of the House to correct the enrollment. It seems to me that is what the gentleman seems to seek, and not new legislation.

Mr. CURTIS. Not new legislation at all.

Mr. KEIFER. I hardly think the House need act upon that. Better let it go to the Committee on Enrollment and have it enrolled correctly.

Mr. CURTIS. The Clerk wants the resolution passed.

Mr. KEIFER. Mr. Speaker, I do not want to interfere with action that has already been taken by the House or by the Senate. My protest is against putting legislation in a bill after it is passed or gone to the President by some sort of legislation. We had a case recently here, but I yielded on account of the great importance of it, but I want to insist that this must stop here; but if this is only a question of correcting the enrollment, I withdraw my objection.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, I wish to inquire of the gentleman when this conference report was presented to the House Saturday was it known that the report was incorrect?

Mr. CURTIS. It was known just before the report was taken up, but it had been signed and had passed the Senate, and we thought best not to call it back and go to the conference again.

Mr. FITZGERALD. I wish to call the attention of the gentleman to this fact: That the conference report printed in the RECORD presented to the House was adopted upon the assumption that it was accurate, while all the time it was known to the gentleman in charge of the report that it was not accurate.

Mr. CURTIS. It was not known until after it was printed in the RECORD.

Mr. FITZGERALD. Known, however, which is the important thing, when it was acted upon by the House.

The SPEAKER. Is there objection?

Mr. STEPHENS of Texas. I hope the gentleman will not object, because this correction only carries out the intention of the conference report. We report this resolution so the bill will read exactly as we had agreed upon it in conference. If it is left as it is now, the bill will be absolutely injurious, and we will simply be compelled to resort to other means, and an original bill probably, in order to correct it. The trouble arose in this way: The clerks made a mistake and struck out the House amendments instead of the Senate amendments.

Mr. CURTIS. They made the House recede instead of the Senate recede.

Mr. DE ARMOND. Mr. Speaker—

The SPEAKER. Does the gentleman from Kansas yield?

Mr. CURTIS. Yes.

Mr. DE ARMOND. I would like to ask the gentleman one question before I say whether I will object or not. Was this supposed error known to the conferees when the House acted upon the matter?

Mr. CURTIS. It was not known when the conferees' report was presented, but it was discovered just before the conferees' report was called up in the House.

Mr. DE ARMOND. I object, then, Mr. Speaker.

Mr. CURTIS. Mr. Speaker, I move to suspend the rules and pass the resolution.

The SPEAKER. Is a second demanded?

Mr. DE ARMOND. I demand a second.

Mr. CURTIS. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. A second is considered as ordered, and the gentleman from Kansas is entitled to twenty minutes and the gentleman from Missouri to twenty minutes.

Mr. CURTIS. I reserve my time and would ask the gentleman from Missouri to use his if he desires to use any.

Mr. DE ARMOND. Mr. Speaker, I desire to call the attention of the House to this manner of legislating. It seems, according to the facts as we have learned them this morning, that when the House was asked to act upon and adopt this conference report it was known by the conferees upon the part of the House that the report was inaccurate. These gentlemen, instead of taking the House into their confidence, concluded

that they would retain to themselves this information, would not impart it to the House, but by suppressing it would induce the House to adopt a conference report and then later on would come in with a resolution like this and ask the House to doctor the bill or the conference report after the House and Senate had acted upon it.

It is not necessary for me to go into the question of whether the conferees did or did not do what they ought to have done in the discharge of their duty to the House. They saw fit to ask the House to adopt a report which at the time they did not wish to have adopted and which possibly in their estimation the House would not have adopted if the House had been put in possession of the facts which these gentleman had.

Now, aside from all that this method of legislating, in my judgment, is an exceedingly bad one. There are various ways which are legitimate and proper for reaching the end in view. There could be, perhaps, by unanimous consent a setting aside of the approval or adoption by the House of that conference report. But whether there are or are not many ways, whether there is any good way or is no good way of doing it, this is a bad method of legislating resorted to only lately and one that ought not to be encouraged.

Not very long since a request was made after a bill, by resolution of this House and the Senate, had been withdrawn from the President for unanimous consent to doctor up that bill so as to meet the objections of the President and avoid the possibility or the certainty, as the case might be, of a Presidential veto. In an earlier instance during this session a measure was doctored up in this new and very bad way. This legislation can not be so important and the difficulties in the way of securing it can not be so great as to warrant this method of procedure. I presume that the House and the Senate, by unanimous consent or in some other legitimate and proper method, can put these conferees or other conferees again in possession of the subject-matter at dispute between the two Houses, and that in a regular way. There may be reported to this House and to the other a real agreement of the conferees. But one thing aside from all other things that it seems to me ought to induce every Member of this House to vote against the adoption of this resolution is the fact that the gentlemen having the matter in charge deliberately asked the House to adopt that which they say the conference committee did not adopt, expecting, I presume, for reasons which to them were satisfactory, but which to the House ought not to be, that by this method or some other method the House later on, acting in ignorance by their guidance, misled by their concealment of important facts, might bring about the condition of things which they would like to have brought about.

Mr. STEPHENS of Texas. Does the gentleman mean to insinuate that I, as one of the members of that conference committee, prevented this House from understanding in some insidious way the merits of this bill?

Mr. DE ARMOND. I do not mean to insinuate anything. I mean to say, if I have understood the gentleman from Kansas [Mr. CURTIS] correctly—and if I have not I hope he or somebody else will correct me—if I have understood the gentleman from Kansas correctly, I mean to say that when this report was acted upon by the House the members of the conference committee upon the part of the House knew that the report was not correct, and did not disclose to the House that fact.

Mr. STEPHENS of Texas. I will state to the gentleman that I did not know that fact.

Mr. DE ARMOND. The gentleman from Texas has acquitted himself of knowing.

Mr. STEPHENS of Texas. The gentleman's insinuations are unwarranted.

Mr. DE ARMOND. I am not insinuating at all. The gentleman, perhaps, is a little "touchy" on this subject, because he failed to get through one of these doctored resolutions some time since, when there had been a report and had been a provision in a bill that \$1.50 an acre was a proper minimum price for land which the gentleman himself afterwards said was well worth at least \$5 and from that to \$100, and \$5 was the proper minimum rate.

Mr. STEPHENS of Texas. If the gentleman will permit, I wish to state I made no such statement as that on this floor, but I did state that much of the land was worth \$5 an acre, and for that which was worth less than \$5 a minimum of \$1.50 was not unreasonable.

Mr. DE ARMOND. There is no need for discussion on that subject. The RECORD will show what the gentleman said, and if I am in error as to what it does show I will try to make amends as far as I can. I will say that my recollection is—and I am satisfied it is correct—that the gentleman did say that \$5 was a proper minimum rate, yet he joined in a report to

the effect that \$1.50 was the proper minimum rate. But that is aside from the matter now up.

The gentleman from Texas says he did not know these errors were in the report when it was acted upon. That disposes of the matter so far as he is concerned. I understood the gentleman from Kansas to say that he did know. If I am wrong, he can correct me.

Mr. CURTIS. The matter was called to my attention about the time the report was brought up in the House. I did not know how serious the mistakes were. I did not think they were very material. In fact, if the pending bill should pass without the adoption of this resolution, while it would make three sections look badly, it would still be a good bill. It was simply to correct these errors that I offered this resolution this morning, and to make the report read as it was agreed to. There was no intention to deceive the House. The fact that we did not ask to go back to conference was because of the trouble we had in conference over that bill; and after the conference report had been agreed to by the Senate these mistakes in the three sections were discovered.

Mr. DE ARMOND. Now, Mr. Speaker, the only question is whether it is not true that when the gentleman presented this report to the House he knew there were errors which later he expected to have corrected.

Mr. CURTIS. I knew there were three mistakes, but the fact was brought to my attention just before the report was called up.

Mr. DE ARMOND. I will ask the gentleman from Kansas, then, why he did not delay the calling up of the bill until he ascertained as a matter of fact whether there were errors?

Mr. CURTIS. The gentleman from New York, chairman of the committee, had charge of the conference report. He said he was going to call it up. I was informed of the situation afterwards, while sitting beside him, when he was ready to call up the report, but did not have time to explain to him and did not know at that time the extent of the errors made by the clerk of the Senate committee.

Mr. DE ARMOND. Now, Mr. Speaker, without going further into it, and acquitting everybody of evil intent, it seems that some gentlemen on the committee either knew or had such information as led them to believe, or which, if followed, would give them full information, that there were three errors in the report. They saw proper to call it up and have it passed in the House—saying nothing about acting properly or improperly—and I do not wish to be understood as passing judgment upon that at all; but instead of delayed action, in order that they could ascertain whether the report was correct or not, and if incorrect, how material or immaterial the mistakes were, or are supposed to be, the gentleman did call it up; did have it acted upon; did have it adopted by this House.

Now, then, the enrolling officer, as I understand it, finds as a matter of fact that these mistakes do exist in the enrollment of the bill if it is enrolled as the House passed it. Is it not so?

Mr. CURTIS. Oh, no. The bill is waiting now to be enrolled.

Mr. DE ARMOND. Well, the bill is not yet enrolled. If enrolled as the House passed it, which is the way it should be enrolled, it would not be enrolled as its friends would like to have it, and as they say it ought to be in accordance with the agreement of the conference committee. Now, why not, instead of pursuing this extraordinary method of changing the action of the House and Senate by a resolution such as this, reconsider the action by which the House adopted the erroneous report, have the errors corrected, and have it acted upon in a proper way? We know, Mr. Speaker, how fruitful of evil bad precedents are in this body, and all bodes where precedents are followed or frequently consulted. I have not any kind of doubt about a method of legislation that attempts to fix up bills or resolutions after having passed both branches of Congress by this species of resolutions. It is to make a very bad precedent by a course of procedure that ought never to be resorted to unless there be the most imperative necessity for it, unless it be the only available method of accomplishing something very imperative as well as very urgent. In this particular case there is no necessity for any extraordinary action at this time. It is of importance to the House and the country, far beyond the importance of any action on this bill or any particular bill, perhaps, that we should proceed in the regular way and not in this manner. For instance, a bill might be passed in the House upon full consideration, and after the passage of the bill—a day or two days thereafter—a request for unanimous consent might be made to materially change it, and change it in a way that if the change had been made before it was considered it would not have passed the House at all.

That request might be made when few Members were in the House and when nobody had a warning or notice that it

would be made, when an opportune time had been chosen to make it, and thus the real judgment of the House might be set at fault and bad legislation might be put through after the House had deliberately passed a good bill, the good legislation giving way to bad legislation, pursuant to bad precedent.

Mr. STEPHENS of Texas. Mr. Speaker, may I interrupt the gentleman?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Texas?

Mr. DE ARMOND. I will.

Mr. STEPHENS of Texas. I desire to ask whether or not the gentleman thinks the bill should be enrolled as agreed upon by the conferees?

Mr. DE ARMOND. No; not unless the House passed it that way. The bill should be enrolled as the House passed it or not enrolled at all. If the bill was not reported according to the agreement of the conferees, the action of the House upon it—and I think also the action of the Senate upon it—ought to be vacated, and it ought to be acted upon in each body in accordance with the agreement of the conferees.

Mr. STEPHENS of Texas. If we can correct it before it is enrolled according to the agreement of the conferees, is it not just as well to enroll it in that way?

Mr. DE ARMOND. I think not.

Mr. STEPHENS of Texas. Why commit another error and enroll the bill as it was passed by the House and Senate?

Mr. DE ARMOND. The bill as the gentleman wants it enrolled never passed the House.

Mr. STEPHENS of Texas. The bill now enrolled never received the approval of the conferees of the House and the Senate, and you are seeking to enroll a bill not approved by the conferees.

Mr. DE ARMOND. I am not seeking to do anything of the kind. The conferees are a large element in the disposition of the business of Congress, so large that frequently those upon the conference committee may conclude that they are of more consequence than the House which appointed them. The bill was passed by the House, and if it was not passed as the conferees agreed upon it, it was because the conferees did not submit the report as the conference committee had agreed to it. Now, the gentleman's proposition is whether the action of the House had better be set aside to conform with the action of the conferees in this irregular way, or whether the action of the House is to stand rather than the understanding or agreement of the conferees, not made known to the House when it ought to have been made known to it. If the gentleman stands in the position of regarding the conferees as superior to the House, he has a perfect right to occupy that position, but I prefer occupying, on the other hand, the position of holding that the House itself is really superior to the conferees created by it.

What did the House pass? The House passed a bill which it is now conceding was erroneous because it did not contain the agreement of the conferees. What is to be enrolled? The bill as the House passed it. If it is erroneous, it is because the House was led into the error. I think the proper way would be, instead of asking the House by unanimous consent to adopt this resolution, and, secondly, asking the House by a two-thirds vote to adopt it, to ask the House to consent that the action adopting this conference report, erroneous, as the gentleman says, be set aside. That would be the proper course here, it seems to me, and the proper course in the Senate. Let the two bodies act on the report of the conferees when that report is corrected; that is my view about it. I do not know anything about the merits of this correction, or the demerits of it; I am speaking about the method, and the method is a bad one. Now is as good a time as any other time to stamp reprobation upon it instead of approval. The question is whether the action of the House shall stand above the errors of the conference committee in their report. Let us correct in the proper way and not in an improper way.

I say again, in conclusion, that I do not mean to impute any misconduct or any wrong motive to anybody connected with this matter; I am speaking of the question simply as we have it; that is all. The agreement of the conference committee was reported to the House erroneously, adopted by the House as it was reported; and the proper course is to ask the House to annul that action instead of patching it up by such action as is proposed in this resolution. Mr. Speaker, I reserve the balance of my time.

Mr. CURTIS. Mr. Speaker, when my attention was called to the error in the three amendments I was advised that it could be corrected in either one of two ways. One was to withdraw the report after it had passed the Senate and send it back to conference, and the other by a concurrent resolution. This latter course was pursued, as I was advised it was done in the

celebrated Dingley bill to correct an error discovered in it, and so we concluded to follow that course. There was absolutely no intention to mislead the House, but we had so much trouble with the bill in conference that we thought it better to be done in this way. If the sections are omitted, the bill would still be effective, but it would prevent the Secretary of the Interior from taking possession of tribal property in the Indian Territory, and it would cause the inhabitants down there to continue to pay tribal taxes, which we have eliminated by the bill. Now, the concurrent resolution simply authorizes the enrolling clerk to make the three amendments read as we agreed they should read, the clerk having struck out the words "the Senate receded with an amendment" and inserted "the House receded with an amendment," which consequently omitted the matter which had been stricken out by the Senate and simply inserted the amendment that been proposed by the House, thus leaving the sections incomplete. Your committee thought the proper course to pursue would be to offer the concurrent resolution, and I hope that the House will indorse the action.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. CURTIS. Yes; I yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. Do I understand that the errors which were made were such as to change the legal effect of the bill?

Mr. CURTIS. Not at all, except to leave out in one section matter that the Senate and the House agreed should stay in the bill, and would prevent, if left out, the Secretary of the Interior from taking possession of the schools in the Indian Territory at this time.

Mr. COOPER of Wisconsin. Well, was that error discovered before the conference report was adopted in the House?

Mr. CURTIS. After it was adopted in the Senate and just a moment before it was called up in the House my attention was called to it, and I think the gentleman from New York [Mr. SHERMAN] was recognized within a minute afterwards. It does not change the legal effect.

Mr. BUTLER of Pennsylvania. Will the gentleman permit a question?

Mr. CURTIS. Yes.

Mr. BUTLER of Pennsylvania. In how many particulars would the legislative effect be changed, if in any, if this resolution passed?

Mr. CURTIS. There are three sections, one that provides for the Secretary of the Interior to take possession of the schools of the Indian Territory—

Mr. BUTLER of Pennsylvania. Now, if the law passes in its present shape, that will be the effect of that section.

Mr. CURTIS. That would be left out. The second is the collection of taxes. We provide in the bill that no tribal taxes shall be collected after this time. If that is left out, the tribes will have a right to continue to collect taxes. The last is the section authorizing the Secretary to take charge of the school property. Those would be left out and be subject to future legislation if this concurrent resolution is not agreed to. Both Houses have agreed to all three of them. There was no dispute about it in conference. It is simply a correction of a mistake made by the clerk of the Committee on Indian Affairs of the Senate. Mr. Speaker, I ask for a vote.

The SPEAKER. The gentleman demands a vote. The question is on suspending the rules and passing the concurrent resolution.

The question was taken; and in the opinion of the Chair two-thirds having voted in the affirmative, the rules were suspended and the concurrent resolution was passed.

LOANS OF NATIONAL BANKS.

Mr. SHARTEL. Mr. Speaker, by direction of the Committee on Banking and Currency I move to suspend the rules and pass the bill (H. R. 8973) to amend section 5200, Revised Statutes of the United States, relating to national banks, with the committee amendments thereto, and with the further amendment, on page 2, line 2, inserting the words "of such" after the word "total," which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 5200 of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows: "SEC. 5200. The total liabilities to any association of any person or of any company, corporation, or firm for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed one-tenth part of the amount of the capital stock of such associations, actually paid in and unimpaired, and one-tenth part of its unimpaired surplus fund: *Provided, however,* That the total of such liabilities shall in no event exceed 20 per cent of the capital stock of the association. But the discount of bills of exchange drawn in good faith against actually existing values, and the discount of commercial or business paper actually owned by the person negotiating the same shall not be considered as money borrowed."

The SPEAKER. The gentleman from Missouri moves to suspend the rules and pass the bill which the Clerk has just reported, with the amendments thereto as reported. Is a second demanded?

Mr. GILLESPIE. Mr. Speaker, I demand a second.

Mr. SHARTEL. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Missouri asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Missouri is entitled to twenty minutes and the gentleman from Texas [Mr. GILLESPIE] is entitled to twenty minutes.

Mr. SHARTEL. Mr. Speaker, section 5200 of the Revised Statutes, relating to national banks, provides that a national bank can only loan an amount equal to 10 per cent of its capital stock to any one person, firm, or corporation. This bill is intended as an amendment to authorize a national bank to make loans equal to one-tenth of its capital and one-tenth of its surplus funds up to an amount equal to its capital stock, the limitation providing that the total loan liability to any person, firm, or individual shall not exceed 20 per cent of the capital stock. The committee investigating this matter believe that there is a great demand upon the part of the banks and upon the part of the people of the United States who transact business with the banks that the limit of these loans should be increased. I do not know of any State in which the trust companies and State banks are not authorized to loan from 20 to 30 per cent of their capital stock to one person, firm, or individual, so that the national bank is placed at a great disadvantage in the transaction of its business and in the accommodation of its customers in competition with State institutions. The American Bankers' Association wanted an act authorizing the loan of an amount equal to 10 per cent of the capital stock and 10 per cent of all the surplus fund. The committee, however, investigating it decided that there should be some limitation on the amount of the surplus fund that could be used for loaning purposes for the reason that banks might be organized with a very small capital and a very large surplus fund, thus allowing the stockholders to escape the double liability on their stock, so we have placed this committee amendment on this bill, limiting the amount to 20 per cent of the capital stock that can be loaned to one person, firm, or individual. There are some banks in the United States whose capital stock is so small and surplus fund so large that this bill will not relieve the situation as regards that class of banks.

The only way they can come within the law will be to increase their capital stock so as to be able to loan a sufficient amount to one person or individual to meet the demands of their customers. This amendment has been recommended in some form or other by every Comptroller of the Currency for the last thirty years. They have found under existing business conditions that it is nearly impossible for a national bank to accommodate its customers, to transact the business of the country within this limit of 10 per cent. Now, it might be said that the banks are pressing for this legislation. That is probably true, but at the same time the people who are demanding it are customers of the banks, who are coming to the banks demanding and asking for larger accommodations to carry on their business. I think it is a very meritorious measure and one that would be of great benefit to the business interests of the country. I reserve the balance of my time.

Mr. YOUNG. May I ask the gentleman a question?

Mr. SHARTEL. Certainly.

Mr. YOUNG. I was not able to hear all the gentleman said. Do I understand the only effect that this bill has is to increase the amount which a national bank may loan to one person from 10 to 20 per cent of its capital?

Mr. SHARTEL. Yes, sir; I will answer in this way—

Mr. YOUNG. And does it allow them to loan any amount upon the surplus in addition to that?

Mr. SHARTEL. Up to 10 per cent of the surplus. That is, a bank with \$50,000 capital and \$50,000 surplus can now loan \$5,000 to one person or individual. Under this law they could loan \$10,000. If they had \$25,000 surplus, they could loan \$7,500, but if they had more than \$50,000 surplus they could not loan more than 20 per cent of the original capital stock.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. SHARTEL. Yes.

Mr. COOPER of Wisconsin. Can the gentleman say what, in his judgment, will be the aggregate increase of loanable capital?

Mr. SHARTEL. Well, it will be about 33½ per cent.

Mr. COOPER of Wisconsin. How many millions would that make in the United States?

Mr. SHARTEL. Well, I could not tell you. I have not computed that.

Mr. COOPER of Wisconsin. You could not approximate, but it would be a third more than to-day?

Mr. SHARTEL. Yes, sir; just about. I will say further to the gentleman that this will relieve the conflict between the Treasury Department over excessive loans, with about 4,000 national banks. In the cases of about 1,000 banks the surplus fund is so large and capital so small that this bill will not relieve the situation, and they will have to come within the provisions by increasing their capital stock.

Mr. GRAHAM. In reply to the question of the gentleman from Wisconsin, I would state that this bill will not increase the loans in national banks one-third, for the Comptroller of the Currency has stated that a great many of the banks have been so construing the law as to permit them to loan on the strength of their surplus as well as capital stock, but the Comptroller has notified them that they are violating the law, and they must discontinue this practice.

Under this bill all banks can in the future do lawfully what some of them at times have been doing in violation of law. While all the national banks in my county—Allegheny, Pa.—desire this bill, and the clearing house has petitioned for its passage, the business men are as much, if not more, interested than the banks, as is evidenced by the many letters I have received in its favor.

Quite recently two of the large banks in Pittsburg have been compelled to enlarge their capital by a stock dividend of a portion of their surplus, so as to enable them to give legally the necessary accommodation to some of the large corporations doing business with them.

Mr. SHARTEL. I reserve the balance of my time.

Mr. GILLESPIE. Mr. Speaker, the demand for this legislation, so far as I am aware, and so far as has been disclosed before the Committee on Banking and Currency, comes from the banks themselves. They are demanding the right to decrease the number of borrowers, as far as possible, by increasing their capacity to loan to one borrower over the amount the law now provides. The policy of the present law, as I understand, is to make the capital of any given bank available to as many people as possible without destroying the efficiency of the bank. This bill comes from the demands of the large concerns of the country to get hold of all the available capital. The purpose is to override the principle involved in the present law and to respond to that demand that is prevalent over the country that the little man stand out and give way to the big one.

Now, strange as it may appear, the demand for this legislation is based, according to the report of the Comptroller of the Currency, upon the absolute disregard of the law as it now stands on the part of a vast majority of the bankers of the country. In a letter read before our committee, the Comptroller stated that 75 per cent, at least, of the bankers of the nation now absolutely disregard the law, and he said that he himself disregards the law in failing to move for the penalty provided in the law—the forfeiture of the bank's charter in case it violates the law of its being.

Certainly if Congress responds to the demands of the banks and removes some of their objections to the present law by increasing their capacity to loan to one individual, firm, or concern, I insist that if we want the law obeyed we ought to prescribe a penalty for the violation of this section. But it is the purpose of the majority that no penalty shall be prescribed. It is the purpose of the banks not to keep this law when it is written and put upon the statute books. I am not overstating the case at all when I say that not only have they failed to keep the law that is now upon the statute books, but they are demanding the right to violate this law when you increase their loaning capacity, as contemplated in this bill. And they will not submit to a penalty being prescribed, as it ought to be, for the violation of this law.

Now, here we stand, the great Congress of the American nation, admitting that some limitation is necessary, admitting that it would not be proper to allow these banking associations to lend all of their capital to one man, person, or firm. We acknowledge the necessity of at least the limitation that is in this proposed bill, and yet we refuse, when we know this necessity exists, to provide a penalty for the enforcement of this law.

Why, the Comptroller of the Currency says that the penalty of the present law is too severe. He says, "If I go ahead and forfeit the charter of one of these institutions, I kill it. That penalty is too severe and I will not enforce it." That is what he says in his report, and I believe myself that the penalty is too severe, and we know that always when a penalty is too

severe it is equivalent to no penalty at all. I offered an amendment to this bill in the committee making a lesser penalty, but even that was voted down, and I said at that time, and I here prophesy, that they are not going to keep this law.

Mr. GILBERT of Kentucky. State what your penalty is.

Mr. GILLESPIE. It was that if any officer, agent, or employee of any banking association shall violate the provisions of this section he shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$5,000. But we are told that if you go into court to prosecute the official, agent, or employee of a national bank, that prosecution, if begun, will destroy the bank. Not necessarily. Under the present penalty if the Comptroller of the Currency wants to go in and forfeit a charter, he would be punishing all people interested in the bank, the stockholders and all, and a great many of them may be and probably would be innocent; but, under my amendment, we only punish those officers, agents, and employees of the bank who are guilty. I simply want to protest against this method of rushing a bill through the Congress of the United States without the right to offer that amendment. I believe it ought to be in this law. If we expect to pass a law and expect that law to be obeyed, we ought to fix a definite and specific penalty for its violation.

Mr. SMITH of Kentucky. I would like to ask the gentleman a question. Do I understand that the gentleman is opposing the passage of the bill?

Mr. GILLESPIE. Yes, sir; I am opposing the passage of the bill.

Mr. SMITH of Kentucky. The effect of building up a surplus, as I understand it, by a bank is to strengthen the security—

Mr. DALZELL. We can not hear a word that is going on over there.

Mr. SMITH of Kentucky. I was wanting to get the opinion of the gentleman from Texas as to whether or not the effect of this bill would be to cause the national banks to build up a surplus, and thereby strengthen the security to the depositors and people who do business with them; if that is beneficial in its effect, what objection can there be to the passage of the bill? Now, I do not know what the effect will be. I would like to have his opinion as to whether or not that will be its effect.

Mr. GILLESPIE. Mr. Speaker, in answer to the gentleman's inquiry, I will say that I am also not a banker, and there has been little evidence before our committee on this proposition. Really I do not think it affects the question very seriously one way or another about building up a surplus. I do not know whether the effect of this bill will be to cause the banks to build up their surplus or take from their surplus. The only effect of the bill is to decrease the number of borrowers, to enable the bank to be able to accommodate the large borrowers; and my position is that it gives the large borrowers an open field and crowds out the small borrowers.

Mr. SMITH of Kentucky. Let us take a concrete case for illustration. Say there is a little bank with a capital of \$25,000 in your home city. It is required under the present law to add so much to its surplus each year until it has a surplus equal to 20 per cent of the capital stock. In other words, it has to reach \$5,000 surplus before it can use all its earnings in the way of dividends. Now, will the effect of this bill be to cause that bank to build up a surplus, say, equal to its capital stock, so that they may thereby double the amount which they may lend to any one individual? At present the bank can only lend \$2,500.

Mr. GILLESPIE. One-tenth of the capital stock.

Mr. SMITH of Kentucky. One-tenth of the capital stock. Now, by building up the surplus to \$25,000 it will be able, should this bill become a law, to lend to one individual \$5,000, and yet by building up the surplus can you say that they have diminished the number of people among whom they are to loan their funds? Have they not rather increased the security which is available to depositors?

Mr. GILLESPIE. I think not, Mr. Speaker. Under this bill they could use the surplus as a basis for loans, and then under certain contingencies withdraw that surplus, and they can use their surplus as a basis of increasing their loan to any one individual, firm, or corporation.

Mr. POWERS. Will the gentleman allow me to ask him a question?

Mr. GILLESPIE. Certainly.

Mr. POWERS. If I understand, the gentleman's objections, or one of them, are, this will enable the banks to decrease the number of persons to whom they will loan, and only lend in large sums to some particular corporation or individual?

Mr. GILLESPIE. That is one of them.

Mr. POWERS. If I understand the principles of banking, there is no national banking association but what would prefer

to lend \$10,000 to ten men rather than to lend it to one, and if they can pick out a number of patrons to whom they can lend their money in the very best way, why should the national banks desire to destroy one of the very best things by which they increase their working profits?

Mr. GILLESPIE. They do not have always the safest opinion of what is their own interest, though I concede that their ingenuity is almost unerring along that line. I believe in the principle stated by the gentleman—that is, that a bank should have the greatest number of borrowers possible—but to increase the amount of the loan, as is contended by those who are in favor of the bill, will decrease the number of borrowers and lessen the cost of administration to the bank.

Mr. POWERS. Is it not the policy of this bill to have made legal that which is now perhaps done illegally, and will it not tend to increase the amount of surplus?

Mr. GILLESPIE. The bill from that standpoint is to make a condition lawful that is now unlawful.

Mr. POWERS. I do not so understand. It does not make anything lawful that is unlawful, but answers the demand of the community and of bankers all over the country, where it can be done in safety, to allow the banks to lend 10 per cent of the surplus—not exceeding 10 per cent of the capital.

Mr. GILLESPIE. Does not the gentleman believe a penalty direct and specific ought to be put in this bill for a violation of this provision?

Mr. POWERS. I believe that a penalty such as the gentleman proposes ought not to be put into this bill, and I will state to him why. In the hurry of making loans I do not believe there is one man in a bank in ten that could tell you right off in a moment what the amount ought to be, and when you understand, with all the clerks and the employees, they can not tell in a moment how much it ought or how much it ought not to be.

Mr. GILLESPIE. Will the gentleman permit me, in that connection, to say that my amendment only undertakes to punish where the act is knowingly done, and therefore it obviates the difficulty just suggested by him. I say there should be a penalty exacted. These institutions should not be permitted to violate the law at their own will. It is the purpose of the banks to defeat this penalty, and they do not intend to keep this law when you enact it. I think if the Congress of the United States recognizes that some limitation is necessary it ought to rise in its might and put a penalty there that will keep them within the limitation.

I reserve the balance of my time

The SPEAKER. The gentleman has four minutes remaining.

Mr. GILLESPIE. I reserve that.

Mr. SHARTEL. I yield five minutes to the gentleman from Massachusetts [Mr. WEEKS].

Mr. WEEKS. Mr. Speaker, my experience with bank men and national banks leads me to the conclusion that the bogie which has been set up by the gentleman from Texas is actually without foundation. Bank men do not wish to break the law, and this bill, if it were given a proper title, would be called "A bill to aid the banks to aid the public to do business." As has been stated by the gentleman from Missouri, it has been recommended by every Comptroller of the Currency for the last forty years; and if it were necessary forty years ago or thirty years ago or twenty years ago, or even ten years ago, it is doubly necessary now, for it must be apparent to every man on this floor that the business of this country has increased to enormous proportions. It has practically doubled in the last ten years; but the number of business houses doing business during that time has not doubled, which means that houses actually in business are doing more business than they were before. Therefore it is necessary at certain times that they have greater facilities for borrowing.

Now, every business man wishes to borrow money of his own bank, because the relations between the banker and his customer, if the customer is a borrower, should be of the closest character, and it is for the interest of the bank that its own customer should make his loans with his own bank, because the bank knows the condition of the customer, but does not know the condition of the man who makes the paper which otherwise the bank must go into the market to buy. Therefore, in my judgment, this bill, if adopted, would make banks safer, would tend to prevent bank failures, and therefore would strengthen the whole business situation. Now, the gentleman from Texas [Mr. GILLESPIE] who has just spoken, if I understand him correctly, does not object to the principles of this bill, but wishes a penalty attached. There is a penalty now, which applies to infractions of the national banking laws. He has stated, and I believe every man who knows anything of it agrees, that this penalty has been too severe, and that is, perhaps, the reason it has not been enforced. But under this proposed law, if it is

adopted, my judgment is that 0.999 of all loans made would naturally be made without infringing on the law at all. And bank men will not voluntarily break the law if they can have this latitude. That being the case, I want to read the present penalty, to show that if they do break the law their punishment is entirely in the hands of the Comptroller of the Currency, and if the Comptroller does not enforce the law, that is not the fault of Congress. The present law is as follows:

If the directors of any national banking association shall knowingly violate or knowingly permit any of the business agents or servants of the association to violate any of the provisions of this title, all the rights, privileges, and franchises of the association shall be thereby forfeited. Such violation shall, however, be determined and adjudged by a proper circuit, district, or Territorial court of the United States, in a suit brought for that purpose, by the Comptroller in his own name, before the association shall be declared dissolved.

That is sufficient punishment to suit anyone or to apply to any case. If this law is violated under the proposed form, it will be violated by those banking men who wish to break the law for their own personal benefit. It will not be violated by banking men who wish to aid the public, because they can safely, in my judgment, aid the public without violating any of these provisions. Therefore, as I said before, it is entirely in the hands of the Comptroller of the Currency whether he shall see the proposed law enforced or not.

Mr. SHARTEL. Mr. Speaker, I yield five minutes' time to the gentleman from Louisiana [Mr. PUJO].

Mr. PUJO. Mr. Speaker, the object of this legislation is purely corrective. In 1863 the national banking act was adopted, and the present provision limiting the right of any one individual, firm, or corporation to borrow more than 10 per cent of the capital of the bank was enacted into legislation. Some forty years after that time we propose to permit the national banks of this country to lend to any of their customers 10 per cent of their capital stock and 10 per cent of their paid-in, unimpaired surplus. The result of this legislation will be to add to the legal lending power of the national banking institutions of this country some \$44,000,000. The capital of the national banks at the last report of the Comptroller of the Currency was some \$800,000,000, and the surplus \$442,000,000. In a short time the surplus will equal the capital stock, and the legal lending capacity of the banks to individual borrowers will amount to \$80,000,000.

The principal objection to this legislation offered by the gentleman from Texas is that it is a demand on the part of the banks and not a demand in behalf of the people of this country, and that it is proposed legislation in order to meet the violations of law that have been committed on the part of officers of these institutions in the past.

I think that the gentleman is in error in relation to his premise and, naturally, as to his conclusions. The volume of business in the United States has increased wonderfully in the last forty years. The banking institutions of this country would prefer to limit their loans to their customers to 5 or 10 per cent rather than to make them in larger amounts to anyone, conceding the borrower's ability to pay. But the demands of business are so great that the laws must be modified so as to meet these changed conditions.

It is in no sense a movement on the part of the officers of the banks to increase the amount which may be legally loaned to one person or firm in order to further violate the law, but it is legislation which has been offered and approved by the Committee on Banking and Currency in order to endeavor to secure the enforcement of the law in the future.

The law has not been enforced in the past because the penalty, the forfeiture of the charter, was too drastic.

But the committee believes if this proposed bill should be enacted into legislation that in the future the law will be enforced and that the national banks of the country will be held to the limitations fixed by the law—10 per cent of the surplus and 10 per cent of the capital.

Mr. GILLESPIE. Will the gentleman allow me a question?

Mr. PUJO. Certainly.

Mr. GILLESPIE. Does the gentleman favor a penalty being affixed to this section?

Mr. PUJO. I do not favor a criminal penalty being affixed to this section, because in not one State in the Union is there a criminal penalty imposed for the violation of what you may at most call a "directory financial provision."

What is the penalty in the State of Texas for the violation of the usury law, how long must one stay in jail in Texas, or what fines does it impose for usury?

Mr. GILLESPIE. I will state to the gentleman that there ought to be a penalty, and it ought to be a crime in every civilized community for a man who collects usury.

Mr. PUJO. It is not the law and has never been the law, and

the usual penalty enforced in most of the States of the Union is a forfeiture of the usurious interest.

Mr. KEIFER. It is a forfeiture of all the interest in some States.

Mr. PUJO. Yes; in some States. Therefore I consider, were the gentleman's amendment adopted, it would operate as a standing menace to the national banking institutions and to the investment of their stockholders in this way:

Suppose that at the end of the business day it was ascertained that in the multiplicity of the bank's transactions a customer had borrowed or discounted paper chargeable against the amount he was entitled to obtain—a sum exceeding the limitation. The officers of the bank could be prosecuted and convicted of a misdemeanor upon proof of the fact. It might be in a case of that kind that the sum borrowed in excess of the sum allowed by law was insignificant and trifling, and was readily adjusted when the matter was called to the attention of the borrower. Yet should the arrest of any of the bank's officers have been made for a violation of the statute, the failure of the bank would logically follow, as its depositors would become panic-stricken as soon as it became known that an officer of the Federal Government had apprehended an officer of the bank. And there would be no possibility of explaining so as to prevent a run upon the institution, resulting in disaster and loss to the stockholders and in injury to the community.

Again, the adoption of the amendment offered by the gentleman from Texas would, in my judgment, gradually undermine and destroy the confidence now reposed in such institutions in every State in the Union, for this reason:

As a general thing we usually find men of recognized character and business standing acting as presidents, directors, and cashiers of banks in which they are interested. The capital stock in the smaller banks throughout the States, and there are many in the South, is generally owned and held by the people of the community where the banks are located. Should the amendment under discussion be enacted into law many of the officers of these banks in the smaller cities and towns would sever their connection with them and probably dispose of their stock, as they would not be willing to run the risk of arrest and punishment for the possible heedless act of an employee in the institution in lending to some entirely solvent individual an amount in excess of that authorized by law.

When, Mr. Speaker, the national-banking system went into effect by the legislation of 1863, it was not perhaps foreseen that in less than half a century thereafter the banks' resources would aggregate \$8,000,000,000 and their individual deposits would exceed \$4,000,000,000. Hence it seems to appeal to reason that the limitation that no one individual should borrow more than 10 per cent of the capital should be extended.

The national-banking law provides that the surplus becomes a part of the capital of the bank, and many banking institutions claim that under the present law they have the right to lend 10 per cent of the capital and 10 per cent of the surplus to one individual borrower. But the Comptroller of the Currency holds otherwise, and the adoption of the present bill will place this question beyond the domain of dispute.

In the report of the Comptroller of the Currency, dated December 4, 1905, we find the following interesting paragraph:

Of the 7,966 national banks which have been organized, 460 have failed, or 5 1/2 per cent of the whole number, as against about 17 1/2 per cent of banks other than national in the same period. The national banks which have failed have paid their creditors about 78 per cent of the amount due them, while the other banks have paid only about 45 per cent.

It is therefore obvious that, notwithstanding the criticism, leveled against the national-banking institutions in the past for lending more than the 10 per cent to individual borrowers, the depositors in such institutions have suffered less than those in other banks.

The Members of the House will note that under the provisions of this measure there is no encouragement for the organization of banks with small capital and a large paid-in surplus to avail themselves of the right to loan 10 per cent of the surplus, as the committee has inserted the provision that—

The total liability of any person, company, corporation, or firm * * * shall in no event exceed 20 per cent of the capital stock of the association.

The object of the committee in incorporating this provision was to prevent the incorporation of banks with a small capital stock and a large paid-in surplus, as under such conditions the security of the depositors would be limited to the stockholders' liability, which is "to the extent of the amount of stock owned at par value thereof, in addition to the amount invested."

It is the judgment of the committee reporting this bill that

the adoption of the measure would encourage the organization of banks with larger capital stock, so as to accommodate the business demands of customers entitled to accommodation and at the same time comply with the law.

The Comptroller of the Currency, in commenting upon the practices of excess loans by banks, in a few terse sentences analyzes the situation very clearly. In speaking of the penalty authorized by the present law for this practice, he says:

The chief difficulty with the enforcement of this clause of the bank act is the lack of any reasonable penalty which can be imposed. There is no way to discipline an offender but the general clause authorizing the Comptroller to begin a suit for the forfeiture of the charter of any bank violating any of the provisions of the act. In other words, there is no penalty but death to the corporation for what is alone no more than a serious misdemeanor. The result of this is that in more than forty years no Comptroller has felt justified in invoking such a severe penalty.

When the loan limit was originally placed at 10 per cent of the capital stock of the banks few banks had any large surplus. It was not expected that new banks then organizing would pay in surplus with their capital, and by many it is claimed that the capital was meant to include surplus, which only differed from it through a bookkeeper's entry, and that this is now the meaning and intent of the law. However that may be, it would seem, if it is safe for a bank with \$500,000 capital and no surplus to loan \$50,000, it should be safe for one with \$250,000 capital and \$500,000 surplus to loan as much.

After much consideration and discussion of this subject with many able and conservative bankers and business men the Comptroller is satisfied that this is a reasonable view of it, and that banks may safely loan 10 per cent of their unimpaired capital and surplus, and would recommend that the law be amended to that effect.

Mr. Speaker, there is nothing political in this legislation. It is not a partisan measure. I believe it to be in the interest of the public generally, and that its adoption will redound to the benefit of all business. Should it become a law, we have every reason to believe that it will be observed by the banking institutions of the country, and should it prove otherwise, we have a right to believe and expect that the Comptroller of the Currency will, through the proper instrumentalities of the Government, enforce obedience to the statute, close the doors of the institutions violating its provisions, and compel their liquidation and retirement from business. [Applause.]

Mr. GILLESPIE. Mr. Speaker, I now yield the remainder of my time to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, I believe this bill ought not to pass. Evidently it is suggested by the national banks, and not by the humbler people who borrow from them. Evidently it is in the interest of the large national banks, and not the small ones. It will apply mainly to the great cities, and not to the country. The country banks do not carry any considerable surplus, and the law will have little effect with reference to them.

The policy of permitting banks to loan largely to a single borrower does not tend to the safety of the bank, but tends to endanger those who do business with it and to endanger the institution itself. It is better to have a bank with a large number of small borrowers than a small number of comparatively large borrowers. In that case the losses will be comparatively small instead of comparatively large. The bank, instead of being somewhat crippled at most in the one case, may be destroyed in the other.

Then I can not imagine the reason why, if there is to be a limitation at all, bank officers ought not to be made criminally liable for the violation of the law with reference to it. What can be the objection to that? Here is a bill which permits the loaning of 10 per cent of the capital and 10 per cent of the surplus to one borrower, but no penalty for exceeding that limit. If it is worth while to limit loans at all, whether to 10, 20, or 50 per cent, is it not worth while to enforce observance of the limitation by a penalty? What hardship could it be on the bank officer? He can know just how much is loaned to each borrower, and he knows the amount of the capital of the bank and the amount of the surplus.

If the capital is \$100,000 and the surplus \$100,000, under the law as it now exists the banker may loan \$10,000 to one individual or firm. If this bill passes, the banker could loan \$20,000, one-fifth of the capital stock. Now, the bank officer never could be tricked, he never could fall by accident, into the commission of an offense, he never would loan to one individual more than the limit unless he did it consciously and knowingly. He knows to whom the loan is made. He knows how much the loan is; he knows how much the existing loans aggregate, and he knows whether he is going beyond or is keeping himself within the limits of the law. If he wantonly, willfully, purposely goes beyond the limit of the law, why ought he not to be punished for it? If he ought not to be punished for violating that provision of the law, why ought the provision to exist? Why a limit upon loans and no means of enforcing that limit by punishing the man who wantonly—not

accidentally, under special circumstances—but wantonly and purposely violates the law? Yet this committee refuses to put in a provision of that kind, refuses to permit such a provision to be put in.

So we find that the committee will increase, for the benefit of the large national banks, the limit of loans to single borrowers to the extent of double what it is now, but they positively refuse to make a single one of the officers of these banks criminally liable for a willful violation of the law. If that is not legislation absolutely in the interest of the big banks and big bank officers and absolutely in disregard of the public and the public interest, I do not know what it is.

The SPEAKER. The time of the gentleman has expired.

Mr. SHARTEL. Mr. Speaker, I yield two minutes to the gentleman from Maine [Mr. POWERS].

Mr. POWERS. Mr. Speaker, I believe this bill is directly in the interests of the business of this country. I am confident that it is demanded by the business interests of the country. I do not care so much whether it is or is not desired by the national banks. They can care for themselves, so far as corporate interests are concerned. I know, however, that they do desire its passage, for the reason that at special times they find it necessary to go beyond the statutory limits in order to prevent failures and in order to help and care for their customers. I have never heard of a single letter or a single word of protest coming to the Committee on Banking and Currency from any part of the country against this proposed legislation. It has been suggested and recommended by the Comptrollers of the Currency for many years. It is in the interest, as I said, of doing the business of the country legally and properly. Under these circumstances, as it will tend to furnish an inducement to banks to build up a surplus, and as we have an amendment which prohibits any bank from loaning upon any surplus in excess of 10 per cent of its capital, I can see no reason why the bill should not pass, for I confess I am not one of those who feel like a mad bull when a red flag is shaken before him when anything is said about a national bank. I believe that the national banks of this country have been a great instrument for good and the development of our industries. The gentleman from Texas objects to this bill, as he could not amend it with penalties which, in my judgment, are uncalled for. I am not aware, speaking of penalties, that there is any special limitation or penalty in any State upon a State banking institution loaning beyond 10 per cent. Under these circumstances, I hope the bill will pass. It will aid very much in enabling banks to keep individual loans within the limits prescribed by law, and at the same time furnish necessary accommodations to needy and deserving customers where it can be done with safety, and of the safety and propriety of any loan the directors of the bank are the judges. No legislation attempting to control their action can be effective. The prosperity and solvency of a bank must very largely depend upon the honesty and financial ability of its management, and I unhesitatingly assert that no other corporations controlling such vast interests and such large sums of money are managed with greater fidelity, honesty, and business capacity than national banks.

There are many restrictions upon them now that might be removed. I regret that I have no time to enumerate and consider them.

Mr. SHARTEL. Mr. Speaker, I yield the balance of my time to the gentleman from New Jersey [Mr. FOWLER].

Mr. FOWLER. Mr. Speaker, the amount of the capital of national banks to-day is eight hundred and fourteen millions and the surplus and undivided profits about six hundred millions. This bill provides that a bank may loan 10 per cent of its capital and in addition thereto 10 per cent of the surplus equal to its capital. The result will be that the national banks throughout the country will undoubtedly adjust their enormous surpluses where they are in excess of their capital to take advantage of this bill, and it is probable that the loanable funds will be increased by at least \$100,000,000. The gentleman from Missouri [Mr. DE ARMOND] stated that he believed it was in the interest of banks and not of the people; that the banks demanded it and not the people; but the banks will make no demands of this character unless they are repeating the demands of their customers. One other point made, as I recall it, by the gentleman from Texas [Mr. GILLESPIE] was that when they had once made these loans they could then dissipate the surplus, to which I make answer by quoting the bill, which states that "it shall at no time exceed one-tenth of the capital and one-tenth of the surplus equal to the capital." Therefore there is nothing in the statement made by the gentleman to the effect that once having made the loans they could then dissipate the surplus. I think, Mr. Speaker, there is not one tenable objection to this measure. On the other hand, I believe that

this measure should pass for every reason. It has been recommended in substance by every Comptroller from McCulloch, one of the greatest financiers this country ever produced, down to the present Comptroller—Cannon, Hepburn, Lacey, Eckles, Dawes, and Ridgely all approving its general purpose.

The SPEAKER. The time of the gentleman has expired. The question is on suspending the rules and passing the bill with the amendments reported.

The question was taken; and on a division (demanded by Mr. GILLESPIE) there were—ayes 193, noes 7.

Mr. GILLESPIE. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Texas demands the yeas and nays. As many as are in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Six gentlemen have arisen, not a sufficient number, and the yeas and nays are refused. In the opinion of the Chair, two-thirds having voted for the motion to suspend the rules and pass the bill, the rules are suspended, and the bill is passed.

DIVERSION OF WATER FROM SACRAMENTO RIVER, CALIFORNIA.

Mr. McKINLAY of California. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The SPEAKER. The gentleman from California asks unanimous consent for the further consideration of the following bill, which the Clerk will report. Without objection, the Clerk will read the amendment by way of a substitute.

The Clerk read as follows:

A bill (H. R. 11796) for the diversion of water from the Sacramento River, in the State of California, for irrigation purposes.

Be it enacted, etc., That the Central Canal and Irrigation Company, a corporation organized and existing under the laws of the State of California, and its successors, are hereby granted the right to divert, at all seasons of the year, from the Sacramento River, in the State of California, while and so long as such diversion shall not seriously injure the navigation of said river, 900 cubic feet per second of water to be used for irrigating the lands of the Sacramento Valley, on the west side of the Sacramento River, in said State of California. Said water to be diverted from the said Sacramento River on its west bank, between the points on said river known as Swifts Point and Squaw Hill, and the said Central Canal and Irrigation Company is hereby granted the right to erect the necessary works to effectively divert the said water: *Provided*, That the company shall provide suitable structures for regulating the flow of water from the river into their canals and suitable apparatus for measuring the amount of water taken from the river, and that such structures and apparatus shall be at all times subject to inspection, test, and use by officers or agents of the War Department: *And provided further*, That the company shall submit for approval of the Chief of Engineers and the Secretary of War plans of its proposed structures for diverting and measuring the water, and until such approval is given the structures shall not be begun: *And provided further*, That the diversion of water from the river in excess of the quantity herein authorized to be diverted shall be deemed a violation of section 10 of the river and harbor act of March 3, 1899, and shall subject the company to the penalties prescribed by law for violations of the provisions of said section, and the removal of any structures erected by said company may be enforced as provided in section 12 of the said act: *And provided further*, That if, in the judgment of the Secretary of War, the amount of water actually diverted shall seriously injure the navigation of the river, the suspension of operations by the said company may be temporarily ordered and enforced by the Secretary of War in such manner and to the extent as may be necessary to preserve the requirements of navigation until such time that the circuit court of the United States for the northern district of California, upon application of any interested party, shall determine the rights as provided by this act; and all rights granted herein and the removal of any of the structures or parts of structures erected under the provisions hereof may be enforced as provided in section 12 of the river and harbor act approved on the 3d day of March, 1899, except that suit for any of the purposes herein named may be instituted by the district attorney of the United States for the northern district of California upon request of the Secretary of War or Chief of Engineers: *And provided further*, That all costs accruing in any suit or proceeding hereunder shall be borne by the said Central Canal and Irrigation Company, its successors or assigns.

SEC. 2. That in actions against the United States, Secretary of War, or Chief of Engineers, under this act the service of all legal process, including summons, orders, writs of injunction, or restraining orders, shall be upon the United States district attorney for the northern district of California, and when service of said legal process, summons, orders, writs of injunction, or restraining orders is so made as herein provided, the United States, Secretary of War, or Chief of Engineers shall be deemed within the jurisdiction of all courts having jurisdiction herein for all purposes.

SEC. 3. That after fifteen years from the passage of this act the rights hereby granted shall be subject to cancellation by the Secretary of War, without any further act of procedure on the part of the United States, as to such portion of the waters as are not then applied to beneficial use. The said Central Canal and Irrigation Company, its successors or assigns, shall have no claim against the United States for any right so canceled.

SEC. 4. That this act shall be null and void if the actual construction of the structures for diversion and measurement of water herein authorized be not commenced within one year and completed within three years from the date hereof.

SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendment was read, as follows:

Strike out "of" at end of line 20, page 4, and insert "or."

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, reserving the right to object,

I would like to have some explanation made of the purposes and necessity of the bill.

Mr. McKINLAY of California. Mr. Speaker, this bill has been introduced for the purpose of permitting the Central Irrigation Company of California to take from the Sacramento River 900 cubic feet of water per second at such time as when the taking of that water will not in any way interfere with the navigability of the river. The reason for the introduction of this measure was this: Along in 1897 an irrigation company was formed in the counties of Glenn and Colusa, Cal. They proceeded under what was known as the Wright law, a law passed for the purpose of giving persons who so desired the right to organize an irrigation district. At that time the Federal Government had not assumed jurisdiction over the Sacramento River. Subsequently they have taken that jurisdiction. When the irrigation district was formed all the requirements of the California law were complied with. The people upon that land assessed themselves to an amount of more than \$1,000,000 to build ditches and canals. Hard times came on in 1892 and 1893, and money was hard to raise and the work lapsed. Finally the Federal Government assumed jurisdiction over the portion of the river through which this water was designed to be taken. There are some twelve hundred people upon the land which is designed to be irrigated, and the quantity of land is in the neighborhood of 200,000 acres. The soil has become sterile in the last few years, and it is not now as available or valuable as it was for the purpose of raising grain, but they found if they can get water upon it alfalfa and fruits and other products can be raised at a profit. The irrigation district stood in this condition until two or three years ago. The people had expended their money, bonds were out against the district, which bonds were declared void, and a great debt hung against the district. Finally they induced capitalists to advance some three or four hundred thousand dollars, necessary for completing the canal. They gave these capitalists—or, rather, made a contract with them, that they would turn over their work to them for fifty years, provided the capitalists would put water into the ditches and give that water to the farmers at the rate of \$1 per year per acre. This contract is entered into.

Mr. WILLIAMS. Does this bill recognize that contract?

Mr. McKINLAY of California. Well, the contract is not alluded to in the bill, but the bill was referred to the Committee on Interstate and Foreign Commerce and the committee objected to it and it was referred by them to the War Department, and this bill is virtually a substitute for the original bill drawn by the engineers of the War Department. It has been acquiesced in by the Committee on Rivers and Harbors. It has been submitted to the Reclamation Service, and I presume there is no bill to-day before the House that has had so many trials and vicissitudes as this, and it now comes unanimously recommended from the Committee on Interstate and Foreign Commerce, approved by the Committee on Rivers and Harbors, had the approbation of the Reclamation Service and the War Department. Every safeguard has been put around that company, so that the rights of navigation will be protected.

Mr. WILLIAMS. To save the time of the House, as far as I am concerned the gentleman has perfectly satisfied me.

Mr. STEPHENS of Texas. I desire to ask the gentleman a question.

Mr. McKINLAY of California. Certainly.

Mr. STEPHENS of Texas. The question I desire to ask is this, whether or not this bill has been submitted to the Reclamation Service, to Mr. Newell.

Mr. McKINLAY of California. One section of it has been submitted by the Reclamation Service.

Mr. STEPHENS of Texas. Then do I understand the gentleman to state this bill has been recommended by the Reclamation Service?

Mr. McKINLAY of California. It has been passed upon by them and agreed to by them.

Mr. STEPHENS of Texas. Is there any prior appropriation of the water in this river?

Mr. McKINLAY of California. No.

Mr. STEPHENS of Texas. Would it interfere with the rights of any other person desiring to use water for irrigation purposes?

Mr. McKINLAY of California. Not at all; water can not be taken out of the river when the river is within 2 feet of low-water mark, and the right to take water is subject always to the discretion of the engineers of the War Department. There are times when that river carries 150,000 cubic feet of water per second, and there are times when there are only 5,000 cubic feet. It is designed to take the water from the river when it is at flood tide and store it and hold it in the reservoir and use it during the time of scarcity in the summer.

Mr. STEPHENS of Texas. Is there a diversion dam at this point?

Mr. MCKINLAY of California. No dam, but works.

Mr. STEPHENS of Texas. Is the water used directly from the river?

Mr. MCKINLAY of California. Directly from the river.

The SPEAKER. Is there objection?

Mr. SULZER. Mr. Speaker, I would like a couple of minutes.

The SPEAKER. The gentleman from New York asks two minutes in which to address the House. Is there objection? [After a pause.] The Chair hears none.

Mr. SULZER. Mr. Speaker, I have no objection to this bill. From the information that the gentleman from California [Mr. KAHN] has given me I think the bill now before the House is a very good one and that it ought to pass. In fact, I want to say that I am in favor of the policy of irrigation—a policy which has made the deserts of the West and the Pacific blossom like a rose. I am a friend of the Pacific coast, and in the future as in the past I will do all in my power to advance its interests.

I rise for the purpose now, Mr. Speaker, of asking unanimous consent to print, in connection with my remarks, in the CONGRESSIONAL RECORD some data which has been handed to me by Mrs. A. S. Gitterman, a member of the committee on school reorganization of the District of Columbia, regarding a bill now pending before the Committee on the District of Columbia, known as H. R. 8472, concerning the public schools and free lectures in the District of Columbia. It is a matter of some moment. I take a very deep interest in this question, and I know that the members of the Committee on the District of Columbia will be glad to have the information these worthy and patriotic and self-sacrificing ladies have collected regarding this subject. The bill will come up before the Committee on the District of Columbia next Thursday for a hearing. The data to which I have referred is very short and will not take up much space in the RECORD. It is important to all the Members of the House and in my judgment should be placed before them as a matter of information. Mr. Speaker, I ask unanimous consent to print it with my remarks on this matter.

The SPEAKER. Is there objection to printing in the RECORD the matter referred to by the gentleman from New York?

There was no objection.

Mr. SULZER. Mr. Speaker, just a word to say that I thank the House in the name of these distinguished ladies for the courtesy it has granted me. I take a deep and an abiding interest in the good and lasting and beneficial work these far-seeing women are doing for the children in the capital of our country. These women deserve the praise and the commendation of all good citizens. No one can estimate the importance of their work. They are building for themselves in the hearts of humanity a monument more enduring than marble or brass. Whatever they say or desire in connection with this subject should command our earnest personal consideration. I am in favor of all they request, and I know if we meet their expectations we will make no mistake. I have had some experience with this subject. But more about this question when the bill comes before the House. Suffice it now for me to say that years ago, when I was a member of the legislature of the State of New York, I passed a bill for free lectures in that State, and I am glad to say that the benefits of that law to the people of my State are beyond the calculation of the ordinary mind. Thousands and thousands of people are being educated to-day in the State of New York through the agency of these free-lecture courses. Their extension means more knowledge, and I am with the patriotic women of the District of Columbia in their efforts to extend it here and elsewhere in our country.

Mr. Speaker, the data I wish printed in the RECORD is as follows:

WASHINGTON, D. C., April 16, 1906.

GENTLEMEN: The committee on school reorganization of the Public Education Association has had the Babcock bill, as printed for the committee, under advisement and respectfully suggests the following slight, but essential, amendments to H. R. 8472.

1. *Board of examiners.*—Page 8, lines 3 and 4, of H. R. 8472: Examinations should not be set by the power that appoints, but by a board of examiners. As it stands now, it is opposed to civil-service spirit. The danger is that examinations will be fixed to suit special applicants. (See report of hearings before the subcommittee, p. 336, lines 3-25; p. 338, lines 52-56.)

2. *Directory of teachers.*—Provision should be made for the publication semiannually of a directory of the teachers of the public schools, giving name, address, date of appointment, salary, and school to which assigned. (See hearings, p. 411, lines 6-22; p. 410, lines 12-53.)

3. *Free lectures.*—The committee is surprised to notice that provision for the department of free lectures has been omitted, despite the expressed approval on page 393 of the hearings, lines 1 to 6, and despite the past two years' popular success shown on same page, lines 15 to 20. We therefore respectfully petition that section 6 of H. R. 12591, in some form or other, be inserted into the Babcock bill. We append on the last page of these suggestions some citations from the hearings and references thereto bearing on this important subject. (See hearings, p. 72, lines 19-43; p. 358, lines 6-18; p. 225, lines 14-

32; pp. 329-331; pp. 204-208; pp. 392-403; p. 204, lines 24-36; p. 396, lines 15-43.)

4. *Assistant superintendents.*—(a) Section 9, page 10, of H. R. 8472, "Cost of supervision:" White schools—White superintendent, \$5,000; white assistant superintendent, \$3,600; white supervisor of high schools, \$2,200, and clerks; colored superintendent, \$3,600, and not a clerk nor a stenographer nor a messenger; he should be provided with at least a clerk, for the bill proposes to make the colored assistant superintendent an executive officer, having sole charge of the colored normal, high, and graded schools.

(b) Line 21, page 2, of H. R. 8472, add the words "or in the case of colored teachers, upon the written recommendation of the colored assistant superintendent."

(c) Page 3, line 13, of H. R. 8472—the colored assistant superintendent should have a seat in the board, but not the right to vote. After the word "He," insert the words "together with the colored assistant superintendent."

(d) Page 11, line 23, of H. R. 8472, insert the words "the colored assistant superintendent" after the word "schools."

5. *Assistants to superintendent of buildings and supplies.*—Page 4, line 12, of H. R. 8472, add the words "upon the recommendation of the superintendent of buildings and supplies;" because he is financially responsible for his supply clerk. One assistant in his office should be colored.

6. *School nurses.*—Page 11, line 17, of H. R. 8472, strike out the words "or matrons;" insert the word "graduated" before the word "nurses." Nine hundred dollars apiece for mere matron service would be unnecessary and extravagant. (See hearings, p. 403, lines 27-58; entire page 404; p. 405, lines 1-42.)

We desire respectfully to express our appreciation and gratification at the fact that the House of Representatives Committee on the District of Columbia saw fit to incorporate as amendments to the Commissioners' bill nearly every recommendation and suggestion for the reform and improvement of the public schools of Washington, which the Public Education Association of Washington brought to its attention and recommended during the hearings before the subcommittee on the several school bills.

L. R. KLEMM.
A. S. GITTERMAN.
R. L. BLAINE.

Citations and references concerning free lectures.

Congressman JOSEPH A. GOULDEN: "I know whereof I speak when I say there is no department of our educational system [in New York] that meets with so much favor with the people as our free lecture course, and I hope it has come to stay in the city of Washington. I should regret exceedingly to see the board of education here take a step backward in this direction." (School hearings, p. 72.)

Mr. H. R. Fuller, labor representative: "I speak in a general way. We approve this proposition [section 6, H. R. 12591, providing for free lectures], because we believe it gives workingmen who are engaged throughout the day an opportunity to enlighten themselves through these lectures, and I simply wanted to add the hearty approval of the men whom I represent to that provision of the bill." (School hearings, p. 358.)

Mr. Shelby J. Davidson, colored lawyer: "Most of them [the colored people] are breadwinners; most of them are tollers by day; most of them have come up through conditions which have made it impossible for them to gain the elementary education which is to fit them for the struggle of life, so that you can see that the free lecture courses, giving them the advantages of those learned lecturers, those persons who are in their lines experts, will broaden their minds; it will give them advantages to carry to their children, and that is the principal point after all. We believe that an extension of the free lecture courses, especially in and among the colored people, an extension of the night school courses, if it can not be done by day, will be a blessing to us; it will lessen the great charge of criminality among the colored people and give them something to think of and act upon, and will rid you of your fighters and criminals and that class that makes the District possibly objectionable on account of its negro element, so called." (School hearings, p. 225.)

Mrs. R. S. Morton, M. D., a southern physician of much experience in Washington: "I was living in Washington at the time that this system was introduced here by Mrs. Gitterman, and was particularly delighted to know that it would be in vogue here, because I felt that having been successful in New York it would be equally so here under her able guidance. The reports at the end of the first year were very gratifying, in showing that the success here had been even greater than that in New York the first year." (School hearings, page 329.)

Popular success of the free lectures: "Much expense of administration was met privately and the work of general supervision was volunteered, so that the specific Congressional appropriation of \$1,500 was able to supply lectures for 15,788 persons, or about one-fortieth of the entire population of the District of Columbia, at an annual cost of less than 10 cents per capita. The results are gratifying, as evinced by numerous letters from pleased members among the auditors." (School hearings, page 393.) Also some of the letters here referred to are on file with the subcommittee.

Rev. Lewis B. Moore, Ph. D., dean of teachers' college, Howard University: "The majority of people can not go to school; they must be breadwinners; they ought to get some education. Free lectures are a splendid thing; they ought to be multiplied. We have had a few of them. There ought to be a regularly organized system of free lectures, with a supervisor, somebody to look after them. It is as important as any other part of the school system." (School hearings, page 204.)

Lectures an education for adults: "What the public school is to the child the free-lecture system is the adult workingman and working woman. * * * It is not too much to ask of any truly popular system of education that it should hold out to these intellectually starved people some small extension of the public school education; that it should at least feed their hunger, as it were, by the crumbs that fall from their children's table." (School hearings, page 257.)

Educational development of free lectures under volunteer expert guidance: "The bill provides no salary for the supervisor, because one of the many public-spirited services to this community of the Public Education Association of Washington during the past two years has been to give the services of one of its officers to this work, which has been so successful as to suggest the wisdom of continuing it under the same generous and educated guidance. The duties prescribed for the unpaid supervisor of lectures are the same as those prescribed in the New York school law for the same office." (Congressman J. A. GOULDEN, school hearings, p. 72.) "What they [the workmen] wanted was not amusement, but instruction; and I would like to make

just as strong and and just as clear as I can that if there is no other way—and there probably is not, that I can see—to give them what they want than the way which the wisdom of Mr. GOULDEN has embodied in section 6 of his bill, No. 12591, then keep under the Public Education Association, which is so anxious to develop education in common [cooperation] with the board of education, the development of those lecture courses while they are in their initial stages. I do beg of this committee with all the force I can, and plead for it very, very earnestly, that section 6 may be passed." (School hearings, page 396.)

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. McKINLAY] for unanimous consent to consider the bill H. R. 11796?

There was no objection.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken; and the amendments were agreed to. The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. McKINLAY of California, a motion to reconsider the vote by which the bill was passed was laid on the table.

DENATURED ALCOHOL.

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and discharge the Committee of the Whole House on the state of the Union from further consideration of the bill H. R. 17453 and pass the same with the amendments recommended by the committee.

The SPEAKER. The gentleman from New York [Mr. PAYNE] moves to discharge the Committee of the Whole House on the state of the Union from further consideration of the bill indicated, agreeing to the amendments, and passing the bill. The Clerk will report the bill as amended.

The Clerk read as follows:

A bill (H. R. 17453) for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after three months from the passage of this act domestic alcohol of such degree of proof as may be prescribed by the Commissioner of Internal Revenue, and approved by the Secretary of the Treasury, may be withdrawn from bond without the payment of internal-revenue tax, for use in the arts and industries, and for fuel, light, and power, provided said alcohol shall have been mixed in the presence and under the direction of an authorized Government officer, before withdrawal from the bonded warehouse, with denaturing material suitable to the use for which the alcohol is withdrawn, but which destroys its character as a beverage and renders it unfit for liquid medicinal purposes.

The character and quantity of the said denaturing material and the conditions upon which said alcohol may be withdrawn free of tax shall be prescribed by the Commissioner of Internal Revenue, who shall, with the approval of the Secretary of the Treasury, make all necessary regulations for carrying into effect the provisions of this act.

Distillers, manufacturers, dealers, and all other persons furnishing, handling, or using alcohol withdrawn from bond under the provisions of this act shall keep such books and records, execute such bonds, and render such returns as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation require. Such books and records shall be open at all times to the inspection of any internal-revenue officer or agent.

SEC. 2. That any person who uses alcohol withdrawn from bond under the provisions of section 1 of this act for manufacturing any beverage or liquid medicinal preparation, or knowingly sells any beverage or liquid medicinal preparation made in whole or in part from such alcohol, or knowingly violates any of the provisions of this act, or who shall recover or attempt to recover by redistillation or by any other process or means, any alcohol rendered unfit for beverage or liquid medicinal purposes under the provisions of this act, or who knowingly uses, sells, or conceals alcohol so recovered or redistilled, shall on conviction of each offense be fined not more than \$5,000, or be imprisoned not more than five years, or both: *Provided*, That manufacturers employing processes in which alcohol, used free of tax under the provisions of this act, is expressed or evaporated from the articles manufactured shall be permitted to recover such alcohol and to have such alcohol restored to a condition suitable solely for reuse in manufacturing processes under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe.

SEC. 3. That for the employment of such additional force of chemists, internal-revenue agents, inspectors, deputy collectors, clerks, laborers, and other assistants as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may deem proper and necessary to the prompt and efficient operation and enforcement of this law, and for the purchase of locks, seals, weighing beams, gauging instruments, and for all necessary expenses incident to the proper execution of this law, the sum of \$250,000, or so much thereof as may be required, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

For a period of two years from and after the passage of this act the force authorized by this section of this act shall be appointed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, and without compliance with the conditions prescribed by the act entitled "An act to regulate and improve the civil service," approved January 16, 1883, and amendments thereof, and with such compensation as the Commissioner of Internal Revenue may fix, with the approval of the Secretary of the Treasury.

Mr. YOUNG. Mr. Speaker, I demand a second.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from New York asks unani-

mous consent that a second may be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York [Mr. PAYNE] is entitled to twenty minutes, and the gentleman from Michigan [Mr. YOUNG] to twenty minutes.

Mr. PAYNE. Mr. Speaker, the object of this bill is to provide alcohol free of tax to use for manufacturing, lighting, heating, and power purposes; that the alcohol when withdrawn from bond shall be denatured in such manner as the Commissioner shall prescribe, so as to render it unfit for and destroy its quality as a beverage or to be used in liquid medicine. Every country that imposes a tax upon alcohol has now free alcohol in the arts except the United States. The question has been agitated here for a good many years, and considerable attention has been given to it.

In 1897 an able commission was appointed by Congress that went into this subject very fully. At that time the idea was to furnish free alcohol for every use in the arts, including medicinal purposes, and the majority of that committee very properly came to the conclusion that such use of it could not be had without defrauding the revenue. In later years the idea has grown up of limiting its use so that it could not be used for medicinal purposes, and medical purposes in later years has gotten to mean for beverage purposes in very many localities in the United States; so the committee have entirely eliminated such use as that by providing for denaturing the alcohol in such a way that it would be poisonous if taken internally or used as a medicine.

I want to say further in reference to that, the commission found that there would be a large loss of revenue, amounting to nine or ten million dollars. This was founded on the statement of the census of 1890, that about 9,000,000 gallons of ethyl alcohol were used in manufactures and arts at that time. I suppose that included the use for medicinal purposes as well, and that would entail a loss of ten or eleven millions of revenue. Since that time the manufacture of wood alcohol has increased in this country to such a degree that last year 7,500,000 gallons of wood alcohol were manufactured. It seems that wood alcohol has been substituted for manufacturing purposes almost entirely in this country. It is used for manufacturing formaldehyde, and the ethyl alcohol will not produce formaldehyde, and a million and more gallons is used every year for that purpose, and will continue to be used under the provisions of this bill. More than a million of gallons are exported. About 5,000,000 gallons are used in manufactures. These 5,000,000 gallons will undoubtedly be displaced by ethyl alcohol in the event of the passage of this bill, because ethyl alcohol untaxed is cheaper, and it is also free from complaint that has come to the committee of the unhealthful use of wood alcohol in manufactures. Sometimes it destroys the eyesight and sometimes destroys life. A great demand, likely to arise for the use of this denatured alcohol, is to be found in fuel, lighting, and heating purposes. In Germany the demand has so increased in the last four or five years that it is believed 65,000,000 gallons of alcohol will be used for these purposes.

The SPEAKER. The gentleman has consumed his five minutes.

Mr. PAYNE. I will yield myself three minutes more.

Mr. BUTLER of Pennsylvania. Mr. Speaker, will the gentleman allow me to ask him a question?

Mr. PAYNE. I have not time.

Mr. BUTLER of Pennsylvania. You have twenty minutes.

Mr. PAYNE. I regret that I have to decline, but I have promised my time. The gentleman will permit me to continue. Now, of course, the demand for this is not so great for manufacturing purposes. If that were so, I have reason to doubt whether the committee would have recommended this bill; but it seems that we can produce alcohol in many parts of the country at a price so low that it will take the place of gasoline to run motor engines, of which 300,000 are now used in this country, and to which they are adding 100,000 a year. It can be used instead of kerosene for lighting purposes, as a gallon of alcohol will burn twice as long as a gallon of kerosene by actual test, furnishing the same candlepower in the light; and if produced cheap enough, can be used for fuel in some parts of the country remote from fuel sources; and it is for this reason and by reason of the probable use of alcohol in these industries and for these domestic purposes the committee has recommended this bill.

We are not oblivious to the fact that the passage of this bill will injure for a time the wood-alcohol interests; but we do not believe it will injure them permanently. We believe in the end it will result in good, because we believe there will be such use

of ethyl alcohol denatured by wood alcohol that it will in the end benefit the wood-alcohol interest. I append the report as a part of my remarks.

The report is as follows:

The Committee on Ways and Means, to whom was referred the bill (H. R. 17453) for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials, having had the same under consideration, report it back without amendment, with a recommendation that the bill do pass.

This bill provides that three months after its passage domestic alcohol of such degree of proof, and under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, may be withdrawn without the payment of internal-revenue tax, for use in the arts and industries, and for fuel, light, and power. The bill also provides that the same shall be denatured so as to destroy its character as a beverage and render it unfit for liquid medicinal purposes. The second section prescribes proper penalties for the enforcement of the law. The third section provides for an additional force of chemists, internal-revenue agents, inspectors, etc., to carry out the provisions of the law.

The subject of tax-free alcohol for use in the arts has at different periods demanded the attention of Congress. All other nations impose a tax upon alcohol, and other commercial nations of importance, having imposed such a tax for a series of years, have allowed the use of tax-free alcohol in the arts and industries. The United States have hesitated to enter upon this course for various reasons. On account of the high tax there is the temptation to attempt fraud upon the revenue; the fear of the successful practice of such fraud has been the main obstacle to the enactment of any such legislation.

This fear was the chief reason for the adverse report of the Commission appointed in 1897, which examined so thoroughly into this subject, and was the ground on which Secretary Carlisle failed to provide suitable rules and regulations to carry out the clause in the Wilson bill in 1894 which provided for free alcohol in the arts under such regulations as the Secretary of the Treasury might prescribe. The question hitherto has been mixed up with the idea of free alcohol for use in medicines. In fact, up to a recent date, the chief agitation has been in behalf of the druggists and the manufacturers of medicines throughout the country. It might be impossible to properly guard the revenue if alcohol was to go tax free for use in medicinal compounds.

It is for this reason that the committee has eliminated the use of tax-free alcohol in the compounding of medicines in the bill reported. We provide that it must be denatured in the presence of the internal-revenue officers before it can be withdrawn from bond. Although the denaturing material is not mentioned in the bill and is left in the discretion of the Commissioner, with the approval of the Secretary, wood alcohol would be the most natural material for the purpose of denaturing. This is the most common denaturing agency employed in other countries, and as it is produced so abundantly here there is no question but that it would be used by our revenue officers.

The civilized countries which allow free alcohol methylated have found no difficulty in protecting the revenue against fraud. This is the common experience of all these countries. The Secretary of the Treasury and the Commissioner of Internal Revenue both agree that in the enforcement of this bill fraud could be practically eliminated. We now allow the makers of wine to use 3,500,000 gallons of free alcohol to fortify the wine, and we allow free alcohol in the making of vinegar. The Commissioner reports that there is practically no fraud under either of these exemptions from tax.

Another objection to the enactment of this legislation hitherto has been the question of loss of revenue. There has been no attempt to get at the amount of ethyl (grain) alcohol used in the arts and industries since 1890. In the census of that date it was reported and estimated at about 9,000,000 gallons. It is understood that this included the use of it for medicinal purposes. The use of methyl (wood) alcohol was very small in 1890, less than a million gallons per annum. Since that date the method of manufacture of methyl alcohol has been greatly improved, and the annual output has increased, so that in 1905 it reached about 7,500,000 gallons.

Of this amount over a million gallons were exported, leaving something over 6,000,000 gallons for consumption in this country. It is found that methyl alcohol has supplanted ethyl alcohol for use in nearly every art and industry except in medicinal preparations. Some of those who appeared before the committee favoring the bill made careful estimates to show that the loss in revenue from the alcohol now used in such arts and industries would not exceed one-half million dollars, while the gentlemen who appeared in behalf of the wood-alcohol industry agreed that the loss of revenue from this source would be substantially nothing. The objection, then, on account of the loss of the revenue seems to have been fully overcome.

Since 1890 the wood-alcohol industry has steadily advanced on account of the increasing demand for the use of a cheaper alcohol than tax-paid grain alcohol in the arts and industries. From year to year a better article has been put upon the market, and, as stated above, the wood alcohol has substantially displaced grain alcohol in the arts and industries. While this is a by-product, it would appear that about 40 per cent of the income from the manufacture of charcoal is represented by wood alcohol, the other 60 per cent representing charcoal and acetate of lime produced by the same process.

Of course the people who went into this industry have anticipated that the time would come when grain alcohol would be free in the arts and industries in this country, the same as in the other commercial countries of the world. There is no doubt but that the enactment of this bill into law would temporarily injure the wood-alcohol industry. There are some industries that would still continue to use wood alcohol in preference to grain alcohol, to the extent probably of 1,000,000 gallons, and these, with the export, would still leave at least 5,000,000 gallons of the output of the factories to find a market in the United States. Great Britain uses 10 per cent of wood alcohol for denaturing purposes.

Germany uses but 2½ per cent mixed with other denaturants. It would seem that for nearly all the industries in the United States the proper and best denaturing material would be wood alcohol. If the anticipation of some of the advocates of the tax-free alcohol were to be realized, but little time would elapse before the entire output of the methyl alcohol factories would be used as a denaturing material.

But the better opinion is that it would take considerable time to effect this change, and until that result was realized the charcoal manufacturers would have to look for their profits to the product of charcoal and acetate of lime, both of which are in demand to the full extent of these factories. While this would cut down the very large

dividends reported to have been paid hitherto in the wood-alcohol business, it is not believed it would destroy or permanently cripple the industry.

But in the change of this tax law we have to consider the greatest good to the greatest number. If it was an assured fact that the only result of this legislation would be to allow the manufacturers now using wood alcohol a cheaper material for the 6,000,000 or 7,000,000 gallons which they use, the legislation, in view of the injury to the wood-alcohol industry, could not be justified. In the judgment of the committee the result of this legislation would be to very widely extend the use of alcohol. According to the latest reports the use of alcohol for manufacturing purposes has greatly multiplied in Germany in the last few years, as will appear from the following report:

Consumption of untaxed industrial alcohol in Germany.

Fiscal year ending October 1—	Hectoliters of pure or absolute alcohol.	Quantities expressed in American proof or taxable gallons.
1900	1,047,417	55,303,617
1901	1,161,325	61,318,012
1902	1,114,230	58,831,344
1903	1,289,123	68,065,694
1904	1,394,607	73,635,249

The hectoliter is equal to 26.4 American wine gallons. In Germany the unit of tax is a liter of pure or absolute alcohol, and therefore the number of wine gallons of alcohol used for manufacturing and other industrial purposes must be multiplied by 2 to express the quantity in American proof gallons.

Ten per cent on the average consumption in Germany for denaturing purposes would use the entire wood alcohol product in this country. The Germans have led in the manufacture of coal-tar preparations and aniline dyes to a great extent because of the opportunity for using free alcohol in their manufacture. While it is true that Germany may lead the world in chemistry, this fact alone would not account for their discoveries in this direction.

Methyl alcohol is now employed in this country in the manufacture of the foregoing list of articles: Aniline colors and dyes, hats (stiff, silk, and straw), electrical apparatus, transparent soap, furniture, picture moldings, burial caskets, cabinet work, passenger cars, pianos, organs, whips, toys, rattan goods, lead pencils, brushes, wagons, boots and shoes, smokeless powder, fulminate of mercury, brass beds, gas and electric light fixtures, various kinds of metal hardware, incandescent mantles, photographic materials, celluloid and other like compounds, sulphuric ether, organic chemicals.

It is believed that it would be displaced by the use of tax-free denatured ethyl alcohol, except when used in manufactures where it is essential, and where ethyl alcohol can not be used. The amount of methyl alcohol which can not for this reason be displaced is about 1,000,000 gallons.

The bulk of free denatured alcohol in Germany is used for the purpose of light, fuel, and heat. A lamp is now made with a Welsbach mantle which produces a very strong, steady, and high-grade light by the use of alcohol. Experiments have been made testing this lamp with the most improved pattern kerosene lamps with round wicks and of equal candlepower; it was found that a gallon of alcohol would keep the alcohol lamp burning twice as many hours as would a gallon of kerosene burning in the most approved pattern of kerosene lamp which is in general use. In other words, 1 gallon of alcohol is equal to 2 gallons of kerosene for lighting purposes. Hence, it follows if the price of alcohol methylated is less than double the price of kerosene its use, especially on the farms and in the villages of the country, would become enormous.

During the past few months experiments have been made in adapting gasoline power engines to the use of alcohol. This has been successfully done in Germany for several years, though there they generally mix 25 per cent of gasoline with the alcohol to obtain a more ready ignition of the fluid, which is forced into the cylinder of the engine in the form of vapor. Experiments in this country have developed the fact that alcohol can be used just as readily as this mixture with gasoline or the gasoline itself, and the operation of the engine with its use is perfect. The use of small motor engines running with gasoline has become very large. In the estimate before the committee it would appear that 300,000 of these engines were now in use and that the annual output is more than a hundred thousand.

These engines are especially adapted to farm use for pumping water, cutting feed, filling silos, thrashing grain, and the multiplied uses to which a stationary power on a farm is adapted. The principal objection to gasoline, aside from its cost, is the danger to the farm buildings from fire. A gasoline fire can not be quenched with water. On the other hand, water seems to scatter the gasoline and increases the danger. But an alcohol fire is easily put out by the use of water. Large numbers of these motors are also used in automobiles, the number of which is increasing with wonderful rapidity, and for motors in small boats.

The one question of substitution of alcohol in great part for gasoline is that of cost. There is another question of the future supply of gasoline equal to the growing demand. The supply is limited. The demand seems to be almost unlimited. Experiments show that a gallon of alcohol will produce at least 10 per cent more power than a gallon of gasoline. The alcohol for this purpose produces the best results when there is at least 10 per cent of water in the mixture, or, in other words, when the alcohol is 90 per cent pure. This is known as 180° alcohol.

There is a considerable use of alcohol in Germany for heat, substituting it in stoves for gasoline. If the alcohol can be produced at an economical cost, there is no question but, like the use of gas stoves in cities, the use of alcohol stoves in the country would grow to large proportions.

The principal question, therefore, is the question of the cost of production of alcohol as compared with the cost of production of kerosene and gasoline. Upon this subject there was a wide range of evidence before the committee. It appeared that the market price of ethyl alcohol, eliminating the tax, is now about 38 cents a gallon; that during the past year it has been sold as low as 25 cents or less. It is understood that this price was by the barrel.

Mr. W. E. Lummus, who appeared in opposition to the legislation, furnished an estimate of the cost of 95 per cent alcohol, which is 6

per cent above the purity required for motor purposes, showing 27.75 cents per gallon. In this, however, he figures the cost of corn at 40.6 cents per bushel, and the manufacturer's expenses at 12.85 cents per gallon. As corn has averaged for the last ten years 42.36 cents per bushel, and the cost of manufacturing for ten years in the distillery at Peoria was 3.4 cents per gallon, it is quite evident that these figures are greatly exaggerated.

The best test before the committee would seem to be that obtained from the books of a large distillery in Peoria, Ill. At this distillery the record for ten years showed an average cost of 42.36 cents per bushel for the corn used. The average production of alcohol was 4.76 proof gallons from a bushel of corn. The cost averaged 10.78 cents per proof gallon of alcohol. The corn used in making one gallon of proof alcohol was 0.21 of a bushel, costing 8.89 cents; deducting this cost from 10.78 cents, the total cost of the alcohol, we have 1.89 cents as the cost of making one gallon of proof alcohol over and above the cost of the grain. For 90 per cent alcohol the cost of making would be 3.4 cents per wine gallon.

It should be noted here that the improvements in distilling have increased the yield to 5 gallons of proof alcohol per bushel of corn. With corn at this price, the cost of production for the entire period was 10.78 cents per proof gallon, or 19.4 cents per wine gallon testing 90 per cent, but this was on an average of 4.76 proof gallons for a bushel of corn. With an average of 5 proof gallons per bushel, which is at present realized, the cost would be about 18.4 cents per wine gallon. The cost of manufacture of crude wood alcohol, according to the census reports, is 40 cents per gallon. Using 10 per cent with 18.4 cent alcohol, the cost of denatured alcohol would be 20.5 cents per gallon. This is less than the cost of gasoline at points in the Northwest represented before the committee for instance, by Mr. MARSHALL, of North Dakota, and would bring alcohol even at this price of corn in equal competition with gasoline.

But Mr. MARSHALL reports the price of corn at this point at 30 cents per bushel. At this price for corn, 90 per cent denatured alcohol would cost 14.20 cents a gallon. The cost of distribution would be much lighter, the consumer being so near the factory, and would indicate a price at that point below the price of gasoline. Representative MARSHALL tells us that kerosene oil costs 18 cents in Dakota and gasoline 22. Surely there can be no question as to the greater economy in the use of alcohol in that section of the country. Corn seems to be the best material from which to make alcohol in this country for beverage purposes, as is proven by the fact that it is nearly the only material used now in its manufacture in this country. In Europe the principal material is the potato, but there they have no corn.

There is another material used in the manufacture of alcohol which is much cheaper than corn and is not used now because of the odor which follows the alcohol and renders it unfit for beverage purposes. This is molasses of the lowest quality. This material is well described by Mr. Lummus in the following language:

"As is well known, millions of gallons of base molasses are produced in all the Central and South American countries and the West Indies, which is now largely burned, fed to animals, or destroyed, although a portion is dumped on our shores at almost any price above freight, and at New Orleans, Boston, and Brooklyn is being worked up into inferior liquors. That it is not more generally used at present is due to the fact that alcohol made from molasses has a disagreeable odor and taste, which render it less acceptable for the chief purpose for which ethyl alcohol is now employed in the United States, namely, liquors and medicines.

"For industrial purposes, however, especially where repulsive denaturants are to be employed, the odor and taste of molasses alcohol are not a defect, and should the tax-free law open an avenue to its more extensive use it is difficult to see how any other material could be considered for the manufacture of industrial alcohol."

It is this material which is now being used in Cuba, where Minister Squires and other United States officials report that alcohol is being manufactured at a cost of 10 cents a gallon. Two gallons of this molasses will make a gallon or more of 90 per cent alcohol. This molasses is dumped into various ports of the United States, at New Orleans, New York, and Boston, at a cost at these ports of 3 cents a gallon. Mr. Lummus estimates the cost of making at 9 cents, but the actual basis of cost for ten years in making corn alcohol in Peoria, as appears from the books of the distillery, is 3.4 cents for 90 per cent alcohol. This would result in the production of alcohol at 9.4 cents per gallon in the eastern markets.

A similar grade of molasses is produced in the manufacture of sugar beets. Ten of the factories in Michigan send their product to a distillery in that State and, as appeared in the Philippine hearings before this committee, produce therefrom about a million gallons of proof alcohol. Should the beet sugar develop as its friends anticipate, a large supply of this material would be found in the Northwestern States, where the price of kerosene and gasoline is exceptionally high. Unquestionably this would supply a market for the by-product in the manufacture of beet sugar which generally goes to waste, and would prove a potent factor in the development of that industry. If even the figures of Mr. Lummus are correct, and they are obviously too high, this source of supply would seem to settle the question of the economy in the use of alcohol.

Alcohol would be able to supplant gasoline and kerosene in the production of power and light and great good would result, especially to the farmers of the United States. It seemed reasonable that this result would follow, and, with the resulting good to the great mass of our people, would far outweigh the temporary loss which would come to the wood-alcohol industry. This belief is shared by the great mass of our fellow-citizens from all parts of the United States, and the demand for tax-free denatured alcohol is well-nigh universal.

Mr. YOUNG. Mr. Speaker, no one can be more fully sensible of the impossibility of preventing the passage of the pending measure through this House than I am. The unanimity with which it will be supported is, in my judgment, but a measure of the misinformation, false hopes, and abounding optimism which prevail, not only in this House, but throughout the country, upon this subject.

But I would be false to my duty did I not at least protest against the passage of a measure which I believe will not only disappoint the hopes of those who favor it, but will seriously cripple, if not destroy, the wood-alcohol business and its allied industries, which in my district alone support not less than 15,000 people and employ nearly \$20,000,000 of capital.

In that section of our country, as in many others, are large areas of timbered lands. Some of this timber is fit for manufacture into lumber, but trees of that kind are too scattering, and the cost of building roads and lumbering them alone is too great to permit of the business being carried on at a profit. But the present age prospers on what the last age wasted. So the owners of these lands cut them clean. The pine and hemlock and maple timber that is fit to manufacture into lumber is so manufactured. The cedar is made into railroad ties and telegraph poles and fence posts, and the waste timber, the partly decayed, the tops, the crooked pieces, and all it will not pay to make into lumber is cut into cordwood and at the kilns converted into wood alcohol and charcoal and acetate of lime, and then the charcoal is used at the furnace near the land from which it was produced with which to smelt iron ore into pig iron, and all these varied forms of industry are carried on together as one business. Each branch of this industry is necessary to the success of the whole. The manufacture of the lumber would be unprofitable if carried on alone. The making of charcoal would be unprofitable if carried on alone. The manufacture of wood alcohol would be prohibitive in its cost if carried on alone, and the manufacture of acetate of lime would be impossible if carried on alone, but each branch of the industry supports the whole until now it employs in my district alone the number of men and the amount of capital I have stated. This is the business this House proposes to wipe off the industrial map in the chimerical hope of making alcohol from potato peelings and cornstalks and any old thing that contains starch or sugar at a price which will permit its use for light and fuel and power and incidentally relieving my friend from Kansas of his task of curbing the Standard Oil Company and cause that corporation and the independent producers of oil to be bundled indiscriminately into the bankruptcy court, while the distillers' trust and the sugar trust and those in this House who hate all trusts will mingle their separate and solemn joys above the dishonored graves of the defunct.

But these gentlemen who are aiming at the Standard Oil Company when they have bagged their game will find that they have brought down only the wood-alcohol business of Pennsylvania, New York, and Michigan. There is, alas, too little doubt about their getting that. The cost of wood alcohol to the manufacturer at the present price of labor is about 50 cents a gallon, and grain alcohol is now selling in the market, with the tax deducted, at about 38 to 40 cents a gallon, and as grain alcohol can be used for all purposes for which wood alcohol is used and can be produced cheaper, it must inevitably drive out the latter.

But it has been asked, Should the Government use its power of internal taxation for the purpose of building up one industry at the expense of another? I answer unhesitatingly, no; but on the other hand it should not abolish taxes already in existence and which are needed for the support of the Government and the building of needed public improvements for the sole and only purpose of destroying an existing industry in order that another by the aid of a bounty from the Government may be built upon its ruins. I have used the term "bounty" advisedly, for that is exactly what this bill proposes. It is to give a bounty, estimated at 5 cents a gallon, on denatured grain alcohol, so that it may be sold at a price to compete with petroleum products. This will be clearer from an examination of the hearings before the committee.

On page 292 Secretary Shaw, speaking of denatured grain alcohol, says:

Now, I want to make this suggestion, Mr. Chairman, if you please. That if you put a small tax upon it, enough to somewhat more than pay the expense of administration—and I suppose everyone will agree that it ought to pay the expense of supervision in that respect.

Oh, yes; all agree to that but the Ways and Means Committee and this House.

Mr. GROSVENOR. The Commissioner of Internal Revenue thought that 5 cents would be enough.

Secretary SHAW. I was going to say that 5 cents a gallon will possibly cover the loss. I do not think it will more than cover the loss. No one can tell how much will be consumed. But I am going to make this suggestion, that you put on 5 cents a gallon for two years and put it all in one bill, and thereafter let the Secretary of the Treasury assess against the various producing plants such a tax as will pay the administration.

Then the gentleman from Mississippi, after stating that 18½ cents per gallon was the best price at which it seemed possible to make grain alcohol, said:

It is a very close question even if people can get this commodity without any tax, get it free, whether they will get it cheaply enough to compete with the things that can be used for fuel, light, and power. It is so close a question that it seems to me that 5 cents a gallon added to its cost to the purchaser would exclude it as a competitor with other commodities used in the production of fuel, light, and power.

Again, he adds:

Even at 19 or 20 cents it is questionable whether it will not be too high to compete with some things that are being used. If you make it 25 per cent higher, you are just cutting off its competitive use with kerosene or gasoline or those other things by just that much as a direct agent for fuel, light, and power.

Secretary SHAW. I grant you that the 5 cents tax would be prohibitive on power for two years.

Mr. COCKRAN. You say the 5 cents tax so long as it lasts will practically shut this out as a competitor or competitive agent in producing heat, light, and power?

Secretary SHAW. Yes.

Mr. COCKRAN. That is the main object of it, is it not, to produce a cheap and available agent for the production of heat, light, and power?

Mr. WILLIAMS. That would exclude the farmer from all benefit from it except the little increased sale of his corn.

And Secretary Shaw adds:

It is idle to talk about 50,000,000 gallons (production per annum). Talk rather about 10,000,000 gallons at the end of one or two years.

So the mountain has labored and brought forth this mouse. The 200,000,000 gallons of annual production which so fired the excited imagination of the enthusiastic searchers for this alchemist's secret which was to transmute cornstalks into gold has shrunk to a beggarly, insignificant, miserly, and miserable 10,000,000 gallons—only a little more than enough to take the place of the wood alcohol industry it will destroy.

And it is admitted that there is no hope of greater growth, or even that amount of immediate growth, unless the Government subsidizes this industry by the amount necessary to supervise denaturing the alcohol, which is estimated at 5 cents per gallon. And in order that this may be done the bill appropriates \$250,000, equal to 5 cents a gallon on 5,000,000 gallons.

I am surprised at the attitude of the Democracy upon this question. I am little less than amazed that the distinguished gentleman from New York, whose language I have quoted from the hearings and who has so often told us in varied but always eloquent, striking, and brilliant phrase that the Government produced nothing, and therefore had nothing to give; that if it gave to one it must steal from another, and that, therefore, protection was robbery, and who imputes all the corruption that finds its way into our social and political system to this cause from the petty pilfering that at one time invaded our Post-Office Department to what the gentleman from New York might call the sublime larcenies of insurance officials. I am amazed, I say, that he of all men should unite with the gentleman from Mississippi, who told us that protection was a system whereby the many were robbed that some one industry might be hothoused into an unnatural prosperity, and the gentleman from Missouri, whose language about custom-houses I will not quote, because he has become so sensitive about the numerous references thereto upon this floor, but which all remember—that these three gentlemen of all others, I say, should unite in support of this bill, the avowed purpose of which is to hothouse into artificial prosperity the alcohol business by the aid of a subsidy of 5 cents a gallon.

Mr. COCKRAN. Will the gentleman yield for a question?

Mr. YOUNG. Certainly.

Mr. COCKRAN. As I was unable to distinguish much of what has been said, in the confusion in the Chamber, I should like to ask the gentleman to explain what he means by the statement that the "gentleman from New York" has supported or advocated a subsidy in connection with this particular industry?

Mr. YOUNG. The gentleman from New York has united in a report which brings this bill favorably before the House, and provides that the entire expense of denaturing—that is, of the supervision of the denaturing of this alcohol—shall be borne by the Government, and the reason the gentleman gave for it was that if it was not done this alcohol could not be used in competition with petroleum products for light, heat, and power.

Mr. COCKRAN. Does the gentleman mean the cost of denaturing the alcohol, or the cost of supervising it by the Government to guard against fraud?

Mr. YOUNG. The extra cost of supervision, made necessary by making this alcohol free; and as I said before, no man can gainsay the fact that that is a subsidy, when he looks at the substance and not the form, when he looks at the kernel and not at the husk.

Mr. Speaker, this whole movement in favor of free alcohol is based on the delusion that it can be denatured and produced at a price which will enable it to compete with coal-oil products for light, heat, and power. All are agreed that aside from these purposes the use of alcohol in the arts is very limited, and can not be greatly extended, except in so far as it displaces wood alcohol, which is a matter of not to exceed 8,000,000 of gallons annually; but if denatured alcohol could be produced cheap enough to compete with petroleum products for light, heat, and

power then the field for its use might be greatly enlarged, and so the visionaries and the whisky trust have been vying with each other in discovering new uses for the imagination.

They have talked of alcohol produced at 10 cents a gallon from cornstalks and potato peelings, and as one witness put it, "any old thing that contains starch or sugar."

From this modern wonderland they have created; where the alchemist and the wizard, the genii and the afrit, the inventor of perpetual motion, the discoverer of perpetual youth, and the Cheshire cat all touch elbows, where Mab is queen and Puck still tosses common sense topsy-turvy, where Aladdin's lamp has been discarded to make room for the greater virtues of denatured alcohol; in short, from that land where this bill was conceived and brought forth by the happy conjunction of Baron Munchausen and Colonel Sellers let us return to the prosier land of fact and sanity. Can grain alcohol be made at a price to compete with petroleum products for heat, light, and power? Secretary Shaw frankly says that it is impossible without the aid of the Government bounty of about 5 cents per gallon. The gentleman from Mississippi says it is doubtful if it can compete with that assistance. His opinion is based upon a supposititious cost of 18½ cents per gallon.

The Committee on Ways and Means did not have before it a single witness who had ever made in a commercial way a single gallon of grain alcohol, but it was rich in chemists. It does not seem that it would have been difficult to get testimony on this head at first hands from some practical distiller. The most satisfactory testimony upon the subject is from Mr. Lummis, which appears on pages 197 and 413 and 414 of the hearings. On the latter page is given a detailed statement of the cost of manufacture at a distillery in Ohio having a capacity of 5,000 bushels of corn per day. This gives a net cost per gallon of 30.1699 cents per gallon. This statement is in detail and shows just what was included in the cost. It was evidently prepared with great care, but it contains nothing for interest on investment or depreciation of the plant.

The only other testimony which claims to be based on actual experience is contained in a letter from Mr. Kline, and purports to give the results attained during a series of years by a distillery at Peoria, Ill. It is not in detail, gives no data from which it can be determined what is included in the cost and what is excluded, but states a cost of 20.26 cents per gallon. In neither of these estimates is anything included for profit of manufacturer or middleman, and the proof is undisputed that that alcohol now sells at from \$2.45 to \$2.47 per gallon, and that the tax is about \$2.07 per gallon, deducting which we now have a cost of 38 to 40 cents to the purchaser of grain alcohol, free of the tax. The mere statement of the fact shows the utter futility of the attempt to enable alcohol to compete with petroleum for light, heat, and power. We have been told that this bill is a blow at the Standard Oil Company, but that company seems not to have discovered it. It does not oppose this legislation. Apparently it looks at it with the same indifference with which it might regard the transit of Venus or the spots upon the moon. Neither are the independent producers of oil at all disturbed. Even my friend from Kansas, who has waged such a brilliant fight against the Standard Oil Company on behalf of the independent producers of his own State, is not ruffled in his equanimity, and, I presume, will vote for this bill.

If alcohol can compete with petroleum for light and fuel, why in the years before the war, when alcohol was untaxed, did it not compete more successfully for light with tallow candles and whale oil? It was not even a respectable antagonist, but they both succumbed to petroleum.

If alcohol can be made at a profit from cornstalks and potatoes in this country, why have not our distillers yet discovered it?

The oil men feel that they know what the supporters of this bill seem to ignore—that the farmer will continue to find it more profitable to turn corn into hogs and beef than into alcohol, and that the great oil industry, which produces 5,000,000,000 gallons of oil annually and exports 750,000,000 gallons, has nothing to fear from free alcohol, and that it contemplates with the greatest complacency, as does this House, the destruction of the wood-alcohol business.

But let us consider this matter a little more in detail.

This bill provides for the withdrawal from bond of denatured alcohol for use in the arts and industries, and for fuel, light, and power, without the payment of internal-revenue tax, and that the expense of excise supervision and denaturing shall be borne by the Government and not by the producers thereof.

During the past few years considerable public sentiment has been created in favor of the exemption from tax of denatured alcohol for industrial purposes. That sentiment is to a great

extent artificial. It is largely based upon exaggeration, confusion, misinformation, and misunderstanding in the public mind in relation to the production and use of alcohol.

The forces behind the active, organized movement for the exemption of alcohol from taxation are powerful associations of distillers of spirits and certain industries using alcohol in their processes, although it has adroitly been made to appear as a spontaneous movement on the part of the public at large. These distillers and manufacturers, not the public, would be the principal beneficiaries of this superficial and ill-considered bill.

It is time this "free-alcohol" proposition was considered by Congress sanely and practically upon its merits.

THE ISSUES INVOLVED.

The issues involved in the consideration of this bill may fairly be classified as follows:

First. The effect upon the public revenues and the prevention of fraud thereupon.

Second. The benefits to be derived by the producers of distilled spirits and those who use it in the manufactures and arts.

Third. The benefits to the public at large.

Fourth. The effect upon established industries, such as the manufacture of pig iron, hard-wood lumber, charcoal, wood alcohol, and other by-products of charcoal, varnishes, linseed oil, turpentine, etc.

REVENUE.

The passage of this bill would deplete the public revenues to a considerable extent. It would be an entering wedge for further division of the revenue and tend toward tariff changes.

Ever since the war, distilled spirits for obvious reasons have been the primary source of internal revenue. Commencing with a nominal tax it was gradually increased to 1894, when it was fixed at \$1.10 per proof gallon, or about \$2.07 per gallon of commercially absolute alcohol, which rate of tax has since continued. The revenue derived therefrom last year was \$129,500,000. Manifestly a revenue that yields such an amount to the Treasury is a public interest not to be recklessly disturbed. The effect of any proposition for the exemption of any form of distilled spirits from the revenue tax has always commanded the serious consideration of Congress.

To avoid misconception we may add that the term "proof gallon" is a revenue term applied to distilled spirits which contain 50 per cent water. Commercial or absolute alcohol contains 95 per cent of alcohol and 5 per cent water.

In the report of the joint committee of Congress on alcohol in the manufactures and arts, December 17, 1897, this subject was carefully considered. In the views of Messrs. O. H. Platt and Charles A. Russell, set forth in that report, it is stated, in relation to the quantity consumed, that reports of the Commissioner of Internal Revenue and estimates made to that committee by George W. Wilson, deputy commissioner, placed the quantity so used approximately at 9,000,000 gallons per annum (p. 8). Mr. Evans, in his views (p. 30), says that under the proposed release of alcohol from the tax the Government "will lose a very large amount of revenue; not less than \$10,000,000 annually, and probably very much more."

This estimate is at least partially recognized by Senators Platt and Russell (p. 10), where they refer "to the \$10,000,000, more or less, collected annually by the Government upon alcohol used in the arts and manufactures."

Mr. Evans (p. 31) refers to the paralyzing rate of \$1.10 per proof gallon imposed by the Wilson bill, and says that it is demonstrated that the burdens complained of would be greatly mitigated by a reduction of the tax rate to what would also be a better revenue-producing figure. On page 32 he again emphasizes "the fact that the quantity of alcohol used in the arts and manufactures in the United States is about 10,000,000 proof gallons annually."

In House Report No. 1444, Fifty-fourth Congress (p. 37), of report No. 411, it is stated that the best estimate made of the alcohol likely to be claimed as free under the act is 10,000,000 gallons per annum, which would result in a direct loss to the revenue of \$11,000,000 per annum, and unless the strictest supervision was maintained over the whole subject of the use of alcohol the frauds committed would add many millions more to the losses of the Government.

The force of these statements was further emphasized by the statement that the distilled spirits produced more revenue than came from all other internal-revenue sources combined, amounting at that time to about \$80,000,000 a year. It has since increased about \$50,000,000.

Such were the conclusions of the joint committee upon the effect of the exemption of denatured alcohol from tax upon the revenues of the country after the most thorough and careful investigation and consideration of the subject ever made.

The effect of the proposed exemption of denatured alcohol from the revenue tax at the present time has received some consideration on the part of the Secretary of the Treasury and the Commissioner of Internal Revenue.

Commissioner Yerkes, in his remarks before the Ways and Means Committee (p. 8), stated that the proposed exemption would be a very expensive process. He expressed himself as in favor of a small tax upon each gallon withdrawn of 5 cents to 10 cents a gallon to meet this expense. This was a sound and practical suggestion. There is no just reason for imposing that burden upon the Government.

In view of the experience of Great Britain in this regard, as shown by the British Parliamentary Report of 1905, the estimate of Mr. Yerkes appears to be quite conservative.

In respect of price—

The British report says—

the cost of exempt denatured alcohol is enhanced by some 40 per cent by reason of measures necessary for the protection of the revenue.

Upon the extent of the use of taxed alcohol in manufactures and the arts at the present time, Mr. Yerkes stated that the authentic records and data of the Treasury Department showed absolutely nothing. The conclusion of the Census Bureau, in Document No. 206 of 1891, was, he said, that the amount used at that time was about 9,000,000 gallons.

In view of the marvelous advance in manufacture since 1891, he justly assumes that the amount of grain alcohol used in the manufactures and the arts is much greater now than at that time (p. 9).

In referring to the increased use he evidently intended to include both taxed grain alcohol and the substitute wood alcohol used in the manufactures for various purposes. He also says that during this period there has been great advance in the processes of refining wood alcohol, so that it has to a great extent displaced the use of grain alcohol in manufacturing industries.

While these statements are more or less conjectural, the conclusion, even upon this basis, is clear. The amount of wood alcohol now used in manufacturing industries is about 7,000,000 gallons a year. The amount in 1891 was something over 1,000,000 gallons. That leaves 6,000,000 gallons of wood alcohol that has gone into the greatly increased use of alcohol in manufacturing industries since 1891. Whatever amount of both is now used for industrial purposes in excess of 6,000,000 gallons must therefore be grain alcohol. To illustrate, there were 9,000,000 gallons used in 1891, and if its use has doubled since, it follows that of the increased use, 18,000,000 gallons, all but 6,000,000 gallons would be taxed grain alcohol.

Mr. Yerkes does not undertake to estimate the amount of taxed grain alcohol now used, but says it is perfectly apparent to his mind that there is still a considerable amount used in the industries, manufactures, and arts (pp. 10 and 17).

As to the loss of revenue that would result from the exemption of denatured alcohol, he says it is impossible for him to indicate what the amount would be, having no reliable data. A very safe position (p. 15).

Secretary Shaw stated that he dared not guess what the loss of revenue that would result from the proposed exemption would be. He did not believe it would cost anything like \$10,000,000; but with characteristic caution added that if it did cost that amount the Treasury could now stand it, having a surplus instead of a deficit.

In every manufacturing city in the country there are numerous industries using taxed grain alcohol in considerable quantities in preference to substitutes, and dealers who regularly supply the trade with it. While there are no reliable means at present of stating definitely the total amount used throughout the entire country, enough is known to show clearly that the aggregate is large. The committee did not undertake to gather any reliable data upon the subject.

It may conservatively be assumed, however, that the loss of revenue that would result from the proposed exemption would positively be a very considerable and probably a larger amount than is generally realized. Furthermore, the proposed bill would be followed by other strenuous demands for revenue exemption. If the exemption from tax should now be restricted to the uses so loosely stated in this bill, it is absolutely sure that immediate demands would be made for its extended use for other purposes where it is not used as a beverage, and there would be no just reason for discrimination by refusing such extension.

If Congress shall exempt from tax denatured alcohol for the hat industry of Danbury, Conn., why should it refuse similar exemption for the use of alcohol by the soap companies of Buffalo for the making of perfumeries or other special purposes? If exemption is given to them, why should Congress

refuse exemption of alcohol—not denatured—even when used in preparations that are taken internally, as medicine or food, but not as a beverage? In a report of a recent meeting of the Manufacturing Perfumers' Association of the United States, published in the Paint, Oil, and Drug Reporter, the chairman of its committee on legislation stated that he thought the passage of this bill would "pave the way for a 70-cent alcohol bill, and recommended that the movement be continued for the passage of a bill giving alcohol to all trades in its pure state at a tax of 70 cents a gallon."

It goes without saying that these extended uses, whether made now or in the future, as they certainly would be, would seriously impair the public revenue.

The real significance of this bill as affecting the public revenue is shown by an article appearing in the *Liquor Dealers' Journal*, of Pittsburgh, December 20, 1905:

The accomplishment of this measure [a bill for denatured alcohol] is the result of the combined efforts of liquor men throughout the entire country, though they have received indorsement and financial support from manufacturers. The movement is not a sudden awakening, but is rather the result of deep thinking and investigation on the part of the liquor dealers, and is the beginning of a determined effort on their part to secure the abolition of the tax on alcohol of any description.

We repeat, therefore, that this bill is only the beginning of a movement for the impairment of the internal revenue, having for its object the reduction and ultimate abolition of the internal tax upon distilled spirits, which is to-day the primary source of internal revenue. It may significantly be observed that when this subject was investigated by the joint committee referred to many distillers of spirit, manufacturers of medicines and other articles, druggists, etc., making and using large quantities of taxed spirit, appeared at the hearings and testified vigorously as to the benefits to be derived by them from tax exemption. At the recent committee hearings, in furtherance of the assumption that tax exemption would result in little loss of revenue, they are conspicuous by their absence, and the fanciful benefits of "free" alcohol for light, heat, and power to the farmer occupied the center of the stage.

Notwithstanding all the facts shown, the committee report complacently assumes, without practical investigation of the subject, that "the objection on account of the loss of the revenue seems to have been fully overcome." This assumption is utterly misleading.

While it may be argued that the consequent benefits of this tax exemption may justify the resultant loss of revenue, there should be no delusion or self-deception on the subject now. The bill should be passed, if at all, with the expectation of resultant substantial reduction in revenue, and framed consistently with adequate safety to the revenue derived from alcohol as an article of human consumption.

FRAUD UPON THE REVENUES.

The investigation of the committee of the subject of fraud upon the revenues was superficial. Some witnesses expressed the opinion that it would be difficult or impracticable to purify alcohol after it was denatured so as to render it drinkable or fit for use for purposes other than those contemplated in this bill.

On the other hand, it was stated that extensive experiments had shown that while it would be difficult to make ordinary denatured alcohol chemically pure it could easily be made practically pure for drinking purposes by simple distillations in a simple still. Therefore, so far as this testimony shows, the subject of fraud by denaturing is a matter of conflicting opinion.

It goes without saying that the temptation and opportunity to divert ordinary methylated alcohol to uses other than those contemplated by this bill would be very great, and there would be constant danger of fraud in that regard.

The danger of fraud by illicit practice, and the consumption of comparatively harmless denatured alcohol as a beverage, to a greater or less extent, should not be minimized or overlooked. The desire for alcohol is the gravest danger to society. It is the ever-present "adder" with perpetual life. There is always the strongest incentive to obtain it for human consumption as well as other purposes. This incentive is enhanced by the maximum tax of \$2.07 per gallon in this country and diminished by the minimum tax of about 72 cents per gallon in Germany. Ordinary methylated alcohol is no less drinkable than cheap whisky concoctions now consumed.

The prevention of fraud upon the spirit revenues now requires the most rigid restrictions on the part of the Government. When a distillery is to be established complete plans thereof must be made by competent engineers and filed in Washington. Its operation is under the supervision of a Government official called a "storekeeper." The grain must be weighed before and after it is ground. The hoppers have locked spouts,

the mash tubs screens over them, sealed by the proper official. The outlet of the still is under lock and key. In short, the operatives are practically denied access to the product throughout the entire process of manufacture. This precaution is necessary to avoid illicit practice in the manufacture and sale of distilled spirits throughout the country. Equally stringent and expensive methods would have to be adopted in relation to the manufacture of alcohol for industrial purposes and the denaturing thereof and to prevent the demethylating of denatured products. The danger of fraud and consumption as a beverage would be very greatly increased by the manufacture and sale of methylated alcohol for the purposes of this bill.

THE REAL BENEFICIARIES OF THE PROPOSED LEGISLATION.

The theory so ingeniously urged by the advocates of this legislation as the primary reason for the exemption of denatured alcohol for industrial purposes from the internal-revenue tax, viz, that it would enable the product to be made in agricultural districts from refuse products so cheaply that it would compete with cheap petroleum for light, heat, and motive power, is without foundation.

"Free" alcohol, in the popular sense, is a delusion and a myth. Denatured alcohol is alcohol materially enhanced in cost by Government excise supervision and the denaturing process. It could nowhere in this country compete, to any material extent, with petroleum and other products for domestic use. As we have observed, it might be produced at a price that would gradually bring it into use in some localities and for some purposes where the cheapness of petroleum products is not so important in its effect, but could not be brought into practical competition with petroleum.

The advocates of the specious theory of its general use for light, heat, and power in competition with petroleum are pulling others' chestnuts from the fire. The real parties in interest who would derive the principal benefits are the distillers, who produce alcohol for the consumer, and the manufacturers who use the product in their processes.

On account of the heavy internal-revenue tax on alcohol during the past forty years, several substitutes for taxed alcohol, chiefly for solvent purposes, have been developed and come into general use, such as wood alcohol, turpentine, linseed oil, etc.

These products have been produced for much less than taxed grain alcohol, and have supplied the demands of manufacturers for cheap substitutes.

To supply this increasing demand great industries have been established and grown up throughout the country. The wood alcohol produced by the distillation of hard wood has, through modern processes, become a general substitute, chiefly for solvent purposes.

The real purpose of this bill and its principal effect would be to enable distillers to supply untaxed grain alcohol for manufacturing purposes in place of wood alcohol and other solvents at a lower price. In other words, to supplant the present output of wood alcohol, about 8,000,000 gallons annually, with untaxed grain alcohol.

The cheap "light, heat, and motive power" free-alcohol theory is put forth largely for the benefit of the distillers and solvent users of alcohol substitutes and taxed grain alcohol. Wood alcohol is now sold for solvent purposes at about 70 cents a gallon. Untaxed grain alcohol could probably be sold for manufacturing purposes at about 35 to 40 cents a gallon, and would, of course, be used in preference to dearer wood alcohol. The distillers and a few manufacturing industries would derive the benefit. That is the whole question as a practical proposition at the present time.

The desire of the makers and sellers of distilled spirits for a wider market for their products and that of certain industries for cheaper material in their business is natural and legitimate. Ordinarily they would appeal with force for the granting of assistance and relief by the exemption from the internal-revenue tax. However, when that assistance and relief involves the destruction and impairment of other established industries and loss of revenue to the Government, it becomes a question of fairness to all concerned.

This proposition involves injury and destruction to many great industries for the benefit of other industries now prosperous, and which have had the benefit of cheaper substitutes for taxed alcohol. All of these conflicting interests are entitled to consideration.

The real practical business issue should not be confused or covered up by speculation, theory, and imagination as to the unattainable under existing conditions.

As indicating the primary parties interested in this movement for free alcohol, we quote further from the article above re-

ferred to in the *Liquor Dealers' Journal*, of Pittsburg, December 20, 1905:

The accomplishment of this measure is the result of the combined efforts of liquor men throughout the entire country, though they have received indorsement and financial support from manufacturers, especially those engaged in manufacturing products which require the use of alcohol in the process of manufacture.

The movement is not a sudden awakening, but is rather the result of deep thinking and investigation on the part of liquor dealers, and is the beginning of a determined effort on their part to secure the abolition of the tax on alcohol of any description. To accomplish even this preliminary step required an expenditure of considerable time, effort, and money.

In this campaign neither effort, time, nor money has been spared. The vast supplies of grain of all descriptions would be converted into alcohol at a much greater profit to the producer than would result were it disposed of as food, while the reduction in the cost to the consumer would reduce the amount expended for liquor almost nine-tenths, thus permitting the money diverted from this course to be used in other enterprises.

Liquor dealers everywhere are welcoming and aiding the movement, now that the success of the initial step seems assured, and it is but a question of time, and that brief, until the desired result—free alcohol—will be obtained.

These distillers of spirits and manufacturers constitute the forces behind the organized movement for "free alcohol" and are chiefly responsible for the seductive theories about cheap spirits for light, heat, and power that have been so freely circulated through various sources and the artificial clamor and sentiment that have been created.

Indeed, the obvious benefits that would accrue to the distillers of the country and the manufacturers, who use taxed grain alcohol or substitutes therefor chiefly as solvents, are adroitly ignored or lost sight of in the attractive, exaggerated, and delusive claims in regard to the production and use of "free alcohol" for light, heat, and power.

It should be remembered, however, that the benefits and saving that would accrue to these interests would not be sufficient to appreciably affect the price to consumers.

The maker of hats would save a cent or two on each hat, and thereby enhance his profits, but the man who wears the hat would get no reduction in price. The piano maker would save 25 cents on the material for finishing his piano, but the purchaser would not get the instrument cheaper on that account.

The joint committee in 1897, after careful investigation, recognized the distillers of spirits and special manufacturing industries as substantially the only interests that would be benefited by the exemption of alcohol from tax, and concluded that the benefits to these interests would not compensate for the loss of revenues and the injury to and sacrifice of other established industries. They were absolutely right and the same conditions exist to-day.

These distillers and manufacturing interests behind this movement for free alcohol could not now justify the loss that tax exemption would inflict by the benefits which they would derive; hence the artificial clamor and sentiment for delusive free alcohol for the farmer and public generally. This assumed public benefit could alone justify the removal of the tax. The real issues are assumed and guessed away and subordinated to artificial free alcohol for light, heat, and power. The ostrich with its head in the sand is still visible to the naked eye.

THE BENEFITS OF EXEMPTION OF ALCOHOL TO THE PUBLIC.

The crux of this entire subject as now presented to the public is the availability of untaxed distilled spirit made and denatured under Government supervision for general use not only industrially but for light, heat, and power in competition with native petroleum and other products in this country.

It is freely assumed by the enthusiastic advocates of "free alcohol" that it would not involve loss of revenue to the Government; that fraud could easily be prevented; that it would be made nondrinkable, and that its enormous consumption would provide a market for the wood-alcohol output as a denaturant and thereby protect and maintain that industry. But it is claimed that if these free assumptions should not be realized, still the benefits that would accrue to the public, and especially to the farmer, by its use industrially and for "light, heat, and motive power," would compensate for any loss of revenue and would justify the loss imposed upon established industries engaged in the production of substitutes for grain alcohol in manufactures and arts and their allied products.

It is adroitly claimed that the primary benefit of this legislation would accrue to the farmer. Through well-organized associations, apparently supplied with abundant means, a flood of literature has been circulated setting forth most attractively and seductively the blessings of "free alcohol" to the people. The extreme enthusiasts vociferously represent that "free" denatured alcohol for light, heat, and power would be made generally in small stills in agricultural districts, or even in farmyards, from corn, potatoes, fruits, cornstalks, and all kinds of

refuse farm products, or, as one expressed it, "from any old thing that has sugar or starch in it."

As one witness at the hearings expressed it, they seem to expect that a machine would be set up on every crossroad and the boys would feed cornstalks in at one end and the old man would take alcohol out at the other, denature it to keep the boys from drinking it, with a Government officer at every machine. They seem to see in imagination the western farmer sitting at ease, his orchard filled with the music and the perfume of the still and a pipe line running from his corner and conveying light, heat, and power at his bidding.

In the interests of light, heat, and motive power it is assumed that alcohol would be made from cheap or waste material, that the refuse after the light, heat, and power had been extracted would be of sufficient value to the farmer for feed to defray the cost of making, and that the Government will relieve him of the cost of denaturing and excise supervision. All the ordinary avenues of distribution of the product from the manufacturer to the ultimate consumer and the usual manufacturers and middlemen's profits are conveniently eliminated.

While it is true that theoretically, in the laboratory, distilled spirit can be produced from various farm products and materials, and if sold to the consumer as cheap as petroleum, it would come into active competition therewith, these pictured theories as to the general production, distribution, and consumption of alcohol for light, heat, and power are obviously visionary and impractical. The alcohol of commerce and industry can not, under existing conditions, generally be produced and supplied as claimed.

Untaxed commercial alcohol would continue to be made and put upon the market under Government supervision and restrictions, just as 117,700,000 gallons of tax-paid distilled spirits was made last year, viz, in distilleries, properly equipped and operated for profit as modern business concerns, and would pass through the ordinary courses of distribution from the manufacturer to the consumer.

Untaxed denatured alcohol means distilled spirit the cost of which is enhanced materially by Government supervision of manufacture and sale and the process of denaturing. It is a commercial product, made and distributed for profit according to ordinary business methods. The popular idea of free alcohol is distilled spirit made anywhere, by anybody, in any way, with little profit to anyone, and is a myth and a catchword.

The production and use of denatured alcohol for light, heat, and motive power are governed by three considerations:

First. The conditions under which it is produced and handled.

Second. The price at which it is supplied to the consumer.

Third. The price and abundance of petroleum products. This is obvious to any thinking person, is the experience of other countries, and is recognized by the advocates of exempt alcohol in their positive insistence that the producers of denatured spirit shall be relieved of the expense of excise supervision of the manufacture and sale, and the cost of denaturing, and that this necessary expense, estimated at from 3 cents to 10 cents a gallon, shall be assumed by the Government.

In the interests of this bill every conceivable suggestion and theory that might tend to establish a presumption that denatured alcohol would be made and sold to the consumer as cheaply as petroleum have been put forth by advocates of exempt alcohol. It is generally conceded that unless this could be done alcohol could not compete with petroleum for light, heat, and power.

At the recent convention of the Manufacturing Perfumers' Association of the United States, to which I have referred, a committee of two was appointed to offer resolutions in connection with the subject of "free alcohol," and reported the following, which was unanimously adopted:

Whereas this association, viewing with much satisfaction the probable passage of the bill H. R. 17453, providing for free alcohol, as being highly beneficial to the prosperity of the country, respectfully and earnestly recommend that when conditions to be named by the Commissioner of Internal Revenue are made for the denaturing of alcohol the present internal-revenue regulations affecting the capacity of stills shall remain unchanged; or, if it be deemed necessary by the Commissioner of Internal Revenue, or by the Congress, to limit the minimum capacity of stills in which alcohol may be denatured, that the minimum be not more than 250 proof gallons.

We further recommend that the cost of administration be borne by the revenues as at present in Germany, and not be made a tax upon denatured alcohol. The enhanced cost of denatured alcohol by reason of this tax would, in our opinion, seriously limit or prevent the use of denatured alcohol, especially for power, heat, and light.

This is a practical admission that, notwithstanding the predictions as to the low price at which denatured alcohol could be made and sold, its own doubting advocates feel that Government aid to the extent of the payment of excise supervision and denaturing process, at least, is essential to "free alcohol" for power, heat, and light. One of this committee was a wit-

ness appearing at the hearings of the Ways and Means Committee as head granger, who expressed the absurd opinion that a very conservative estimate of the consumption of free alcohol, after the provisions of the denaturing bill, were generally made known would be at least 200,000,000 gallons a year. The other disinterested member is the chairman of the committee of manufacturers, formed to assist in securing cheaper alcohol for industrial purposes, and is one of the associations conducting a propaganda in its favor with headquarters in William street, New York. From these headquarters millions of letters, pamphlets, and other forms of literature and directions have gone forth to educate the people according to the theories of distillers and manufacturing associations upon the benefit of "free" alcohol and to create a sentiment in its favor.

From one of these recent circular letters in my possession I quote as follows:

The wood-alcohol interests, which constitute the principal opposition to this legislation, are preparing for a vigorous contest in the Senate, and it will be necessary to bring all possible influence from their constituents to bear on the various Senators. We purpose continuing the educational work on an even larger scale, particularly among the farmers, who through the national grange and other organizations, have been giving such valuable assistance in this matter. If you have not already written to your Congressman, please do so at once, so that he will aid in securing the enactment of this legislation. We will advise you as soon as the proposed bill reaches the Senate, so that you can take action to bring this matter to the attention of the Senators from your State.

I venture to say, sir, that at this very moment an avalanche of free newspaper and circular literature is waiting, prepared and ready, to be precipitated upon the country as soon as this bill shall pass this House, for the purpose of continuing and extending the sentimental stampede in alcohol legislation.

We repeat that these associations are the real beneficiaries of this proposed legislation and largely responsible for the artificial sentiment in its favor in the interests of "light, heat, and power."

The following clipping, from a financial article in the New York Tribune of April 7 last, is a fair sample of market comments appearing in the financial papers all over the country since this bill was reported. It reveals the visage of a familiar figure in the wood pile, and indicates the interests which would really be promoted by the passage of this bill:

There are many industrials on the bargain list, notably Distilling Securities, which as a 4 per cent stock selling at 60, yields an exceptional return upon the investment—the company having, however, the prospect of new profits in large volume close at hand through the enormous increase in trade which must follow a Congressional enactment removing internal taxes from alcohol used in manufacturing. It becomes now fairly sure that the pending bill will be promptly passed. Such opposition as showed at the opening of Congress seems to have disappeared, so clear and so strong are the industrial arguments in favor of the measure. When the bill does pass, Distilling Securities dividends can not long remain at 4 per cent—the stock on earnings will become well worth par.

FREE ALCOHOL FROM FARM PRODUCTS.

In view of the extent of territory covered by our population and the high revenue tax on alcohol generally—\$2.07 per gallon—the making and handling of denatured alcohol would necessarily be under most rigid governmental restrictions, as already observed, and by most complete denaturalization to prevent illicit practices and fraud.

In Germany, with one-third the tax imposed here, the official supervision is very thorough, although as little stringent as is compatible with the safety of the revenue, even with low duty and the density of the population. It is looked after by an army of officials.

In Great Britain, according to the finding of the recent Parliamentary committee, the price of untaxed methylated spirits is enhanced 40 per cent by reason of measures necessary for the protection of the revenue. It is idle to talk about producing denatured alcohol commercially under these conditions from rotten apples and green cornstalks, or surplus crops in small country stills operated spasmodically and indiscriminately.

The free-alcohol orators would have us believe that when this boon strikes the farmer he would be able to start up a still whenever he saw some produce going to waste and make a few gallons of free denatured alcohol to fill his lamps, stoves, and engines.

The enormous amount of distilled spirits of every kind now produced is made by large plants economically operated, and from steady uniform supplies of material, principally corn. Even small distilleries would require expensive equipments and continuous operation under experienced business management.

The prediction that untaxed alcohol could be made commercially from potatoes—refuse potatoes, even—is also impractical and visionary. If the farmer donated his potatoes to the cause of free alcohol for light, heat, and power, alcohol could not be produced therefrom and sold to the consumer cheap enough to compete with petroleum. The American market for potatoes for

human consumption precludes the use of that product for alcohol.

In Germany the manufacture of potato alcohol has been artificially developed to a considerable extent by extensive Government assistance and under conditions that do not prevail in this country. Even there the production of alcohol from potatoes yields the German farmer an average of about \$4.80 a ton for his potato crop, and it yields about 25 gallons of alcohol to the ton. (British report.)

It has been shown in this country that a bushel of potatoes would yield a little less than 1 gallon of alcohol. With potatoes bringing the farmer 25 cents and upward, potato alcohol is out of the question.

Nearly the first finding of the British Parliamentary committee was, that under the agricultural conditions in that country, it would not be possible to found a profitable industry on the employment of potatoes as a material for distillation. It would likewise be utterly impossible in this country. It could not be done in Germany even, without a bounty for the producer and a heavy duty on the competing petroleum.

It is confidently asserted, as a practical business proposition, that commercial alcohol, untaxed and denatured, could not be obtained by the consumer at less than 35 cents per gallon, wholesale, under conditions existing in this country. One hundred and twenty-five million or more gallons of distilled spirits is made annually now in this country. The wholesale price for grain alcohol is 38 to 45 cents per gallon, exclusive of the revenue tax, to say nothing about the price realized from the vast amount of more refined spirits made in connection therewith for human consumption. The retail price is very much higher. Why would an enhanced output for industrial purposes be sold to the consumer for less than it is now? Would processes be more economical? Would distillers and middlemen be content with less profits? Moreover the additional cost of Government supervision and denaturing must be taken into consideration.

Pure alcohol is now exempt from tax for uses in scientific and educational institutions, for the purification of sweet wine and for the making of vinegar. These exemptions have not diminished the price of alcohol aside from the tax. Vinegar can easily be made from refuse fruit, yet the farmer does not supply the market therefor.

There is no embargo now upon the establishment of a plant in any agricultural community to make commercial alcohol out of refuse potatoes, fruit, or green corn, at prices now prevailing.

Alcohol will continue to be made in a practical way, and for at least a reasonable profit, from corn.

As to the alleged enhanced market for corn, it should be remembered that the present output of spirits, 125,000,000 annually, would require say, 25,000,000 bushels of corn from the total crop of nearly 2,700,000,000 bushels, and this consumption comes from the country at large. An increase of a few million gallons, more or less, would make no perceptible increase in the demand for agricultural products.

There was a great deal of speculative talk before the committee about the cost of denatured alcohol, although no attempt was made to examine the records of distillers and obtain all the actual items of cost. The basis of mere cost of material for the production of alcohol upon which these speculative theories were built was entirely misleading. The only cost entitled to consideration in connection with this proposition is the cost of denatured alcohol in small quantities to the average consumer.

The only reliable criterion of cost which experience in this country affords is the selling price, which is 38 to 45 cents per gallon by the barrel. It is idle to figure, guess, or speculate on any other basis. There would be no more philanthropy in the production and distribution of denatured alcohol than there is of taxed alcohol now.

Upon the false basis of cost assumed by Mr. Kline at the distillery at Peoria, it might with equal consistency be stated that refined petroleum costs about 3 cents a gallon. Last year the average market price in bulk in New York was 4.32 cents per gallon. The course of distribution to the ultimate consumer brings the real costs up to 10 cents to 15 cents, according to locality.

In Canada denatured alcohol containing 75 per cent grain alcohol and 25 per cent wood alcohol, denatured by the government, sells for \$1.10 per imperial gallon. The price paid to distillers by the government for alcohol denatured for manufacturing purposes in 1905 was 25 cents to 30 cents per proof gallon, or 50 cents to 60 cents per bulk gallon. In England the wholesale price of denatured alcohol was 38 cents per gallon (p. 153). In 1905 the price to the manufacturer was 44 cents per bulk gallon. (British report, p. 5.) It is selling all over Europe at 35 cents to 40 cents per gallon. (Hearings, p. 135.)

In Germany, where the production of alcohol from potatoes is stimulated and aided by large Government bounty, and the consumption encouraged by a large import duty on petroleum products, the wholesale price of alcohol is from 26 cents to 31 cents per gallon.

According to the British Parliamentary Report (p. 11), it sold as low as 23 cents in 1902, and was 31 cents per proof gallon and 51 cents per bulk gallon in 1905.

The conditions of production in Germany, the British report says, tend to wide and rapid fluctuation in price. Its production and sale are not under natural conditions, and they afford no criterion for this country. The talk of producing and selling alcohol to the consumer in this country in any practical way at 10 cents to 20 cents a gallon is mere buncombe, and has tended to create an utterly false sentiment and expectation among the farmers of this country.

In the hearings before the committee there has been more idle and visionary talk about the prospective consumption of untaxed alcohol than upon any other phase of the subject.

Professor Wiley assumed that with a workable law there would be, in the course of a few years, 40,000,000 to 50,000,000 gallons of ethyl alcohol used in the arts and industries (p. 127). From this estimate it stretches out to 200,000,000 gallons, and so on through innumerable ciphers by the visionary, impractical advocates of free alcohol. It is just as easy to guess a thousand millions a year, when exuberant imagination is the basis, as fifty millions. Paper millions and distilled millions are different propositions.

Mr. Gray, a practical and experienced man, speaking on behalf of taxed alcohol, placed the use of untaxed denatured alcohol at 10,000,000 gallons the first year (p. 184).

Secretary Shaw, when his attention was called to Doctor Wiley's statement, stated, as his opinion, that it was idle to talk about 50,000,000 gallons. "Talk rather," he said, "about 10,000,000 gallons."

Great Britain, after an experience of half a century with tax-free industrial alcohol, uses 5,500,000 gallons a year, but none for light, heat, and power. The recent parliamentary committee, after investigation, concluded that it would be impossible to extend its use for those purposes in competition with free petroleum.

Even in Germany, after generations of Government aid, and under conditions unlike this country, it reached a total consumption for domestic and industrial purposes of 29,305,032 gallons for 1903.

The wild statements as to the use of untaxed alcohol in the industries are based upon the impractical assumption that alcohol would be produced and sold to the consumer at 10 cents to 15 cents a gallon, and thus come into competition with petroleum at about the same price. Without such an assumption there is absolutely no basis for the statements as to use.

PETROLEUM.

Cheapness and the bountiful supply of petroleum in this country eliminates the possibility of the general use of untaxed alcohol for light, heat, and motive power. In Germany it is used to some extent for those purposes in the agricultural districts where gasoline ranges in price about the same as alcohol. But when the price of alcohol exceeds that of gasoline its use diminishes. It could not compete with petroleum even in Germany without the aid of the heavy import duty on that product.

Even in Germany, with a large bounty on the production of alcohol and an import duty on petroleum, alcohol, although used to a considerable extent in agricultural districts, has not come into general use for light, heat, and power in that country, and does not come into serious competition with petroleum products throughout the country.

It is not used to any great extent in the cities where petroleum is as cheap or cheaper than alcohol.

It should also be remembered that the wages of labor in the field and factory in Germany are less than one-half the wages paid for like labor in the United States.

Cheap native petroleum is an insurmountable obstacle to the general use of denatured alcohol for light, heat, and motive power. Petroleum in this country is the logical natural source for those uses. Nature's great oil tanks are here widely distributed.

Among the wild statements made in the interest of untaxed alcohol for light, heat, and motive power was that petroleum in its refining, produced only 2 per cent of gasoline, and that with decreasing petroleum products and increasing demand it would be inadequate in quantity and prohibitory in price. The plain facts are that naphtha, benzine, and gasoline are analogous products, the only difference being in their weight or gravity. The crude petroleum of the New York market generally fur-

nishes from 12 per cent to 15 per cent of naphtha (0.70 Baumé gravity), and in addition from 9 per cent to 12 per cent of benzine (0.63 Baumé gravity). The supply of volatile petroleum products which can be used for light, heat, and power is therefore more than ten times the amount stated at the hearings.

There was produced in the United States in 1905 about five thousand million gallons of petroleum. We quote from an editorial in the Oil, Paint, and Drug Report, of New York, March 5, 1905:

The production of the lighter products of petroleum—that is, products such as benzine, gasoline, naphtha, etc.—has never been larger than during the past year, notwithstanding that the higher grades of petroleum have decreased; nor is there any likelihood of a decrease in the product, as the higher grades of oil are not relied upon to supply these products. The grades of crude oil, from whatever sources, contain more or less of the volatile elements, and as the total production of crude oil in the United States is increasing, the supply of the higher products may be expected to increase.

Compare this condition with Germany, where no native petroleum products exist and which has fostered alcohol with a view to becoming as independent of a foreign product as possible.

In 1905, at the refineries in Pennsylvania, gasoline sold at 7 cents, naphtha 5 cents, and 150 water white at 6 cents per gallon.

In New York the average price in 1905 was 7.22 cents per gallon in barrels and 4.32 cents in bulk. The prices, of course, are somewhat increased in interior points, but in most parts of the country do not exceed from 10 to 15 cents per gallon for light, heat, and power. The enhanced cost incident to distribution would apply alike to alcohol and petroleum.

The findings of the subcommittee of the British Parliament, after a thorough investigation of conditions in Germany, apply with still greater force to this country:

In the United Kingdom, with cheap gas and cheap oil, no conceivable reduction in the price of methylated spirits would make spirit able to compete with them in price, and price must always be the determining motive of choice for the mass of the people. We may dismiss almost entirely the use of spirit for domestic purposes as offering an opening for the expansion in the demand for spirit in the United Kingdom.

Viewed, then, from the standpoint of facts and existing conditions instead of theory and speculation, we may also in this country dismiss the expansion of untaxed alcohol for general use in competition with cheaper native products for light, heat, and power from practical consideration in connection with this proposition.

AUTOMOBILE FUEL.

It would be likewise utterly impracticable to bring untaxed alcohol into competition with petroleum for automobile fuel. It is not as well adapted to the generation of power as the volatile products of petroleum, and even mixed with these products is an unsatisfactory substitute. The automobile engines of to-day are not properly constructed for the use of alcohol. France and Germany for years have endeavored to stimulate its use for that purpose, but have practically failed, and very little is used, foreign petroleum being the fuel in general use. The following is an article written by an entirely disinterested party upon this subject, which appeared in the Automobile Builder, a standard publication devoted to the automobile industry, November 12, 1905:

AUTOMOBILE FUEL OF THE FUTURE.

A persistent effort is being made to have it appear that the automobile industry, in making common cause with other commercial interests for the abolition of the tax on denatured alcohol, is actuated by a desire to hold that product, and it only, in reserve as a fuel for internal combustion engines against the day when the scarcity and costliness of gasoline may make its use prohibitive.

At this stage of its development the industry can not afford to encourage precipitancy in the selection of a fuel the superiority of which is by no means conclusively established and for the consumption of which all past engine construction would be of comparatively little service.

The bait is held out to automobile makers that the substitution of untaxed alcohol for gasoline would yield far greater economy and a much higher thermal efficiency. The accuracy of these representations, however, has yet to be demonstrated in actual practice. Until this confirmation is forthcoming it is probable that alcohol will command much less attention from engine designers than they now bestow upon petroleum, which product, partly from the fact of its kinship to gasoline, is regarded as in the direct line of succession as a fuel. When it shall have been ascertained that alcohol is as easily gasified as gasoline, and the low price at which it is expected to sell will not indicate its inferiority to that product, or when the scarcity of gasoline is actual rather than conjectural, it will be time for automobile makers to consider the substitution of one fuel for the other. Meanwhile the matter seems to peculiarly and exclusively concern industries—not related to ours—which are in deadly peril from competition of the French and Germans owing to the high tax on denatured alcohol.

It is curious to observe in the campaign which is being conducted for the abolition of the tax on denatured alcohol that all speculation upon its increased use assumes the inadequacy of supply to demand in future years. This is begging the whole question. It is obvious that if the automobile industry could be assured that the production of gasoline would not keep pace with automobile manufacture the immediate selection of some other fuel would be warranted. No such assurance, however, can be given or predicted. It is surmised, but not known, that not more than 5 per cent of gasoline can be obtained as a by-

product in the process of refining illuminating oil. It is this belief which has led to the supposition that the quantity of gasoline which can be produced depends upon the quantity of illuminating oil for which a market can be found. This imperfect reasoning overlooks the volume of gasoline which might be produced if sacrifice should be made of the profit on illuminating oil.

Standard Oil Company products, like gasoline, are usually seen in the market to an extent exactly justified by the demand and no greater. Overproduction, or anything approaching it, is scrupulously avoided. Further than this, the price at which their products are held is variable—high when there is no competition, low when competition is sharp. Having this in mind, it is quite likely that should alcohol threaten the market for gasoline as a fuel for automobiles the price of the latter would sink to the point where the profit on it was no greater than that on some other petroleum product, and thus the chief argument for the substitution of alcohol, its cheapness, would disappear.

In considering the use of a substitute fuel in automobile engines, pains should be taken to distinguish between the classes of service the vehicles are called upon to perform, for unless such a distinction is borne in mind one is apt to hastily conclude that economy in fuel is the indispensable consideration in every service. The question of fuel consumption in the operation of a gasoline touring car is very properly a subject of deep concern. On the other hand, this item of cost in an establishment employing commercial automobiles is of relatively trifling importance, as, even at the prevailing high cost of gasoline, the economy of power wagons, arising mainly from the reduction in maintenance charges, drivers' and stable wages, and the expeditiousness of the service, is so great as to make a close study of fuel economy of much less importance at the present moment than any of the main considerations.

Tons of paper have been inked in an endeavor to prove that the automobile industry at large is clamoring for the abolition of the tax on denatured alcohol. As a matter of history and fact, however, beyond the appropriation of a small sum of money by one of our trade organizations to a committee of unrelated manufacturers "formed to assist in securing cheaper alcohol for industrial purposes," nothing has been accomplished or planned which could be twisted to imply our deep concern in the matter. All the evidence seems to indicate that automobile makers are being used to pull chestnuts out of the fire for men who make patent medicines, perfumes, silk hats, smokeless powder, picture frames, artificial silk, coal-tar dyes, photographic supplies, lead pencils, furniture, varnish, soap, and thousands of other products in which alcohol, now taxed at \$2.09 a gallon, is employed, and in the production of which thermal efficiency and fuel economy are terms as meaningless as geometry to a goat.

Of course, the automobile industry is glad to give reasonable assistance to any other industry, but the commercial question of alcohol for motor fuel is certainly not a vital one to the automobile industry at the present time. Nor is it likely to be in the immediate future.

STANDARD OIL.

Finally, as a last resort, the free-alcohol spokesmen and the forces behind the literature bring out the familiar bogie man "Standard Oil" and hold it up before the farmer. If these orators would turn their attention to the whisky trust they would give the public a clearer conception of the real sources of free-alcohol interest and agitation.

This bill is not "a blow at Standard Oil." It is a blow at the wood-alcohol and other allied industries, of which there are twenty in my State alone. In those industries which would be directly and indirectly affected by this deceptive legislation a hundred million dollars is invested and 100,000 people are dependent thereon and would be seriously injured thereby.

There is not the slightest reason to believe that Standard Oil interests, so called, have had even the remotest connection with the opposition to this bill.

The opposition has come from the 110 industries in the timber States engaged in the production of iron, charcoal, wood alcohol, acetate of lime, and hard-wood timber products and others whose interests are jeopardized by this bill. They have in good faith built up great industries under existing conditions and contributed to the prosperity and the glory of their States. They insist that manufactures and arts using their products have had the benefits of the cheap substitutes for taxed alcohol in their processes and that the benefits that would accrue from this legislation to distillers of spirit and manufacturers alone would not justify the sacrifice and loss to their industries.

The distillers' combination manages to stay in the game without tax exemption. The manufacturers who use alcohol or its substitutes are fairly prosperous now. They need no relief taken from the lifeblood of the wood-alcohol and charcoal industries.

There is not the slightest indication that Standard Oil anywhere feels the least solicitude over free-alcohol prophecies or threats.

With 2-cent petroleum in inexhaustible supplies they can have little fear or apprehension over even theoretical 15-cent denatured alcohol. Practical business men know that the statements as to the production and distribution of untaxed alcohol drawn from earth, air, and sunshine in competition with native petroleum are utterly impracticable.

The Standard Oil cry in press and forum is deliberately and systematically resorted to at this juncture for the purpose of arousing popular prejudice and pulling other chestnuts from the fire.

Mr. Speaker, the real interests affected by this proposed legislation justly are entitled to fair, intelligent consideration, which they have not yet received from the public nor from this Congress.

I append hereto and make a part of my remarks certain tables and statements relative to the production and use of grain alcohol in Great Britain, Germany, and the United States, and the effect of this bill on the wood alcohol and allied industries.

GREAT BRITAIN.

This country has been liberal in the use of untaxed alcohol for manufactures and the arts. In 1905 Parliament appointed a very able committee to inquire into the existing facilities for the use without payment of duty on spirits, and to ascertain the extent to which alcohol might be employed in arts and manufactures or in the production of heat, light, and motive power, and to determine the conditions of greatest freedom that could be accorded to its use for those purposes, consistently with adequate safety to the revenue derived from spirit as an article of human consumption.

Some of the findings of this committee, which evidently investigated the subject impartially, are of interest in the consideration of the subject here. They are in marked contrast with some of the theories and visionary prophecies of advocates of untaxed alcohol in this country.

They concluded that under existing agricultural conditions in that country it would not be possible to found a profitable industry on the employment of potatoes as a material for distillation.

Under the head of "Hindrances to the use of spirit for industrial purposes in the United Kingdom," they discuss the necessary enhancement of the price by the denaturing process and excise supervision.

They say that the cost of denaturing touches only a part of the question of the price of the spirit used for industrial purposes. An influence on price, even more important, lies in the conditions under which spirit can alone be manufactured there. The duty on spirit used as a beverage is very heavy, and in imposing this duty it is essential to the protection of the revenue to impose on the manufacturer such restraints as may be necessary to prevent the escape from duty, and an appreciable enhancement in the cost of manufacture is the consequence of such restraints. "In respect of price, the cost of mineralized methylated spirit is enhanced by some 40 per cent by reason of measures necessary for the protection of the revenue."

The price to manufacturers is stated to be from 40 cents to 44 cents per bulk gallon for large quantities at wholesale price. They say that spirit is not used there as a fuel for motor vehicles. Nor is it so used to any great extent either in Germany or in France, in spite of the fact that both these countries are most desirous of encouraging the use of a material that is indigenous in preference to a material, like petroleum, that has to be imported. Where spirit is used for motor or other engines in those countries it is almost entirely for agricultural engines. The question of the use of spirit for motor vehicles is regarded as largely one of price, and as the price of petroleum is about half the price of methylated spirit the consideration thereof might be delayed until such time as there might be an approximation between the price of petrol and spirit to create a practical alternative of choice between the two.

They recommend as a further encouragement to the use of alcohol industrially an allowance to the producer of a portion of the cost of excise restrictions and a reduction of the amount of wood naphtha for methylating. These recommendations, we understand, were not adopted. They gave the price at that time in Germany of denatured alcohol as 31 cents per proof gallon and 51 cents per bulk gallon.

The amount of methylated spirit used then in the United Kingdom was given as 2,200,000 gallons for domestic use and 3,300,000 for industrial use, a total of 5,500,000 gallons; and they say that any prospective increase must, for a long time to come, lie well within the limit of 3,500,000 gallons.

[There were no American prophets on that committee, no literary bureaus or distillers or manufacturers' associations to create false sentiment about free alcohol for light, heat, and power.]

GERMANY.

Perhaps no phase of the discussion of the subject of the industrial use of alcohol has given rise to grosser misconceptions than the production and use in Germany. Under the exceptional conditions existing that country affords no practical criterion for the development of the use of alcohol for industrial purposes in this country. Germany has no native petroleum products. The development of the use of alcohol for light, heat, and power was first undertaken by the Government as a war measure, so that the country might be, as far as possible, independent of imported petroleum products.

A subcommittee of the British parliamentary committee of 1905 visited Germany to investigate the production and use of alcohol industrially, and reported the results of their inquiries. From that report we give the following results of their investigation:

The price of spirit in Germany for industrial purposes fluctuates very widely, being at that time considerable higher than the price of similar spirit in Great Britain, and even in normal years its price is not as much below the price in Great Britain as the committee had been led to suppose.

The consumption of spirit in Germany for domestic purposes affords no standard by which to measure the possible consumption for similar purposes in the United Kingdom. (P. 113.) [Much less would it afford a standard for the United States.]

Completely denatured spirit is used almost entirely for agricultural engines, as no satisfactory solution has yet been found of certain difficulties which beset its use for motor cars. (P. 114.)

The cost of prima denatured spirit used for fine chemicals was then 52 cents per bulk gallon, not including a vat tax. (P. 19.)

They describe the processes of agricultural distilleries under Government supervision and assistance to manufacture alcohol from potatoes. Even with the then abnormally high price of spirit the amount realized from potatoes so used for distillation was £2 to £2 5s. per ton, whereas if sold for consumption they would realize £4 per ton. In normal years the return from potatoes for alcohol averages 20s. per ton. The yield of alcohol from a ton of potatoes is about 25 gallons. (Pp. 21 and 22.)

On the subject of the production and price of spirit in Germany they say:

The production of spirit in Germany is a State-aided enterprise, of which the primary purpose is not so much the production of spirit on economic lines as the encouragement of agriculture in the less fertile provinces of the Empire. (P. 24.)

The system is essentially communistic in character. The fundamental principle of the scheme is to make those interested in the production of alcohol sharers with the State in the revenue collected on spirit used for potable purposes. (P. 24.)

In the year 1903 the total production of spirit in Germany was, in

round figures, 132,000,000 proof gallons, and the subvention, or the amount given back to those interested in alcohol production, represented a bonus of nearly 9 cents a gallon on all spirit produced.

As a rule the bounty or bonus is retained by the producers and the users are not generally benefited by this State aid.

The price charged for spirit of the first quality was then (1905) 31 cents per proof gallon, as against 20 cents per proof gallon in Great Britain, equivalent to about double those prices in bulk gallons. (P. 25.)

The price of industrial spirit in Germany at that time was higher than in Great Britain, and the price there is subject to violent fluctuations, and although at times it has been and probably will again be appreciably below the British price it is doubtful whether its normal level in the future will show any material advantage to the user. (P. 26.)

A question that pressed itself strongly upon the attention of the committee was how far consumption of spirit for domestic and industrial purposes in that country could be taken as a measure of the possible consumption for similar purposes in Great Britain. [A still more pertinent question in the United States.]

The committee gave the consumption in Germany for the year ending September 30, 1903:

	Proof gallons.
For domestic purposes, about.....	33,900,000
For motor and other engines.....	1,100,000
For industrial purposes.....	14,000,000
Total.....	49,000,000

The large consumption in Germany for domestic purposes, for heating, cooking, and lighting, is due not to the absolute cheapness of spirit or to any special advantages that it possesses as an agent for producing heat and light, but is due solely to its cheapness as compared with other agents—coal, gas, or oil. Of these oil is the agent that most directly competes with spirit, and in Germany oil, in the interests of alcohol, is subjected to a duty of nearly 5 cents a gallon (p. 20).

The price of petroleum in Germany was 21 cents, while in the United Kingdom it was 10 to 14 cents. The price of methylated spirit in bulk gallons was then 43 cents in Germany (normal price, 24 cents), while in Great Britain it was 48 to 60 cents. The price given for petroleum in Germany was the price in Berlin, and there it was cheaper than spirit, consequently, having to compete with gas as well as with oil, it is very little used there for domestic purposes, probably not more than in Great Britain. In rural districts oil is probably dearer than in Berlin and more difficult to procure, whereas methylated spirit is of universal distribution, and it is, therefore, in those rural districts that the main consumption takes place. In the United Kingdom, with cheap oil and cheap gas, no conceivable reduction in the price of methylated spirit would make it able to compete with them in price, and price must always be the determining motive of choice for the masses of the people, for, though spirit has certain advantages in directions other than price, they are not of any marked significance in themselves, nor are they of a character to appeal very powerfully to the masses.

Accordingly, they say we may dismiss almost entirely the use of spirit for domestic purposes as offering an opening for expansion in the demand for spirit in the United Kingdom. [This is in marked contrast with the wild predictions that hundreds of millions of gallons of untaxed denatured alcohol would be used in the United States for light, heat, and motive power.]

With spirits for industrial purposes the case is different. But even here a large abatement must be made from the German figures before they can be taken as a possible measure of British consumption. Of the 14,000,000 gallons used in 1902 and 1903, 6,350,000 gallons were employed for vinegar making, a purpose for which not at present used in Great Britain. Another 2,650,000 gallons is used for polishes, varnishes, etc., an industry which in Great Britain enjoys special advantages and which may be supposed to have reached a pretty full measure of development, and under which it employs some 1,800,000 gallons of spirit. This leaves some 5,000,000 gallons used in Germany for miscellaneous purposes, for which Great Britain uses some 1,500,000 proof gallons.

On these figures they place the increased demand that might arise for spirit in Great Britain in consequence of an expansion of its use for industrial purposes at less than 3,500,000 proof gallons. (p. 27.)

It will therefore be seen that the policy of Germany is to stimulate and subsidize the development of a domestic product for the promotion of agriculture and to discourage dependence upon a cheap foreign product, while that of Great Britain is to favor the production of alcohol for manufactures and arts, but to admit free for consumption cheap petroleum products.

Therefore in Germany, alcohol, thus assisted by the Government, is used to a considerable extent, principally in the agricultural districts, for light, heat, and power, while in Great Britain it is not. Even in Germany, however, its use for domestic purposes is small as compared with even high-priced petroleum products.

How absurd, therefore, to assume that in the United States untaxed denatured alcohol, not assisted, but its price enhanced by denaturing and excise expense, could compete with cheap native petroleum, economically distributed to the amount of billions of gallons annually from increasing sources, for light, heat, and power. The assumption that it would be generally used is delusive and misleading.

In Germany, after many years of government support and encouragement, the amount used for light, heat, and power in 1903 was about 18,500,000 American gallons, while the amount used for manufacturing purposes was less than in the United States with its high tax.

In 1905 the amount used for light, heat, and power in Germany was 26,000,000, and for manufacturing purposes about 7,000,000 gallons. On page 259 of the committee hearings is a report over the signature of Frank H. Mason, consul-general at Berlin, in which he seeks to correct some erroneous impressions created in this country in relation to alcohol in Germany.

He says that, aside from a small amount produced for drinking and medicinal purposes from fruits, the great sources of alcohol are potatoes, grain, and the secondary molasses product from the sugar beet. The total production for the year ending August 31, 1904, was, substantially:

	Gallons.
From potatoes.....	80,500,000
From grain.....	18,300,000
From beet molasses.....	3,000,000
Total.....	101,800,000

In respect to the use of alcohol for motor purposes he says:

"Several years ago, when the motor vehicle for military and industrial purposes began to assume a new and extraordinary importance, the German Government became impressed with the necessity of building motors that could be operated with some liquid fuel that could be produced in Germany in the event that, through the chances of war or other cause, the supply of imported benzine and other petroleum products should be cut off. Alcohol offered the solution of this problem, and all the influence of the Government was exerted to encourage its production and its more extended use for motor purposes. Prizes were offered for the best alcohol-driven draft wagon for military and agricultural purposes, and all the great gas-motor builders gave great attention to perfecting engines specially adapted to the use of alcohol as fuel.

"At the same time a powerful organization known as the Centrale für Spiritus-Verwertung, with central offices at Berlin and branches throughout the Empire was established and began a systematic, persistent campaign to encourage and extend the use of alcohol for various industrial and economic purposes, especially heating, cooking, and lighting. Special exhibitions were held from year to year, which have been fully described in these reports, and in which were displayed the whole apparatus and process of alcohol production from potatoes, corn, and molasses, motors of various types and sizes for marine, agricultural, and industrial purposes, and a vast assortment of alcohol stoves for heating, cooking, ironing, etc., and lamps and chandeliers in endless variety, in which alcohol vapor burned inside an incandescent mantle, produced a light of high intensity and cheaper for rural districts of Germany than either electricity or petroleum.

"The net result of all this systematic effort has been to extend so rapidly the use of alcohol for heating, lighting, and chemical manufacturing purposes that when the drought of last summer reduced somewhat seriously the output of potato alcohol, the previous surplus was exhausted, and the price advanced until alcohol became too costly for economical use as fuel for motors.

"The consequence of all these conditions has been that, while the general use of alcohol for industrial purposes, heating, lighting, and a vast range of chemical and other manufacturing purposes has steadily increased in Germany, the percentage of the whole product that is used for motor purposes is relatively small and, so far from increasing, is said to be rather diminishing, though to just what extent it would be difficult to prove. A few Germans, from patriotic motives, use alcohol for driving automobiles, freight wagons, motor boats, and farming machinery. A single department store in Berlin, which ordered its equipment of delivery wagons four years ago, during the height of the alcohol-promotion movement, still consumes yearly 80,000 liters (about 19,000 gallons) of alcohol for driving these wagons, but mixed for greater efficiency with about 15 per cent of benzole.

"It has been found by elaborate tests that the economy of alcohol as a fuel for gas motors is largely increased by its being carbureted through admixture with a certain percentage of benzole or other product of mineral oil. For a time it was believed that this admixture of benzole could not be safely carried beyond 20 per cent, but more recent experience has shown that a mixture of equal parts of alcohol and benzole can be used, especially in large motors, with entire safety and economical results. For automobile purposes the usual proportion is now about 30 per cent of benzole or gasoline, but at the present cost of alcohol it can not compete on the score of economy with mineral hydrocarbons in a country where they are either produced or improved free of duty."

In a statement showing the production of distilled spirits in Germany and the United States (p. 316 of committee hearings) to appears that the total proof gallons was as follows:

Year.	Germany.	United States.
1888.....	161,567,693	71,663,188
1902.....	223,899,120	128,623,402
Increase.....	62,331,427	56,959,214

Consumption of tax-free alcohol in Germany.

	Proof gallons.
1888.....	20,476,768
1902.....	58,632,840
Increase.....	38,156,072

Increase of tax paid spirits in the United States in 1888 to 1902 was 33,000,000 gallons.

In 1903 and 1904 the amount in Germany appears from the same statement to have materially decreased.

In 1903, proof gallons.....	178,629,730
In 1894, proof gallons.....	203,221,920
In 1903, tax free.....	68,065,094
In 1904, tax free.....	73,635,249

The bulk gallons would, of course, be about one-half the above amounts.

A careful study of the conditions in Germany must convince any practical man that its system of production and use is an absolute impossibility in the United States.

In Germany the production of alcohol is cheapened by direct government aid and competing petroleum enhanced in price by an import duty of 5 cents a gallon. This duty is more than the selling price of refined petroleum products in New York.

These facts alone would make a difference of about 10 cents a gallon between the prices of those products in this country and Germany, in favor of Germany, to say nothing about the cheaper raw material and labor in that country.

THE EFFECT OF THE PROPOSED EXEMPTION BILL UPON INDUSTRIES CONNECTED WITH THE PRODUCTION OF SUBSTITUTES FOR TAXED GRAIN ALCOHOL.

If this proposition did not involve such serious consequences to many other established industries it would appeal with con-

siderable force to Congress even though it involves material reduction of the public revenues.

Looking at it from a practical standpoint it would afford relief and benefit to industries supplying untaxed denatured alcohol to the consumer, and to other industries now using taxed grain alcohol, or substitutes therefor, although these industries generally are now prosperous, and would also probably encourage and facilitate to some extent the expansion of their business and the establishment of other industries using alcohol.

We submit, however, that these benefits to a few interests would not justify at the present time the enormous loss that would result to many industries built up under the existing revenue system to supply a cheap substitute for taxed grain alcohol in the manufactures and arts.

There are at the present time, located principally in the timber States—Pennsylvania, New York, Michigan, and Wisconsin—more than 100 charcoal and chemical plants engaged in the production of charcoal, wood alcohol, and other by-products thereof. Many of these plants are operated in connection with furnaces for the reduction of iron ore, which consume the charcoal product, and with hard-wood industries, which supply, through refuse and inferior hard-wood timber, the material for the making of charcoal. They are allied industries in which a great many millions of dollars are invested, and in connection with which many thousands of men are employed. They are among the most important industries of these timber States. The chemical plants connected therewith represent large investment and employ a great deal of labor. They were built to utilize the waste products in the manufacture of charcoal and could be used for no other purpose.

Operated in connection with the charcoal plants, the practical result is a material reduction in the cost of producing charcoal for the iron furnace. The charcoal plants enable the hard-wood lumber men, in connection with their lumber operations, to utilize the refuse and inferior woods as the timber is cut, and thereby to prevent timber waste and prepare the ground for cultivation. This affords varied employment for armies of men in connection with these industries which have contributed to the development and prosperity of the country in which they are located. The cheap charcoal resulting diminishes the cost of pig iron of the highest grade.

Now, just a word as to these products. In Pennsylvania and New York charcoal is made from small inferior timber and is used for various purposes. In Michigan it is also made from refuse and inferior hard woods, and generally in connection with the manufacture of hard-wood lumber. Indeed it may be said to be in the nature of a by-product of hard-wood lumbering, enabling the lumberman and timber owner to utilize the vast amount of inferior timber that would otherwise go to destruction and waste. The utilization of this refuse timber cheapens the cost of hard-wood lumber and gives investment to a great deal of capital and employment to armies of men. The product is largely used for the smelting of iron ore, producing a superior grade of pig iron used for special purposes, such as car wheels, etc.

When, during the civil war, the Government, for the purpose of revenue placed a tax on ethyl alcohol it created a necessity for a substitute for use as solvents and other and divers manufacturing purposes. "Necessity is the mother of invention," and to supply it in this case the wood-alcohol industry developed.

Great industries sprang up in the timber States for the production of wood alcohol and acetate of lime in connection with the destructive distillation of wood in the making of charcoal. This cheapened the cost of charcoal and provided two additional valuable articles of commerce and industry.

These industries became of great magnitude, supplying the demand for substitutes for grain alcohol in the arts and manufacturing and assisting materially in the great industrial development of the past twenty-five years.

From the smoke of the charcoal furnace which previously went into the air wood alcohol, so called, and acetate of lime were produced. The former was unfit for beverage because it was poisonous when taken internally. It was found to be a perfect substitute for grain alcohol in other than drinkable uses, was not the basis for whisky making and intemperance, and was therefore used to a large extent in place of grain alcohol produced by distillers, who watched the development thereof with envious and covetous eyes.

The vast improvement of refining processes has produced in wood alcohol an article of commerce not only of general industrial utility, but having marvelous antiseptic and curative properties when externally applied, and of great benefit for many other purposes.

The amount of wood alcohol produced in 1905 was about

8,000,000 gallons. At the same time there were produced more than 60,000 tons of acetate of lime, which is used in the manufacture of acetic acid, white lead, colors, and other important articles.

This bill, if enacted, will tear down, not build up. It will tear down these industries, of great value to the country, upon a speculative and impractical theory of alcohol for light, heat, and power in competition with petroleum.

It is conclusively shown by men actively connected with the practical management of these numerous allied industries that the wood alcohol of their chemical plants can not be produced and sold to the consumer as cheaply as denatured untaxed ethyl alcohol could be sold, assuming that it would be sold as low as 35 cents to 40 cents a gallon. The effect would be that the untaxed ethyl alcohol would take the place of a large portion of the wood-alcohol output of these chemical plants, amounting to about 8,000,000 gallons a year, and would practically destroy that part of their industries.

The effect of this destruction of the chemical plants would in turn materially affect the charcoal industry and enhance the cost of the manufacture of that product. This in turn would seriously impair the hard-wood operations, and make it practically impossible to consume the large amount of refuse and inferior timber in connection with their lumbering operations. The result upon the manufacture of pig iron would inevitably be to enhance the cost of that product. The increase in the actual cost of charcoal pig iron would be from \$1.50 to \$2 per ton.

The men connected with these great industries appeal to Congress for a careful, deliberate, and just consideration of their interests. They are and have been material factors in the development and prosperity of great communities. Their industries have been built up under existing conditions, the existing revenue tax, and the demands for substitutes for taxed alcohol in the manufactures and arts.

The industries that would derive the principal benefits of this legislation have for many years received the benefit of the comparatively cheap substitute supplied by these industries. The immediate removal of the entire tax upon grain alcohol is not essential to their continued prosperity and profit, while such exemption would destroy the market for the larger portion of the output of their chemical plants, and would impose enormous and irreparable loss upon those industries, and the labor connected with them would suffer.

If it could be demonstrated that the exemption of denatured alcohol for general industrial use would confer such general material and unprecedented benefit upon the people of this country as its enthusiastic advocates claim, the proposed legislation would justify not only the present and future loss of revenue to the Government, but the entire destruction and sacrifice of these existing industries.

The predicted results, however, viewed from a practical business standpoint, are entirely visionary and theoretical, and should be dismissed from the practical consideration of this business proposition.

Speculate and theorize as we may upon possible future blessings attainable through the beneficent influence of free alcohol, the practical question for immediate consideration is whether it is proper and just to favor the producers of alcohol and those who use it in the manufactures and arts, and increase the profit accruing to them at the expense and sacrifice of these great industries in the timber States. The increased profits and savings they would enjoy would not lower prices to consumers.

It has been urged by the advocates of free alcohol that if it would not result in its general use for light, heat, and power, in competition with petroleum, it would not materially injure the producers of wood alcohol and their substitutes.

This argument is based upon utter misapprehension of the practical features of the proposition. The removal of the revenue tax would enable denatured grain alcohol to be sold for probably 35 cents to 40 cents a gallon. The wood alcohol could not be produced and sold by chemical plants at the present time for any such price at a profit. The result would be that the present consumers of wood alcohol would at once use denatured grain alcohol in place of the wood alcohol, thus destroying the market therefor.

The managers of the allied interests referred to know this, and as practical business men also know that there would not be, for a long time at least, any material increase in the consumption of denatured alcohol for light, heat, and fuel, and would consequently, upon the passage of this bill, have to close down most of their chemical plants and prepare to meet material loss and disarrangement of the charcoal and iron business.

The advocates of free alcohol, absolved from all responsibility in the matter, confidently and vociferously predict that the consumption of free alcohol for light, heat, and power would in-

crease so rapidly and enormously as to afford a market for the wood-alcohol product of these plants for denaturing purposes.

The practical business men connected with these plants know that this kind of talk is visionary and impractical, and being responsible, as business men for their industries protest against the hazard of the interests of capital and labor connected therewith upon the speculative theories of free-alcohol advocates.

In view of the facts and conditions as they exist, this matter resolves itself into a plain practical business problem which Congress should not undertake to solve by hasty legislation based so largely upon speculative and visionary theories, and involving such serious consequences to existing industries.

Congress and the country, in view of these facts and circumstances, can well afford to take time for a more serious consideration and investigation of this subject, by all the interests concerned upon its merits in order to bring about a careful, deliberate solution thereof, with fairness and justice to all.

Mr. DRESSER. Mr. Speaker, I am not a public speaker, nor do I pretend to be an orator. I am a plain business man acquainted with the laws governing a business world, and somewhat familiar with the tariff legislation which it is the object of this bill to change. But I feel that I would not be doing my duty to the constituency which sent me here were I not to say a few words in opposition to the monstrous iniquity of this measure.

I repeat that I am not a speaker, and have a natural timidity in efforts of this kind. I am very much like the boy whose duty it was to take the cows to pasture every morning and to bring them home at the close of day. His path to and fro led him through a piece of woodland, whose darkening shadows carried fear to his timid heart. Upon approaching the woodland the boy hastened the pace of his cows into a trot and gave them no opportunity to stop until he had safely emerged on the other side. The knowledge of this timidity on the part of the boy soon became known to all the farm hands and they resolved to give him such a lesson as would forever cure his fear. One of these farm hands secured a bear skin, wrapped himself up in its capacious folds, and hid himself in the wood. At the proper time the boy appeared with his cows at a full run. As the boy passed the place where the would-be bear was secreted, a great bear sprang out after him. The already timid boy was now frightened almost to death, and began to run as though the "Old Boy" himself were after him. He was blinded with fright, forgot the cows, and gave his whole attention to fleeing from the impending danger. But, alas! In his blind fear he no longer picked his steps, and tripped himself over a small handspike which lay in his way. He went down to the ground, and as he arose eager to continue his flight, the bear came upon him. There was no longer any chance to run. It was fight now or die, and in his desperation he resolved to fight. The handspike was at his feet, and seizing it he gave one mad blow which sent the bear rolling over and over, loosened his hide, and disclosed the bleeding, disconsolate man. It was no longer fun for the man. The boy's fear vanished at once as he beheld himself master of the day.

Now, like this boy, I have no desire to fight. But my friends of the Ways and Means Committee have disguised themselves in the bear skin of ferocity, have secreted themselves in the woodland of discriminating legislation, and are seeking to destroy the carefully established industries of my people. I do not want to fight, but the gentlemen composing the Ways and Means Committee of this House have left nothing else for me to do. In the language of the day, "I am up against it," and must fight or move out of the Twenty-first Congressional district of Pennsylvania, and if some good angel will lend me the lucky handspike, I will use it with all my might and continue to use it until I have defeated this bill.

And at the very beginning of the fight I desire to say that I am a Republican, representing a Republican district in a Republican State. As a Republican I have always given my support to the doctrine of protection, as has my district and my State. The remarkable prosperity which has followed the growth of the protective idea in the United States has endeared it to me, to my people, and to the great majority of the people of the country. So dear is the doctrine of protection to the Republican party that the dictum "stand pat" has gone forth, not alone from those high in authority in this House, but also from the great leaders of the party throughout the Union. The flag of nonrevision has been hoisted by the party, and it is very strange to me that legislation, such as is presented by this bill, should have the almost unanimous support of the Committee of Ways and Means of this House. I consider it an unfair stroke, a vicious stroke, and to the extent of my ability shall fight it to the bitter end.

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I have the honor to represent a constituency, a very large number of whom are interested and another very considerable number of whom are dependent upon the manufacture of wood alcohol, the industry which it is the purpose of this bill to destroy. The Twenty-first Congressional district of Pennsylvania may be said to be the home of the wood-alcohol business. Of the 118 establishments of the United States, 25 of them are located within its bounds. These 25 establishments give employment to 1,258 people; they use daily 629 cords of wood, whose annual value is very nearly \$2,400,000; the money invested in their factories amounts to nearly \$2,000,000; the railroads and tramways owned by them have a value of about \$300,000. In my district alone \$5,000,000 is invested in the manufacture of wood alcohol, giving labor to thousands of persons in the factory and forests, and giving prosperity to the four counties of which my district is composed. These 25 factories are independent industries, having no alliance with any other interests, connected in no way nor relying in any manner upon the operation of any other industrial plant. The investments necessitated by them were made principally for the production of wood-alcohol industries developed within the past forty years, and made possible only by the imposition of that revenue tax which this bill seeks to remove.

By the acts of the Republican party, acts of which in every convention its orators boast, heavy internal-revenue taxes were placed upon grain alcohol. This made this article of commerce high and forced manufacturers to the use of a cheaper article. By the acts of the Republican party manufacturers were driven from the use of grain alcohol to that of wood alcohol. By these acts my constituents were induced to invest their capital in wood-alcohol establishments and to develop an industry which has made itself invaluable to almost every part of my district. It has built towns, created wealth, and aided labor. Under the commercial demand for the substitute—wood alcohol—other manufacturers were induced to make large investments in factories and materials for the supply of the new demand, thereby aiding the agricultural communities of Pennsylvania.

Since 1865 there has been invested in this American industry many millions of dollars. There are now 118 establishments scattered over Maine, Vermont, New York, Pennsylvania, Ohio, Michigan, Alabama, Wisconsin, and Missouri. They give employment to more than 20,000 men, and have been of the very greatest benefit to the manufacturers and consumers of the country by creating a satisfactory substitute for high-priced grain alcohol.

In 1905 they produced about 7,500,000 gallons of wood alcohol, of which about 800,000 gallons were exported. While grain alcohol sold at from \$2.10 to \$2.45 per gallon, a good wood alcohol sold at from 50 cents to 75 cents, and met the fullest demands of the manufacturing industries of the country.

The average revenue tax on grain alcohol is about \$2.07, which this bill proposes to remove on condition that it be denatured. To denaturize grain alcohol will put the Government into private business. Swarms of officials will be created, warehouses erected, and money squandered. And when the denaturizing is done a new avenue for fraud on revenues is created. Two distillations of the denatured product will free the pure alcohol from the denaturizing agent and put free alcohol on the market free of tax. By a series of revenue acts you made it impossible for American manufacturers to use grain alcohol; by and through these acts the wood-alcohol business sprang into life, developed healthful proportions, and is to-day fully equipped for the fullest supply of every American demand. At the behest of gigantic alcohol interests, who have warehoused vast quantities of grain alcohol for which there is no demand at its tax-paid price, you now propose to change the revenue laws, to remove the \$2.07 tax, to denaturize the product, and make it free. By one flourish of the wand you make it possible to sell an article which yesterday brought \$2.45 for 40 cents. The Government proposes to lose \$2.07 a gallon for whose benefit and at whose charge? The entire benefit will go to the grain-alcohol producers, already a most flourishing class, and will bring ruin to the wood-alcohol industries of the entire country. By this change the denatured product will sell for 40 cents, and the wood alcohol, already at its lowest price, will be forced from the market and the industry destroyed.

Is this the way you propose to manage the Republican doctrine of protection? Is this the way in which you propose to foster American labor and American industries?

It was but a few days ago that the distinguished gentleman from New York wrote to the distinguished gentleman of Massachusetts that the tariff could not be revised during this Congress. In that letter he voiced the sentiments of the majority

of Republicans throughout the country, and for that sentiment he was applauded.

But something has happened since. He has had a taste of grain alcohol and seems so deliriously and gloriously drunk that he is willing not only to lower the tax on that product, but to go the full length of his tether, and make it entirely free.

I would like to call the sober attention of the distinguished gentleman to the words of the ancient king of Israel, as recorded in the Book of Books:

Look not upon denaturized alcohol in its free form, when it pays no tax, for at the last it biteth like a serpent and stingeth like an adder.

A careful survey of the hearings before the Ways and Means Committee reveals some wonderful properties in grain alcohol, denaturized alcohol, and wood alcohol. The trend of the inquiry was, "Can the denaturized product be redistilled, so as to give pure alcohol the benefit of this act?" One chemist said that it could, but that the expense would be so great as to forbid the distillation, to say nothing of the deterring influence of the penitentiary. This chemist was a Government chemist, a disciple of denaturized alcohol, and a bold adventurer in the field of experiment. The books of the Agricultural Department team with the projects of this gentleman, and disclose the fact that with him "Whatever is wrong, and all that isn't is right." He stops at nothing, and if permitted to go on in his revolutionary career will soon fill the land with inspectors and spies.

Another chemist said that denaturized alcohol, by two simple distillations, could be undone. There we have it. The doctors disagree, and the science of chemistry becomes an adjunct to political schemes, and Government chemistry usurps the place of independent investigation.

The hearings also disclosed an earnest effort on the part of the committee to ascertain whether denaturized alcohol would make a man drunk. The inference sought to be created was that if this movement would increase intemperance that it was not to be encouraged. What a marvelous masquerade. And what was the evidence? All the witnesses agree that denaturized alcohol would be drunk by a certain class, but that this class was so degraded as to be outside the reach of political philosophy. The evidence also disclosed the fact that denaturized alcohol had as yet no position in the United States, and that therefore the evil was not imminent. But the evidence from England, where denaturized alcohol is on the market, is clear and unmistakable. The London Lancet, one of the most eminent of medical periodicals, had this to say:

[The Lancet, London.]

DRINKING OF METHYLATED SPIRIT.

Dr. Matthew Hay, in his annual report, draws attention to the growing use of methylated spirit as an intoxicant. It is not perhaps generally known that with a view to enable persons engaged in certain industries to obtain an alcoholic spirit for industrial purposes at a relatively small cost the Government authorized the addition to alcohol of petroleum oil, etc., the mixture thus produced being practically free from the duty imposed upon ordinary spirits. It was thought that if the spirit was thus rendered nauseous no one would be tempted to use it as an intoxicant. But in Doctor Hay's experiences this addition has failed in its object and he thinks that the poorer and more degraded class of drinkers are using the altered spirit as an intoxicant in an increasing degree. He finds that the traffic in it is mainly in half penny and penny worths, as much being procurable for a penny as would be equivalent to two glasses of whisky. As an indication of the extent to which the trade in methylated spirit is carried on, it may be mentioned that as many as seventy men have been seen to enter a certain grocery shop in the east end in less than two hours. Each is provided with a bottle, and having procured the needed spirit, proceeds to a neighboring water tap to dilute the spirit before drinking it.

And the London Sun under glaring headlines printed the following:

[The Sun, London.]

A NATIONAL DANGER—INCREASE IN METHYLATED SPIRIT DRINKING.

A matter upon which temperance reformers might with advantage concentrate their efforts for a time, and one which must command the attention of the legislature shortly, is the terrible increase of drinking almost anything with spirit in it by those who have descended to the lower levels of intemperance and poverty.

"It is now at a point," declared a scientist and medical man lately, "at which it becomes a grave national danger, threatening even our position as a civilized people."

The practice of indulging in this awful compound is becoming so general in the city and the surrounding district as to induce the poisoning of those who would form the next generation of citizens. It is also causing increased crimes, notably of a violent character.

Nor was this all. The testimony of the Secretary of Agriculture was so full of the mellowing influences of grain alcohol as to lead a prudent man to wonder. Micawber always saw things large and most frequently saw them double, two characteristics which always attend the too free use of the flowing bowl.

Now, it appears to me that the fictitious character Micawber has become real in the person of the Secretary of Agriculture and that the real Micawber exceeds the hero of fiction to about the same extent that an arc light outshines a tallow candle.

The Secretary saw a wonderful field for denaturized alcohol.

All the surplus corn of the country, all the surplus rye would find a market in the alcohol factories. Not content with this large and enthusiastic vision, he painted the whole North planted in Irish potatoes and the whole South in yams, the farmers tremulous with Wall street excitement waiting for the teeming pots of gold. His vision saw alcohol lamps on every table of the land and standard oil stranded, bankrupt, and forlorn.

Wonderful possibilities! Wonderful hopes! Every corn-stalk now rotting in the fields was to rise from its abject poverty and yield unbounded wealth.

Is it necessary to go further for an answer to the question, "Will denaturized alcohol make a man drunk?" It converted a staid official into a dreamer and made the Ways and Means Committee tipsy with delight. In the face of this dreaming, this enthusiasm for the possible, let us turn again to the actual.

One hundred and eighteen establishments are already here. They are on the ground. They are actually supporting thousands of families. They are a real element in our national wealth. They have grown up in response to the law of supply and demand and have carried prosperity, wealth, and vigor into communities all over the land.

In my district the industry is a most flourishing one. Its farmers are gladdened each year by a market for from \$400,000 to \$600,000 for their wood. They have bought timber from these farmers for future use amounting to \$2,000,000 or more. They pay labor in the factories from \$500,000 to \$1,500,000 every year. These twenty-five manufactories are the mainstay of a large part of my constituency. The passage of this bill will cause every one of these establishments to shut down, for, as they assure me, they can not manufacture wood alcohol in competition with denaturized, tax-free, grain alcohol. All their plants and machinery will be converted into old junk and a large number of honest investors reduced to financial bankruptcy. This bill will injure my district more than the worst panic of Wall street ever carried to the speculative interests of New York.

The grain-alcohol business under existing law is a most prosperous one. It is not and has not been injured by the revenue tax. Nor is there any just ground for the belief that a change in the law will increase its prosperity or add one penny to the general prosperity of the country. Certain it is that denaturized alcohol will never displace kerosene oil, and it is this hope that leads many of my colleagues to countenance the bill.

I know, on the other hand, that the passage of this bill will injure the people of my district and the people of many other districts throughout the land. I know that thousands of people outside of the owners of the enterprises are dependent upon them, and that they will suffer. I know that thousands of men and women will be reduced to want, and that hundreds of communities and villages will be absolutely ruined. It is a question of vital importance to my people, and I urge you to withhold the destroying hand.

The great majority of these people are Republicans. They have followed the fortunes of the party through evil as well as through good report. They do not deserve the chastisement you now propose to heap upon them. They do not deserve the maelstrom of ruin which this bill will bring to their doors.

Loyalty to a great idea is poorly repaid when men in high places abandon that idea at crucial points. Integrity of political purpose can not be expected when its leaders abandon the purpose and drift aimlessly upon an experimental sea. Continued dominance of Republican ideas can not be expected when Republican leaders join hands with Democratic thought and tear down American enterprises built at the call of Republican thought. If we are Republicans, let us be loyal to the traditions of the party and vote down this insidious bill, which, as certainly as the change of seasons, will disrupt and destroy the Republican organization.

The measure under consideration is unjust to the wood-alcohol interests of the land; it injures labor and destroys industry. It offers nothing but a delusive hope, and is not demanded by the great mass of the American people. A sentiment manufactured by a bureau in New York asks for its enactment, and outside the pale of this manufactured sentiment there is no demand for the bill.

It injures the people of my district and the people of many other districts in several States. It is in violation of Republican thought, Republican traditions, and Republican ideals, and I hope it will be overwhelmingly defeated.

As a Republican, I am utterly opposed to a reduction of one iota of the Government's receipts. This bill will strike down from \$5,000,000 to \$10,000,000 of the annual revenues of the Government, and I am opposed to any reduction whatever.

I shall oppose revenue reduction of any kind so long as a sin-

gle city, town, or hamlet of 4,000 inhabitants is without a Federal building.

I shall continue this opposition until every river and harbor of our land has been so improved by the Government of the United States as to make it a source of pride to all the people and a source of wealth to the entire country.

And were it possible to apply the national revenue to the purpose, I should oppose this reduction until every country road from Maine to California, and from Kalamazoo to Galveston had felt the effect of the Government's revivifying hand.

We have no revenue to spare. This is no time for a reduction, and were it so, this is not the industry to be sacrificed.

I urge my friends to vote against this bill. [Applause.]

I subjoin a table of statistical information and clippings which will further illustrate the fallacies in the arguments of those who favor the passage of the bill.

Statistics of the wood-alcohol manufacturers of the Twenty-first Congressional district of Pennsylvania, showing the number of manufacturers, value of the plants, value of the wood in their yards, value of the wood cut in the woods, value of the standing timber which is either owned by the manufacturers or contracted from farmers or others which the manufacturers have to take, number of men employed, number of people interested in the ownership of the plants, and value of small railroads to get this wood to the factories.

Name of company.	Cords of wood used daily.	Value of factory.	Men employed.	Value of wood and timber.	Value of railroads.	Number of stockholders.	Total value.
Smith Chemical Co.	40	\$120,000	80	\$194,000	-----	23	\$314,000
Nusbaum Chemical Co.	30	90,000	60	90,000	\$12,000	3	192,000
Minard Run Chemical Co.	19½	58,500	39	44,300	-----	3	102,800
Lewis Run Manufacturing Co.	31	93,000	62	196,000	25,000	5	314,000
Custer City Chemical Co.	45	135,000	90	133,400	10,000	5	273,400
Noles-Bolby & Co.	20	60,000	40	22,500	-----	5	82,500
John Bartley & Co.	14	42,000	28	13,750	-----	5	55,750
Alton Chemical Co.	16	48,000	32	30,350	-----	5	78,350
Bradford Chemical Co.	12	36,000	24	22,500	-----	5	58,500
Newton Chemical Co.	42	126,000	84	140,000	-----	5	266,000
Heinemann Chemical Co.	67	201,000	134	474,000	100,000	5	775,000
Hazelhurst Chemical Co.	19½	58,500	39	28,500	10,000	10	97,000
Corryville Chemical Co.	24	72,000	48	120,750	-----	6	192,750
Day Chemical Co.	42	126,000	84	184,000	54,000	3	364,000
Marvendale Chemical Co.	24	72,000	48	51,500	-----	5	123,500
Gray Chemical Co.	18	54,000	36	88,000	-----	6	142,000
Gaffney Brothers.	20	60,000	40	50,000	-----	3	110,000
Wyman Chemical Co.	24	72,000	48	54,250	-----	2	126,250
Liberty Wood Products Co.	24	72,000	48	138,500	-----	10	208,500
Kellor Chemical Co.	16½	49,500	33	24,100	-----	3	73,600
Consolidated Chemical Co.	16½	49,500	33	50,000	50,000	6	149,500
James Manufacturing Co.	24	72,000	48	85,000	60,000	6	217,000
National Chemical Co.	40	120,000	80	69,500	-----	6	189,500
	629	1,887,000	1,258	2,302,900	321,000	134	4,510,900

There are about 240,000 cords of this value in wood now cut and which should be cut at least one year before using, amounting to \$960,000.

ALCOHOL OF NO USE FOR AUTOMOBILES.

The Engineer, one of the leading technical journals of England, in commenting on the recent results of trials in France of alcohol as a substitute for gasoline in automobile running says:

One of the most noteworthy things to be recorded in connection with the French automobile industry during the past year is the failure of alcohol to come up to the expectations that were formed of it a twelvemonth ago. Makers of motor vehicles, with the exception of two or three have never shown much enthusiasm for the new spirit. They have been ready enough to run vehicles with alcohol in competition held in the interest of this fuel, because they have felt it their duty to support what is regarded as a national movement, yet, despite the incessant encouragement of the Government, the use of alcohol in this direction has not materially increased. As a fuel, it is fairly satisfactory, but in all cases the consumption is so high that it can only be economically employed in countries where the product is cheap and petroleum practically prohibited.

DENATURIZED ALCOHOL OF LITTLE USE FOR MANUFACTURING PURPOSES IN GERMANY.

The following are the German Government statistics of the amount of alcohol used during the year ended October 1, 1903:

	Hectoliters.	American gallons.
Tax-paid alcohol used for drinking and manufacturing purposes	2,375,778	62,790,927
Denatured alcohol	1,110,050	29,324,190
Exported	242,644	6,409,926
Total amount of alcohol used in Germany during year ended October 1, 1903	3,728,472	98,495,043

Denatured spirit used during year ended October 1, 1903.

	American gallons.
For heat, light, and power (estimated)	18,604,845
In manufacture of vinegar	4,265,612
In manufacture of varnishes	1,294,930
In manufacture of celluloid	433,784
Other manufacturing purposes	4,705,861
Total denatured spirit used	29,305,032

THE WARNING OF A CHEMIST.

It would have been easy for us to fill this committee room with thoughtful, earnest men engaged in the manufacture of charcoal, acetate of lime, wood alcohol, charcoal iron, varnish, lumber, etc., all eager to protest against the ruin of their business for the purpose of giving an additional profit to a few manufacturers already prosperous; to protest against aiding the grain distillers, who already have a monopoly. But I am satisfied that this committee will find the country is not ready for tax-free alcohol; that it can not compete with petroleum distillates for heat, light, and power purposes, and that its use in other directions will simply be to displace wood alcohol with material benefit to the manufacturers of grain alcohol, but to only a few others.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent for general leave to print on this subject for five legislative days, the speeches to be confined to this bill.

The SPEAKER. The gentleman from New York asks unanimous consent that all gentlemen who desire to do so may have leave to print remarks on this bill for five legislative days, including to-day. Is there objection?

There was no objection.

Mr. PAYNE. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has thirteen minutes.

Mr. PAYNE. I yield ten minutes of that time to the gentleman from Mississippi.

Mr. WILLIAMS. Mr. Speaker, I do not wish to consume any of the time. The gentleman from Michigan [Mr. YOUNG] seems not to understand the difference between two quite distinct things. One is untaxing a producer for the benefit of that producer and all consumers, and the other is taxing all consumers for the benefit of some producers. That old sophism, which he has indulged in to-day—of setting up as a "vested right" some existing wrong, and then asking men not to interfere with it "out of pity," is a thing that never appealed much to my judgment and I am therefore very strenuously in favor of the passage of this bill.

I now yield four and a half minutes to the gentleman from Alabama [Mr. UNDERWOOD] and reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, in the time allotted for this debate it would be impossible for me to fairly discuss the merits of this bill, but I consider it one of the best bills that has ever come before this House since I have been a Member of it, so far as the people of the United States are concerned. I was surprised at the remarks of the gentleman from Michigan [Mr. YOUNG] as to the way he treated this bill. One would suppose that this was a measure to impose a tax for the benefit of some particular manufacturing interest. As a matter of fact, it is a bill to remove a tax from a commodity that has a greater use in the manufactures, arts, and sciences of the world than any other commodity that we have. The object of taxation, to those who believe with us on this side of the House, should be solely for the purpose of revenue; but I take it that to all the Members of this House there can be but a few, if any, that disagree to the proposition that the levy of internal-revenue taxation should only be for the purpose of raising revenue and for no other purpose.

Now, the Government of the United States, like all other civilized governments, raises a large portion of its taxes from a tax levied on whisky and spirits. It is intended to raise the tax from that commodity. It was never intended when taxation was inaugurated that it should interfere with alcohol in the arts and sciences, but incidentally it had to do it. It was not the intention to debar the people of the United States from the use of alcohol in the arts, it was merely to levy a tax on alcohol as a revenue. For many years it was supposed that we could not remove the tax on alcohol for the arts and manufactures without injuring the revenue of the country. But the great civilized nations of the world—Germany, England, and France—have denatured alcohol and allowed it to be used in the arts for many years, and have demonstrated that this has been done without interfering with the revenues of the government and without allowing the denatured alcohol to be used as a beverage.

The sole object of this bill or the only purpose of this bill is to so denaturize alcohol for the use in the arts—for light, fuel, and heat—that the people of the country may have that great

benefit and that that great boon may be conferred upon them without paying the tax.

The gentleman from Michigan indicted the Ways and Means Committee for not putting a tax on denatured alcohol of 5 cents a gallon for the purpose of inspection. Your committee after a full and fair investigation in this matter found that if we put a tax of 5 cents a gallon on denatured alcohol we would make the cost so high of fuel and light and heat that it would not be able to compete with kerosene or be used for light and for heat. Therefore your committee believed that it was our duty to the people of the country and to the people who needed free alcohol for industrial purposes, for light, for the farm home, running the farm engine, taking care of the industrial business of the farm, to give them alcohol that was absolutely free. [Applause.]

[Here the hammer fell.]

Mr. WILLIAMS. Mr. Speaker, I now yield four and a half minutes to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. Mr. Speaker, the proposition to remove the tax from denatured grain alcohol for technical uses is the only one of which history furnishes an authentic record on which distillers and prohibitionists, manufacturers and farmers, producers and consumers are agreed.

If the rosy predictions of its most optimistic advocates are fulfilled, we will witness a veritable Aladdin's lamp working its myriad wonders before our eyes in this prosaic age. If even half of them are realized, we will see a revolution in lighting, heating, manufacturing, and motors.

Buckle, in his immortal fragment, says that the three most potent factors in modern civilization were the invention of gunpowder, the invention of movable types, and the use of steam as a motor and a manufacturing agent. Had he lived in our day he would have classed electricity as the fourth. If the hopes of the proponents of untaxed denatured alcohol find fruition in fact, then it will rank as the fifth.

It is said that he who causes two blades of grass to grow where only one grew before is a public benefactor. If that be true—and it certainly is incontrovertible—then the declaration may be made without fear of successful contradiction that he is also a public benefactor who furnishes cheap light, cheap fuel, and a cheap motive power to the masses of the people. These are among the blessings promised by this measure. Every Member of this House can enroll himself among his country's benefactors by voting for this bill. A cordial invitation is hereby extended to all Members to place their names upon the roll of honor.

In passing, it may be well to state that this is the only civilized country under the sun in which any considerable tax is levied upon denatured alcohol intended for technical uses. In this age of fierce industrial and commercial competition—constantly growing fiercer—we can not afford to neglect any of the natural advantages which we possess; and as alcohol can be made from anything containing starch or sugar—grain of every sort, white potatoes, sweet potatoes, yams, waste molasses (both cane and beet), cornstalks, etc.—we can easily and profitably produce substances from which a limitless quantity of alcohol can be made.

Mr. LITTLEFIELD. Mr. Speaker, may I inquire of the gentleman how much this reduces the revenue?

Mr. CLARK of Missouri. I doubt very much whether this will reduce the revenue a dollar.

Mr. LITTLEFIELD. What is the apparent reduction?

Mr. CLARK of Missouri. The apparent reduction varies all the way from about half a million to ten millions of dollars, owing to who is doing the calculating. [Laughter.]

It is not the part of wisdom to agree with the extremists on this subject, either pro or con.

One set seem to think that untaxed alcohol will usher in the millennium; the other set conclude that it will destroy the wood-alcohol and the charcoal iron industry. The former are unduly elated, the latter are unnecessarily scared.

Alcohol can be made from the cornstalks which we produce and waste in quantities to supply not America only, but the world with cheaper and better light and fuel. Alcohol, however, will not be made from cornstalks in any considerable quantities, so long as grain and potatoes are as cheap as they now are. So far from the wood-alcohol industry being destroyed, it is doubtful if it will be injured to any appreciable degree. Indeed, some persons think it would help it, for the best denaturing material thus far discovered is one-tenth part of wood alcohol.

Last year the entire output of wood alcohol was about 9,000,000 gallons. The enthusiastic proponents of the pending measure predict that in a short time we will be consuming 200,000,000 gallons of denatured alcohol per annum. That

would necessitate the use of 20,000,000 gallons of wood alcohol per annum for denaturing purposes alone, or twice our entire present output of wood alcohol.

Now, be it remembered that nobody starts out to make wood alcohol as an original proposition. It is a by-product of charcoal burning, wood alcohol and acetate of lime constituting 52 per cent of the money value of charcoal making.

On the other hand, what is called "grain alcohol" is the principal product of distillation, except the slops, which, as animal food, just about pay the cost of distillation, which is one of the simplest processes known among men.

That free denatured alcohol will be a powerful competitor with the Standard Oil trust and the coal trust there can be no question, and for that reason, if for no other, this bill should be enacted into law. It can be made in this country for from 15 to 30 cents per gallon, at which price it is cheaper than kerosene or gasoline, for a gallon of alcohol contains about twice as many heat units as a gallon of kerosene or gasoline. At the same time it is much cleaner and safer. Why, then, refuse it to the people?

Aside from its use for lighting, heating, and motor purposes, it is surprising in what variety of manufactures it is a valuable, a necessary factor.

In an elaborate report Senator Platt and Mr. Russell enumerate the following:

Acids, bicycles, blacking, brass work, bronze work, burial caskets, cabinetmaking, carriages, cars, wagons, etc., cartridges, celluloid and zylonite chairs, chemicals, chemical preparations, cigars, colors, dental goods, desks, dyes, dyes used in textiles, enameled ware, flavoring extracts, folding beds, fulminating powder, furniture, gas and electric fixtures, gilding, granite ware, guns and pistols, hats, japanned ware, machinery, moldings, organs, paints, paper, pharmaceuticals, photographic materials, pianos, picture frames, rattan goods, shellac, silk, silver plating, smokeless powder, tobacco, toys, varnishes, whips.

There are, perhaps, others. The number is certain to increase rather than diminish.

By reason of the exorbitant price at which grain alcohol is now sold—about \$2.40 per gallon—many manufacturers use wood alcohol, a deadly poison, which they can procure at about 70 cents per gallon, and which does not cost the producer over 30 cents per gallon.

Because denatured alcohol would be cheaper than wood alcohol, and because it is less deleterious in the use, both the manufacturers and their employees are clamorous for the passage of this bill.

The people of the Mississippi Valley want it because they will both produce it and use it. They know that there is much of profit and of comfort in it to them.

Mr. PAYNE. Mr. Speaker, I yield one minute to the gentleman from Minnesota [Mr. McCLEARY].

Mr. McCLEARY of Minnesota. Mr. Speaker, the United States is the only great manufacturing and commercial country in the world that makes no distinction between alcohol used for industrial purposes and distilled spirits intended for drinking. In this country both are classed as distilled spirits for taxation purposes. The internal-revenue tax on proof alcohol 50 per cent strong is \$1.10 per gallon, equivalent to about \$2.07 per gallon on commercial alcohol 94 per cent strong.

Alcohol can be cheaply produced, the cost of production under present conditions with the tax removed being estimated at from 10 to 25 cents per gallon testing 94 per cent.

For nearly twenty years propositions to remove the internal-revenue tax on alcohol for use in the arts and for fuel, light, and power have from time to time been brought to the attention of Congress by bill or otherwise. But for a variety of reasons these propositions have never before been favorably acted on. Two or three difficulties have heretofore been regarded as insurmountable and have prevented favorable action.

In the first place, many good people honestly thought that the removal of the tax would render alcohol so cheap that there would be a very marked increase in drunkenness. In the second place, it was feared by Congress that the removal of the tax would seriously affect the revenues of the Government. And in the third place, it was feared that the removal of the tax on the alcohol used in the arts and industries would open a door for fraud on the Government as to the alcohol used for drinking purposes.

But appreciation of the importance of solving the problem of cheap alcohol for commercial purposes has been growing, and a great deal of thought has, during recent years especially, been given to the problem. It is not surprising, therefore, that even a larger number than usual of bills for the removal of the tax on industrial alcohol have been introduced at this session of Congress.

The Committee on Ways and Means has given the subject very careful investigation this winter, and has framed a bill—the one now pending—that is believed to meet all the legitimate

objections heretofore raised. This bill has the indorsement of the Commissioner of Internal Revenue, of the Secretary of the Treasury, and of the President.

The objections of the temperance people have been met by the provision that the removal of the tax shall apply only to alcohol that has been "denaturalized" under governmental supervision—that is, only to alcohol that has been rendered unfit for drinking purposes. And full protection for the revenues is believed to be provided in the bill.

In fact, the objections heretofore raised against this proposition—that is, the legitimate objections based on the public interest, though not those based on private interests—are so fully met in the pending bill that it seems likely that this bill will pass the House practically without dissent. And it is hoped that, notwithstanding the opposition of certain powerful interests, it will pass the Senate also at this session, or at least within the life of the Fifty-ninth Congress.

WHY THIS LEGISLATION?

And now what is to be gained through such legislation? One of the best brief answers to this question that I have seen is given in a letter that I recently received from one of the leading business men of my home city, Mr. W. L. Hixon, president of the Mankato Mills Company, manufacturers of wool hosiery, which I send to the Clerk's desk and ask to have read.

The SPEAKER. Without objection, the letter will be read. [After a pause.] The Chair hears none.

The Clerk read the letter, as follows:

MANKATO MILLS COMPANY,
Mankato, Minn., April 4, 1906.

Hon. J. T. McCLEARY,
House of Representatives, Washington, D. C.

DEAR SIR: This is to advise you that we are strongly in favor of the bill at the present time before the House for the removal of the tax from commercial alcohol, or alcohol used in the arts.

Removal of this tax will have a far-reaching effect that those who are not in touch with industries where alcohol is used do not realize. I might suggest, for instance, that alcohol is used in large quantities in the manufacture of dyestuffs and chemicals, which it is impossible to manufacture in this country at the present time, owing to the enormous tax on alcohol.

Has it ever occurred to you to inquire why, in spite of the fact that there is a duty as high as 30 per cent on certain coal-tar dyestuffs, imported mostly from Germany, there has been no industry to speak of built up in this country for the manufacture of those products, which are almost exclusively imported from Germany to this country, the industry being an enormous one, amounting to millions of dollars? Ordinarily it would pay the German manufacturers to establish factories on this side of the Atlantic, in order to save transportation and the duty. It has been tried in a small way, but has failed, owing to the fact that the enormous tax on alcohol has prevented the making of certain chemicals and dyes, which could easily be made in this country were that tax removed, and which would undoubtedly develop a very large industry in this country if the tax were removed.

I might cite the fact that on aniline salt there is no duty at all, and I venture to say that 95 per cent of the aniline salt in this country has to be imported, as it has been found unprofitable to make it in this country, and there are only three manufacturers of that article in this country to-day, although it is used in enormous quantities, aniline salt being the basis of black dyes, paints, etc.

Outside of the benefit that the removal of the tax on alcohol would have in the above respect, it would undoubtedly develop into something that would give your farmer friends a cheaper fuel, and it would develop and build up an industry which amounts at the present time to little or nothing.

Yours, very truly,

MANKATO MILLS CO.,
W. L. HIXON, President.

Mr. McCLEARY of Minnesota. Mr. Speaker, in another letter, a week later, Mr. Hixon elaborated his views on the subject still further, saying:

I have digressed from the subject I started to write you about, and in reference to it will say that the removal of the tax on alcohol would admit of the farmers, if they saw fit, distilling their own alcohol for fuel purposes, or placing it upon the market in its denaturalized condition. It would build up another industry for them, and the enormously increased demand would produce an equal enormous increase in production, which would employ labor and be remunerative.

I believe it would ultimately make alcohol cheaper than either gasoline or kerosene by actual test, and those are now articles of household necessity.

As to the effect it will have on the manufacture of chemicals: Alcohol is a necessary solvent—in fact, the only real solvent. I might, among other chemicals, point out that ether, which is largely used in surgical operations, is in enormous consumption in this country. I have heard it said that one hospital alone in a certain city has used as high as 2,000 pounds per year. The price of ether in this country, I believe, is about 70 cents per pound, whereas in Germany, I am informed, it is about 7½ cents, the difference being entirely due to the fact that Germany levies no internal tax on denaturalized alcohol. Furthermore, owing to the tax on alcohol a number of articles, including chemicals, can not be manufactured here at all. I am informed, too, that fulminating powders and fulminates, which are employed in charging percussion caps, friction primers, and fixed ammunition, without which neither dynamite nor modern smokeless powder could be fired, all come under this head, and these articles, I believe, have a direct bearing on the interests of the Government itself in the purchase of its materials for war.

I am told there are many ways of denaturalizing alcohol in Germany for uses in the various industries; different methods are employed to fit the different cases. Therefore I would urge that the bill before Congress should not confine denaturalizing alcohol to any one process or method.

All of this information I have picked up in the course of my own business, and without any special attempt to make a study of the matter.

I started out to write a few lines to you, and I have written a volume, but my interest in the subject, I hope, is a sufficient apology.

With kind regards, I remain,
Yours, very truly,

W. L. HIXON.

Mr. Hixon is a practical and successful business man, and his views are entitled to great consideration.

AMERICAN WORK SHOULD BE DONE IN AMERICA.

Mr. Speaker, I am one of those who believe that so far as possible the work of America should be done by the sons and daughters of America. And I believe that the passage of this bill will help in that direction. Of the many illustrations that might be given, I shall choose that of fulminate of mercury, the fulminating powder used as the explosive agent in percussion caps and cartridges of all kinds, referred to by Mr. Hixon.

Practically all the fulminating powder used in this country is made in Canada, the alcohol required being shipped from this country in bond, without payment of tax, and used in bonded manufacturing warehouses in the production of the fulminate. This is exported from Canada to the United States, paying the customs duty of 30 per cent ad valorem, which is considerably less than the internal-revenue tax on the alcohol used.

One result, therefore, of the present policy of taxing industrial alcohol is to give employment to Canadian instead of American workmen, and to prevent the development in this country of an important industry.

Mr. Hixon referred to another industry, that of dye making, which does not thrive here chiefly because of the high cost of alcohol. For these dyes we are now dependent on Germany, that empire whose people have, through wonderfully high technical skill, done so much to overcome the lack of natural resources in their country. But with "free alcohol" it is believed that we could supply ourselves with these dyes, thus again building up industries here and securing the work of our country to our own people.

It is claimed that 10,000 factories, representing 30 distinct industries, with an aggregate capital exceeding \$500,000,000 and employing 300,000 hands, use alcohol, or a solvent derived from alcohol or an inferior substitute, as a raw material of manufacture. In all these factories cost of production is greatly and unnecessarily increased by the tax on alcohol. In some it is claimed that the cost is more than doubled. With "free alcohol" we shall have in all those lines cheaper production and a larger use of the products, resulting in increased employment of men, and greater enjoyment of the comforts of life by the people. It is believed that there would be a great expansion in the present industries using alcohol or substitutes for it, and the development of many new industries now unknown and undreamed of.

ALCOHOL FOR LIGHTING.

Alcohol burns readily under all conditions, without smoking, and is free from disagreeable odors. Its flame is nonluminous, but with a chemical mantle, similar to the Welsbach burner, it produces a very bright light. This was demonstrated to the Committee on Ways and Means during the hearings on the bill. And this light is very inexpensive. It is claimed that with free alcohol the cost per burner per hour for 71 candlepower will be only 1 cent. The light is pure white and very brilliant. Colors are said to be almost as readily distinguishable as by daylight. The light does not flicker and is not affected by drafts. Owing to this great steadiness, the alcohol light is said to be but little fatiguing to the eyes.

Careful tests show that a gallon of alcohol has twice the illuminating power of a gallon of kerosene. For illuminating purposes alcohol is claimed to be superior to kerosene in every way, being cleaner, safer, and better smelling. It never smokes, so chimneys keep clean and transparent. There is but little heat given off, the heat of combustion being converted into light by the mantle. The wick does not char nor gum up, and therefore it does not require trimming every day.

ALCOHOL FOR COOKING AND HEATING.

It is believed that with the removal of the tax on denaturalized alcohol a great step onward in the solution of the problem of cheap fuel will have been taken. The importance of this to the people of the country, especially to those living on the prairies of the Middle West, can hardly be overestimated. The high price of coal or wood or other fuel would then, it is believed, have fewer terrors to the people.

As is well known, the chief element in the cost of coal to consumers at a distance from the mines is necessarily in the transportation. With "free denaturalized alcohol" this large element of the cost of fuel can be largely removed, because fuel can then be produced near the place where it is consumed.

And what a boon to the housewife this cheap and clean fuel

will be! The general use of alcohol in the household for fuel purposes would remove many of the annoyances of housekeeping. Think of freedom from ashes and dust. Think of the ease of starting the fire and the promptness with which it can be extinguished, and what this means in the summer time. Think of the nonsmoking and odorless flame for broiling, and the uniform temperature that can be maintained in all cooking operations.

ALCOHOL AS A MOTOR FUEL.

Alcohol is claimed to be not only a decidedly satisfactory substitute for gasoline as a motor fuel, but to be superior to it in many particulars. It is clean, odorless, and free from danger of accidental explosion. The vapor given off is not inflammable unless closely confined, and naked lights may be used around the machine without danger.

Concerning the industrial uses of alcohol in Germany, Frank H. Mason, until recently United States consul-general at Berlin, reported as follows:

At its present price of 15 marks per hectoliter (about 13 cents per gallon) it competes economically with steam and all other forms of motive energy in engines of less than 20 horsepower for thrashing, pumping, and all other kinds of farm work, so that a large percentage of the spirit produced in agricultural regions remote from coal fields is consumed in the district where it is grown. The motor for farm use is tightly inclosed and absolutely free from danger of fire.

Since the inception of this movement it has been a point of extreme importance to replace the steam engines for thrashing, grinding, fuel cutting, and other agricultural purposes with alcohol motors, for which are claimed the important advantages of immediate readiness for operation, freedom from danger of fire, and, finally, greater economy of maintenance.

Another important advantage of alcohol, which applies specially to its use in motor carriages and in engines for operating creameries and small manufacturing plants in premises adjacent to dwellings, is its absolute cleanliness and freedom from the mephitic odors which render hydrocarbon engines so offensive to many people.

THE FARMERS' INTEREST IN FREE ALCOHOL.

One of the great problems in every productive industry is to find a steady market for the entire product. This is true of farming as of every other industry. With our vast area of low-priced lands and the enormous development of our agricultural areas, it is a marvel that we have been able to find a market for the gigantic crops of our farms. We could not have come anywhere near doing so had it not been for the enormous growth of our manufacturing industries, furnishing here at home the best market for farm products in the entire world.

But even under our splendid system there has generally been a surplus, great or small, of certain of our farm products. For a year or so efforts have been made to scare our farmers at the prospective loss of the German market through hostile tariff legislation in that country. But that danger has been passed and is hardly likely to appear again except as a threat to compel us to give away a part of that great market of ours. There is good reason for believing that a domestic market for a much larger quantity of farm products than are now exported to Germany will be found through the enactment of the pending bill for removing the internal-revenue tax from industrial alcohol.

What the farmer wants is a market for his corn, potatoes, and so on. And if he can secure this market at home it is manifestly to his advantage to do so. Prices in foreign markets are, to some extent, affected by the competition of India, Australia, Argentina, Russia, and other countries. The creation of a permanently enlarged home market for corn, potatoes, and other farm products would to a great extent make our farmers independent of price fluctuations consequent on large crops in competing countries.

Moreover, from the standpoint of a wise domestic economy, there can be no question that it is better to keep the bulky farm products in this country than to ship them abroad, because if utilized in this country these products are returned to enrich the soil, while if they are exported they constitute a continual drain on the productivity of our land.

With the enormous development in the uses of alcohol in the industrial arts, in its uses as power for motors, boats, and farm engines, and in its uses for heating and lighting, it is claimed by men presumed to be well informed that there will soon, if the tax is removed, be a demand for hundreds of millions of gallons of denatured alcohol. Translated into the terms of materials from which alcohol is produced, this would mean a new domestic market for immense quantities of farm products, with consequent benefits to our agricultural interests.

Representing an agricultural district, it is both my duty and my pleasure to support the pending bill.

Mr. PAYNE. Mr. Speaker, in the two minutes remaining to me I want to say that we did not put a tax of 5 cents a gallon or any other tax on denatured alcohol, because we wanted the fullest opportunity for use in this country, both in the interests of the people who would use it for fuel and light, and in the

interest of the wood-alcohol manufacturers. It will not detract from the revenue, because it was conceded by the wood alcohol men, as well as by the others that appeared before the committee, that no ethyl alcohol was used now in manufacture or in the arts. It has been displaced completely by wood alcohol. We do not fear fraud upon the revenues, because we have permitted the use of alcohol in many liquid medical compounds, and the Secretary of the Treasury and also the Commissioner of Internal Revenue united in the opinion that they can guard against fraud on the revenue. What else I wish to say in reply to the gentleman from Michigan [Mr. Young] I will put in the record.

Mr. Speaker, I now ask for a vote; and in order to get a rising vote, I ask for a division.

Mr. WM. ALDEN SMITH. I ask unanimous consent to print in the RECORD with form of petition generally signed by farmers, organizations, and Grange associations throughout the State of Michigan in favor of this measure. The signatures attached to this petition approximate 5,000 names, and read as follows:

MICHIGAN PATRON FREE-ALCOHOL PETITION.

To the honorable House of Representatives, Washington, D. C.:

Your attention is respectfully asked to the urgent necessity which now exists for the enactment of such legislation by Congress as will enable the farmers of the United States to use untaxed denatured alcohol as a motor fuel in farm engines and for heating, lighting, and cooking purposes.

Gasoline, which is now the only available fuel for the internal combustion engine, has more than doubled in price during the past few years, and since, owing to the largely increased use of this class of engines for farm work, the demand for gasoline is rapidly exceeding the supply, the necessity for securing a cheap, satisfactory, and permanent supply of fuel has become a very serious question.

Alcohol, distilled from corn and other farm products, which has been rendered undrinkable by the admixture of some poisonous substance, is the only fuel which meets all these conditions. A fire started with alcohol is one of the easiest to extinguish, owing to the fact that it mixes freely with water. Alcohol is clean and free from disagreeable odor and danger of accidental explosion, and when burned with an incandescent mantle gives a brilliant, steady, white light. The alcohol lamp with mantle is simple and inexpensive, and would be cheaper than other forms of lighting now in use on American farms if no tax was imposed on industrial alcohol.

The production of the enormous quantity of alcohol that would be used if the tax were removed would create a new market for surplus crops of corn, potatoes, or the waste products of the beet and cane sugar industries, etc. Tax-free alcohol would give the farmer a sort of balance wheel by providing a market for crops not otherwise marketable, since a crop partly spoiled could be made the source of cheap alcohol for industrial purposes, and the loss to the farmers from low-priced crops would be largely compensated for by the low cost of the alcohol fuel made therefrom.

The revenue laws of all other commercial nations, including Great Britain, Germany, France, Austria-Hungary, Italy, Belgium, Holland, Russia, Switzerland, Norway, Sweden, Denmark, Cuba, Venezuela, Brazil, Argentine Republic, Chile, and Peru, provide that no tax shall be imposed on alcohol intended for industrial purposes, and as the enactment of similar legislation would directly benefit every farmer in the United States, Congress should take such action at the earliest possible date.

Respectfully,

M. H. Foster, Wm. S. Moffitt, Mrs. H. Jones, Mrs. J. Spencer, E. E. Moffitt, James Howard, James Spencer, Jennie Howard, Harmon J. Bailey, Hiram P. Jones, Mrs. M. H. Foster, Mrs. M. N. Sturgis, Vesta A. Sturgis, Stanley Sturgis, Jno. Moffitt, Myrtle Moffitt, Eula Moffitt, Rockford, Mich.

The SPEAKER. As many as are in favor of suspending the rules and passing the bill with the amendments will rise and remain standing until counted. [After counting.] Two hundred and twenty-two gentlemen have arisen in the affirmative. The ayes will be seated, and those who are opposed will rise and remain standing until counted. [After counting.] Seven gentlemen have voted in the negative. Upon this question the ayes are 222 and the noes 7.

So (two-thirds having voted in favor of the measure) the rules were suspended and the bill was passed.

PENSION APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I present the report of the conference committee on the bill (H. R. 13103) making appropriations for the payment of invalid and other pensions, and ask that it be printed under the rules.

The SPEAKER. The gentleman from Michigan presents the report of the conference committee on the pension appropriation bill for printing under the rules. It will be printed.

DAMS ACROSS BRANCHES OF ROCK RIVER, ETC.

Mr. MCKINNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14508) permitting the building of dams across any or all of the branches of Rock River, also a dam across the cut-off between Vanduffs Island and Carrs Island at, near, or upon the lower rapids of Rock River, in Rock Island County, Ill., which I send to the desk, and I ask unanimous consent that the amendment in the nature of a substitute be read instead of the bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent to dispense with the reading of the bill which he

sends to the desk and for the reading of the amendment in the nature of a substitute. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read.

The Clerk read the amendment in the nature of a substitute, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Samuel S. Davis, of the city of Rock Island, in the county of Rock Island and State of Illinois, his heirs, executors, administrators, and assigns, to build, operate, and maintain dams across any or all of the branches or channels of the Rock River, including a dam across the chute or cut-off between Vandrufts Island and Carrs Island at, near, or upon the lower rapids of said Rock River, in said county of Rock Island, State of Illinois, for the development of water power, together with such works and structures in connection therewith as may be necessary or convenient in the development of said power and the utilization of the power thereby developed; said dams may be built at or near the sites of the dams formerly existing across said branches and said cut-off, or at any place or places between said sites and the dams now constructed at or near the head of said Carrs Island for the purposes of the Illinois and Mississippi Canal, and the said Samuel S. Davis, his heirs, executors, administrators, and assigns are hereby authorized and empowered to draw and divert by canal, flume, or race, or canals, flumes, and races, from the pool formed by the construction of said dams and works incident thereto, such supply of water as may be required for the full and complete development and utilization of said water power, and to discharge the same into said Rock River or some branch or channel thereof at or near the lower part of said Vandrufts Island, or at some place or places on or near the north shore of said river or of the north branch or channel thereof opposite to or below said Vandrufts Island; and also for that purpose to construct, operate, and maintain such structures and improvements as may be necessary or convenient: *Provided*, That such dams shall not be built or commenced until the plans and specifications for their construction, together with such drawings of the proposed construction and such map of the proposed locations as may be required for a full understanding of the subject, have been submitted to the Secretary of War for his approval, or until he shall have approved such plans and specifications and the location of such dams and accessory works; and when the plans for any dam to be constructed under the provisions of this act have been approved by the Secretary of War it shall not be lawful to deviate from such plans, either before or after completion of the structure, unless the modification of such plans has previously been submitted to and received the approval of the Secretary of War: *Provided*, That in approving said plans and locations such conditions and stipulations may be imposed as the Secretary of War may deem necessary to protect the present and future interests of the United States, which may include the condition that said Samuel S. Davis, his heirs, executors, administrators, or assigns, shall construct, maintain, and operate, without expense to the United States, in connection with said dams and appurtenant works, a lock or locks, booms, sluices, or any other structures which the Secretary of War at any time may deem necessary in the interest of navigation, in accordance with such plans as he may approve, and also that whenever Congress shall authorize the construction of a lock or other structures for navigation purposes in connection with such dams, the person owning such dams shall convey to the United States, free of cost, title to such land as may be required for such constructions and approaches, and shall grant to the United States a free use of water power for building and operating such constructions: *And provided further*, That suitable fishways shall be constructed and maintained in said dams by said Samuel S. Davis, his heirs, executors, administrators, or assigns, at his or their own expense, as may be required from time to time by the Secretary of Commerce and Labor: *And provided further*, That said dams and other structures shall be so constructed as in the judgment of the Secretary of War not to interfere with the Illinois and Mississippi Canal and the operation thereof, and the Secretary of War shall at any time control said dams so far as shall be necessary for the purposes of said last above-mentioned canal, but shall not destroy or impair the water power developed by said dams, canals, and appurtenant structures to a greater extent than shall be necessary to provide proper facilities for the navigation of said Illinois and Mississippi Canal or other purposes affecting navigation.

SEC. 2. That in case any litigation arises from the building, operation, and maintenance of said dams, canals, and appurtenant works, or from the obstruction of said river by the same, or any damages resulting to private property by overflow or otherwise, proceedings to adjust, determine, and recover compensation for such damages may be instituted in any court of competent jurisdiction.

SEC. 3. That unless the actual construction of the dams herein authorized shall be commenced within one year and completed within three years after the passage of this act, the rights and privileges herein granted, so far as they pertain to the construction of any dam or dams not then completed, shall cease and determine.

SEC. 4. That the right to alter, amend, and repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. STEVENS of Minnesota. Mr. Speaker, I offer the following committee amendments.

The SPEAKER. The Clerk will report the committee amendments offered by the gentleman from Minnesota.

The Clerk read as follows:

On page 1 change title to read: "Permitting the building of dams across the north and south branches of Rock River, adjacent to Vandrufts Island and Carrs Island and across the cut-off between said islands, in Rock County Ill., in aid of navigation and for the development of water power."

On page 4 strike out lines 18, 19, 20, and line 21 to and including the words "Rock River" and insert "the north and the south branches or channels of Rock River, adjacent to Vandrufts Island and to Carrs Island and across the cut-off between said islands."

On page 4, line 22, after the word "Illinois," insert "in aid of navigation and."

On page 7, after line 14, insert "And the said Secretary of War may impose reasonable charges for the use of the flowage rights of the United States, if any, below the sites of the present Government dams at the head of said Carrs Island."

Mr. COOPER of Wisconsin. Mr. Speaker, I would like to ask the gentleman from Minnesota whether he introduces this bill as a substitute?

Mr. STEVENS of Minnesota. We have introduced a substitute as an amendment to the bill. There were a great many changes desired—

Mr. COOPER of Wisconsin. What was the number of the bill?

Mr. STEVENS of Minnesota. The same number—14508.

Mr. COOPER of Wisconsin. Is the gentleman familiar with House bill 17878?

Mr. STEVENS of Minnesota. What is the title?

Mr. COOPER of Wisconsin. To incorporate the Rock River Navigation and Improvement Company.

Mr. BURTON of Ohio. Will the gentleman from Wisconsin yield to me? This is an entirely different measure from this. It has nothing to do with the other.

Mr. COOPER of Wisconsin. It has to do with the Rock River, and inasmuch as it flows through my district I desired to find out something about it.

Mr. BURTON of Ohio. It has nothing to do with that bill at all.

Mr. COOPER of Wisconsin. I understand it has nothing to do with it.

Mr. BURTON of Ohio. No, sir.

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 read the third time, and passed.

On motion of Mr. STEVENS of Minnesota, a motion to reconsider the last vote was laid on the table.

IMPROVEMENT OF THE MOUTH OF THE COLUMBIA RIVER.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 17987.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 17987) making an appropriation for the improvement of the mouth of the Columbia River.

Be it enacted, etc., That the sum of \$400,000 be, and is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to be immediately available, and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for continuing the improvement at the mouth of the Columbia River, Oregon and Washington, in accordance with the existing project.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

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

On motion of Mr. JONES of Washington, a motion to reconsider the last vote was laid on the table.

REGULATION OF SHIPPING IN THE PHILIPPINE ARCHIPELAGO, ETC.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent for the present consideration of a bill which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 18025) to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes.

Be it enacted, etc., That on and after April 11, 1909, no merchandise except supplies for the Army or Navy shall be transported by sea, under penalty of forfeiture thereof, between ports of the United States and ports or places in the Philippine Archipelago, directly or via a foreign port, or for any part of the voyage, in any other vessel than a vessel of the United States. But this section shall not be construed to prohibit the sailing of any foreign vessel between any port of the United States and any port or place in the Philippine Archipelago: *Provided*, That no merchandise other than that imported in such vessel from some foreign port which has been specified on the manifest as for another port, and which shall not have been unloaded, shall be carried between a port of the United States and a port or place in the Philippine Archipelago.

SEC. 2. That on and after April 11, 1909, no foreign vessel shall transport passengers between ports of the United States and ports or places in the Philippine Archipelago, either directly or by way of a foreign port, under a penalty of \$200 for each passenger so transported and landed.

SEC. 3. That sections 1 and 2 of this act shall not apply to the transportation of merchandise or passengers between ports or places in the Philippine Archipelago. Until Congress shall have authorized the registry as vessels of the United States of vessels owned in the Philippine Archipelago the government of the Philippine Islands is hereby authorized to adopt, from time to time, and enforce regulations governing the transportation of merchandise and passengers between ports or places in the Philippine Archipelago.

SEC. 4. That sections 1 and 2 of this act shall not apply to the voyage of a vessel between a port or place in the Philippine Archipelago begun before April 11, 1909.

SEC. 5. That sections 1 and 2 of this act shall not apply to vessels owned by the United States.

SEC. 6. That on and after the passage of this act the same tonnage taxes shall be levied, collected, and paid upon all foreign vessels coming into the United States from the Philippine Archipelago which are

required by law to be levied, collected, and paid upon vessels coming into the United States from foreign countries: *Provided, however*, That until April 11, 1909, the provisions of law restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from one port of the United States to another port of the United States shall not be applicable to foreign vessels engaging in trade between the Philippine Archipelago and the United States: *And provided further*, That the Philippine Commission shall be authorized and empowered to issue licenses to engage in lightering or other exclusively harbor business to vessels or other craft actually engaged in such business at the date of the passage of this act, and to vessels or other craft built in the Philippine Islands or in the United States and owned by citizens of the United States or by inhabitants of the Philippine Islands.

SEC. 7. That the Secretary of Commerce and Labor shall, from time to time, issue regulations for the enforcement of this act, except as otherwise provided in section 3: *Provided*, That such of the navigation laws of the United States as are in force in the Philippine Archipelago in regard to vessels arriving in the Philippine Islands from the mainland territory and other insular possessions of the United States shall continue to be administered by the proper officials of the government of the Philippine Islands.

SEC. 8. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

The SPEAKER. Is there objection to the consideration of the bill at this time by unanimous consent?

Mr. HUMPHREY of Washington. Mr. Speaker, I will have to object to unanimous consent.

Mr. CRUMPACKER. Mr. Speaker, I move to suspend the rules and pass the bill.

The SPEAKER. The gentleman from Indiana moves to suspend the rules and pass the bill. Is a second demanded?

Mr. HUMPHREY of Washington. Mr. Speaker, I demand a second.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Indiana is entitled to twenty minutes and the gentleman from Washington is entitled to twenty minutes.

Mr. CRUMPACKER. Mr. Speaker, the only effect of this bill is to postpone the time when the coastwise laws of the United States shall become applicable to the Philippine Archipelago. By an act of Congress approved on the 15th day of April, 1904, it was provided that on and after the 1st day of July, 1906, all of the commerce between the Philippine Archipelago and the United States should be conducted in American ships, that Philippine shipping from that time forward should be coastwise commerce. It was then hoped and expected on the part of the friends of the bill that the custom duties upon products shipped from the Philippine Islands to the United States would be very materially reduced if not altogether abolished. It was the hope and expectation also of those who supported the bill that American ship companies would provide themselves with adequate facilities to take care of the shipping trade between the United States and the archipelago. All of these hopes and expectations have been disappointed. The shipping trade of the Philippine Archipelago is comparatively small and inconsequential. It is conducted now as an incident to oriental trade in general, and ships of American register and foreign register, stopping at ports in the Philippine Islands, take on cargo, large and small, destined to the United States at convenient times. If this bill shall not be passed, and if the present law is permitted to stand, from the 1st day of July next all of that commerce must be conducted in American ships, and the result will be most disastrous to the prosperity of the archipelago. It is estimated by the Philippine Commission that the freights now paid upon their shipping will be increased at least 50 per cent. With 75 per cent of the Dingley duties upon products shipped from the Philippine Islands to this country, 50 per cent increase in their freight rates upon products shipped to this country, the archipelago will be positively at a disadvantage as compared with foreign countries. It would be better for the commercial interests of the archipelago if it were recognized entirely and altogether as foreign territory.

Mr. STAFFORD. As I remember, two years ago the question before the House, when the bill then pending was under consideration, was the alternative whether we would delay the enforcement of the coastwise laws until June, 1906, or until June, 1909. I would like to ask the gentleman whether there has been any developments in the shipping interests by reason of this law that was then enacted, providing for the enforcement of the coastwise laws in June, 1906?

Mr. CRUMPACKER. Does the gentleman mean to inquire whether there has been any provision made to meet the requirements of the law?

Mr. STAFFORD. Whether there has been any extension in the shipping interests in view of giving to the American-made vessels a monopoly of the Philippine tariff?

Mr. CRUMPACKER. I think there has been none at all.

Mr. STAFFORD. Then I would like to ask the gentleman

whether he thinks that by postponing for three years, until April 11, 1909, there will be any additional American ships built by reason of that prospective monopoly we were going to create for the Philippine trade?

Mr. CRUMPACKER. I hardly know how to answer that question, because any answer I could make would be purely conjectural. I believe this, that in the meantime we will probably abolish the custom duties upon Philippine products, and if we had free trade now with the islands they could probably get along if the coastwise laws applied to their shipping. But customs rates have not been reduced, and there seems to be no immediate prospect that they will be reduced.

Mr. STAFFORD. I understand the gentleman, then, that by reason of the reduction of the tariff upon Philippine imports the Philippine producers could afford to pay more for the freight, and thereby allow that to go into the hands of the ship-carrying trade?

Mr. CRUMPACKER. They would be in better condition. I do not know what the future may—

Mr. STAFFORD. To pay the higher, increased traffic?

Mr. CRUMPACKER. I do not know what the future may develop in relation to the shipping industry. I do not know what legislation there may be.

Mr. COCKRAN. Mr. Speaker, it is utterly impossible to hear.

Mr. CRUMPACKER. Mr. Speaker, this bill is calculated to afford temporary relief in the hope that some permanent change in conditions for the betterment of the affairs of the Philippine Archipelago will take place during the next three years. The bill is recommended by the Philippine Commission and indorsed by the Secretary of War. I believe people who are at all acquainted with the affairs of the archipelago generally concur in the view that some relief of this character is imperatively required.

Mr. STAFFORD. Will the gentleman permit me to make a statement?

Mr. COCKRAN. I would like to know what the character of the bill is.

Mr. CRUMPACKER. I have yielded to the gentleman from Wisconsin; I will answer the gentleman from New York in just a moment.

Mr. STAFFORD. I want to say I do not question the necessity at all of having some legislation to take down the bars so as to limit the effect of the bill we passed two years ago.

Mr. CRUMPACKER. I will say to the gentleman from New York the bill is to postpone the time when the coastwise laws of the United States will become operative upon the commerce of the Philippine Archipelago for about three years. I now reserve the balance of my time.

Mr. LITTLEFIELD. I would like to make an inquiry before the gentleman takes his seat. I would like to inquire whether the Secretary of War insists upon this amendment being taken up and acted upon now, as the gentleman understands it.

Mr. CRUMPACKER. Well, I do not know about that. I am not prepared to say what the Secretary of War is insisting on now. I insist that it should be taken up and acted upon and signed by the President before the 1st of next July; and if it is to be acted upon at this session of Congress it seems to me high time we were at it.

Mr. LITTLEFIELD. I will say for the information of the gentleman from Indiana—

Mr. CRUMPACKER. I want the gentleman to speak now in the time of the opposition. I understand he is opposed to the bill.

Mr. LITTLEFIELD. The gentleman from Washington will yield me five minutes.

Mr. HUMPHREY of Washington. I yield to the gentleman from Maine.

Mr. LITTLEFIELD. I will say, for the benefit of the gentleman from Indiana, that there is now pending in Senate bill 529 a provision relating to the coastwise laws and their application to the Philippines. I do not know that I am violating any confidence when I say that that provision was introduced in that bill with the concurrence of gentlemen who are especially interested in the welfare of the Philippine Islands; and that provides for a subvention to American vessels engaged in the Philippine Islands trade until the coastwise laws apply, and it has been understood, or at least it was the expectation that this measure that is now taken up by my distinguished friend was not to receive action until that bill might be perhaps reported to the House, and the whole question considered together.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. LITTLEFIELD. Certainly.

Mr. COOPER of Wisconsin. That provision of that bill to which the gentleman from Maine alludes is the measure commonly called the "ship-subsidy bill?"

Mr. LITTLEFIELD. It is.

Mr. COOPER of Wisconsin. So that in order to get this much relief in the interest of the Philippine Islands a Member of the House will be obliged to vote for the ship-subsidy bill? Is that the idea?

Mr. LITTLEFIELD. Not by any means.

Mr. COOPER of Wisconsin. How else could he get it?

Mr. LITTLEFIELD. He could get it by the gentleman in charge of this bill now giving unanimous consent to put on this bill an amendment that will take care of American shipping during that period of time. It is precisely for that reason, Mr. Speaker, that I am now on my feet during these five minutes, explaining in a general way to my friend from Indiana just exactly what the situation is; and I now ask unanimous consent that I may introduce an amendment accomplishing that result.

Mr. JONES of Virginia. Mr. Speaker—

Mr. LITTLEFIELD. I would like to ask for unanimous consent for the introduction of an amendment providing for this subvention to American vessels engaged in the Philippine trade until the coastwise laws go into effect.

Mr. GILBERT of Kentucky. I object, Mr. Speaker.

The SPEAKER. Objection is made.

Mr. LITTLEFIELD. What was the purpose of the gentleman from Virginia?

Mr. JONES of Virginia. I was going to make the objection if the gentleman from Kentucky had not made it.

Mr. LITTLEFIELD. You were trying to get my consent so that you might object?

Mr. JONES of Virginia. Oh, no.

Mr. LITTLEFIELD. I beg your pardon. Well, I presume it is impossible under the rule to get an amendment on this bill unless there is unanimous consent, and I understand my distinguished friend from Kentucky objects.

Mr. GILBERT of Kentucky. Oh, certainly.

Mr. SHERLEY. And others would.

Mr. LITTLEFIELD. I yield back the balance of my time.

Mr. HUMPHREY of Washington. I yield five minutes to the gentleman from Ohio.

Mr. GROSVENOR. Mr. Speaker, the situation upon which we are now acting came from the passage of a bill reported from the Committee on Merchant Marine and Fisheries in Congress two years ago. This bill comes now from the Committee on Insular Affairs. Its purport is simply and solely to affect the American merchant marine, and this is exclusively in the jurisdiction of that committee and exclusively out of the jurisdiction of the committee that has reported the bill. I am unable to talk, but want, if possible, to give the House a fact or two in connection with this legislation.

While the Taft party was in the Philippine Islands, at the request of Mr. Secretary Taft I undertook the labor of consulting all of the interests there and getting evidence as to the necessity of this or similar legislation. I held a good many interviews with the prominent business men of the place. I have not all of them here, but I have a large amount of very valuable testimony throwing light upon this whole question. I did not know that this bill had been introduced or carried to the Committee on Insular Affairs until it was reported back again; and while some members of the Taft party must have known of the deposit of this testimony in my possession, I have not been called upon or requested at any time to make it manifest, so that the great commercial bodies of Manila could be heard. I have in my possession the statement, very elaborate and very carefully prepared, of the United Chamber of Commerce of Manila and others, and, furthermore, the Shipowners' Association of the Philippine Islands in a subsequent statement.

Now, I think that it is due to myself, they depending upon me to present their view of this question, and having a right to depend upon me that I would do it, and I being wholly misled by reason of the fact that we were waiting for the action of the committee upon another bill, I think I ought at least to present this matter to the House, and at the close of my effort to speak, I will ask unanimous consent to put these statements of the parties interested into the Record, so that the public may know something of the real merits of this claim. It may be said that I should have raised the question of jurisdiction, and it could only have been decided in one way; but I did not know that this bill had been introduced. I know that it is probably the duty of a Congressman to read the Record every morning, to see what bills are introduced and where they go, but I do not always do that, and I confess that in the present emergency I was derelict in that particular. I therefore ask unanimous consent to place in the Record the testimony that I hold in my hand.

The SPEAKER. The gentleman from Ohio asks unanimous consent to print the matters referred to. Is there objection?

There was no objection.

The testimony is as follows:

Report of the united Chambers of Commerce of Manila, Shipowners' Association of the Philippines, and others, to General GROSVENOR, chairman of the House Committee on Merchant Marine and Fisheries.

MANILA, P. I., August 19, 1905.

Report submitted by the united Chambers of Commerce of Manila, the Shipowners' Association of the Philippines, and others, to General GROSVENOR, chairman of the House Committee on Merchant Marine and Fisheries, in response to his invitation of the 11th of August, requesting information, as follows:

"The effect of the Frye bill now passed into law to begin its operations next July.

"What will be the effect of this law upon the interests of the islands? Will there grow out of it probably a monopoly in trade that will be injurious to the producers here (in the Philippines)?"

The Frye bill, which is Senate Document No. 2259, passed the Senate of the United States and became a law on December 8, 1903. This law, unless repealed, will come into force on July 1, 1906. It provides that no merchandise shall be transported by sea under penalty of forfeiture thereof between ports of the United States and ports or places in the Philippine Archipelago, directly, or via a foreign port, or for any part of the voyage, in any other vessel than a vessel of the United States. It further provides that no foreign vessel shall transport passengers between ports of the United States and ports or places in the Philippine Archipelago, either directly or by way of a foreign port, under a penalty of \$200 for each passenger so transported and landed.

The reason for the enacting of the Frye bill could only have been based on the necessity of protecting the United States flag with a view to building up its mercantile marine, the benefit of which would be derived entirely by the shipowners of the United States. To give this benefit to the shipowners of the United States, an advantage heretofore enjoyed by the inhabitants of the Philippine Islands in being able to get their products to the consuming markets through competition by the cheapest routes is to be taken away from them, or, to use plainer language, with no advantage given them to compensate them for the loss, they are to be exploited for the benefit of the shipowners of the United States.

These islands have fallen into a state of financial collapse, due to a seven years' war; rinderpest, which annihilated the draft animals, and consequent failure of crops. The country is therefore by no means in a condition to pay such tribute to the United States, but rather requires careful fostering until agriculture—the backbone of Philippine prosperity—is once more in a thriving condition and its finances again placed on a sound footing.

The Frye bill in its present state gives full license to any shipowners or combination of shipowners, commonly termed a "pool," to charge rates of freight and passage as high as the trade will stand. No subsidy is authorized to allow their cheapening rates of freight and passage, and no condition is made restricting them in the matter.

In the parallel case, where Spain imposed coastwise laws between the mother country and the Philippines, she subsidized a mail line and made it one of the conditions that the rates from any Spanish ports should in no case be higher than the current rates from Liverpool. By this provision Spain continually derived the benefit of the fluctuations of all the competing lines running to Great Britain, and thus minimized the evil effects of the law.

There exists in America a radical defect which militates very much against her being able to compete with other countries in the cheap transportation of freight and passengers. This lies in the cost of shipbuilding being fully 50 per cent above that of Europe and the wages of the officers and crew of an American ship being very much higher than those paid by all other countries. Add to this that these nonsubsidized American steamers have to compete against the heavily subsidized German, French, Japanese, Canadian, and other lines and the cheaply built and cheaply manned German, Norwegian, and British tramp steamers and it will be seen at a glance that American steamers are too heavily handicapped to be able to run at the same low rate of freight as these other vessels.

It therefore goes without saying that while when forced by open competition American vessels may keep the rates down to within reach of a competitive figure, they would immediately raise their rates to all that the trade would stand when protected by such a law as the Frye bill. This would mean that the price of hemp to the producer would go down in proportion as the rate of freight goes up. It would mean that our sugar, already handicapped by being so far away from the consuming markets, would certainly not go to the United States and that any concession in duties in favor of Philippine sugar for the benefit of the islands would in a great measure disappear into the pockets of the steamship companies. And it would mean the death stroke to the importation of American goods into these islands; or, if American goods were continued to be brought in, they could only do so, with any chance of competing with foreign goods, by the Frye bill being evaded as follows: By being brought through, or rather from, a Hongkong firm. Thus a Hongkong firm might import American goods in any bottoms to Hongkong, and a firm here could buy such goods and bring them into Manila in any bottom. This, of course, would mean a profit to the Hongkong firm, and, what is more serious, would mean a diversion of trade to the detriment of the port of Manila.

The transshipping expenses in Hongkong are only 75 centavos (37½ cents gold) per ton, and the freight from Hongkong to Manila is only a small proportion of the through freight. While a small amount of American goods might be imported either direct or by way of Hongkong, there is no doubt whatever that foreign goods, coming by the cheaper foreign lines and under an equal customs tariff, would command the market.

A good example of the effect of a difference in freight rates is given to-day in the case of flour imported into the Philippines. The freight rate from San Francisco is \$5 per ton (United States currency). The freight rate from Australia is \$3.75 per ton. In former days the San Francisco flour had sole command of the Philippine market, but, owing in great part to this difference in freight rates, the sale of Australian flour is increasing in the islands day by day. If such is the case to-day, when rates are open to competition, what will be the final result when the San Francisco rates are raised still further as an effect of the Frye bill?

It has been stated by those in favor of the Frye bill that there is sufficient tonnage to handle all the cargo between the Philippines and the United States, both ways, and this is probably very true, provided a sufficient number of the ocean-going vessels flying the American flag

are dedicated to this trade; but one thing is to have sufficient tonnage to give proper service, and another thing is to have a sufficient surplus of such tonnage to compete for the trade and reduce freights to a reasonable rate.

It will be well to take warning from the object lesson of the Navy Department's effort of the other day to transport all of its coal to these islands in American bottoms. After profusely advertising for bids, the Department was able to contract for transportation in American bottoms at nearly double foreign tonnage rates, but, for want of sufficient United States tonnage, was obliged, in the end, to transport a large portion in foreign bottoms.

The following paragraphs, taken from an article contributed by Col. H. B. McCoy, deputy collector of customs at Manila, to the Manila Bulletin, will be of interest as showing how the lower rates of freight by foreign bottoms (see tables of freight rates ruling at the present time appended hereto), and probably also the scarcity of competing American tonnage, has thrown the bulk of the carrying trade to the foreign bottoms:

"During the year 1904, 556 vessels, having a net registered tonnage of 1,005,488 tons, entered the port of Manila bringing freight aggregating 624,092 tons, valued at \$25,949,208 gold. Of this import tonnage, 76,062 tons, valued at \$4,916,543, was from the United States, and 2,525 tons, valued at \$554,067, was from Hongkong. This Hongkong tonnage does not represent the quantity actually carried by the Hongkong-Manila steamers, as it does not include foreign transit cargo transhipped at that port for Manila and other Philippine ports. Of these vessels, 82, with a registered tonnage of 254,407 tons, were of American registry arriving from the United States; and 194, with a registered tonnage of 266,527 tons, were of foreign registry arriving from Hongkong. Of the import tonnage brought to Manila, merchandise to the value of \$301,420 (a trifle over 1 per cent of the total) was carried in vessels of the Philippine Islands and consisted mainly of rice cargoes imported from Saigon.

"The export trade of the islands shows practically the same conditions and proportions. During the year there was exported from the port of Manila 162,404 tons of merchandise, valued at \$22,562,402 gold. Of this, 49,554 tons, valued at \$8,813,742, went to the United States, and 9,076 tons, valued at \$1,192,292, went to Hongkong. Again, the Hongkong tonnage does not correctly represent the shipments to or through that port, as transit cargoes are not included therein. Of the total exports only \$2,011,002 was carried in American bottoms and none in vessels of the Philippine Islands."

With regard to passengers, we consider that the enforcement of section 2 of the Frye bill would be a distinctly retrograde movement in these days when the way of the traveler should be rather made easier instead of more difficult. Besides the shadow of police surveillance, implied in the penalty of \$200, the traveler is distinctly handicapped in the choice of routes and way ports, and such a thing as a 'round-the-world ticket' would be entirely impossible. The result, again, would be to divert the passenger traffic by way of Hongkong.

In view of the foregoing reasons we can not too strongly impress upon you the urgent necessity of taking action to ask that the Frye bill be entirely revoked, and we sincerely trust that you will give our petition your able and hearty support.

Respectfully,

W. H. Bishop, President American Chamber of Commerce; Rafael Detian, Presidente de la Cámara de Comercio Filipino; the Manila Chamber of Commerce, per D. W. Henning, Acting Secretary; R. E. Barreto, Presidente de la Camara de Comercio Española; Cu un jeng, Presidente de la Camara Comercio China; John T. Macleod, Honorary Secretary Shipowners' Association of the Philippines; Miguel Velasco, Miembro del Consejo de Gobierno de la Asociación de Proprietarios de la Manila; V. D. Fernandez, Miembro del Consejo de Gobierno de la Asociación de Proprietarios de Manila; L. D. Jarrens, Miembro de la Consejo de Gobierno de la Asociación de Proprietarios de Manila.

APPENDIX A.

Outward freight rates.

[Figures in United States currency.]

From Manila to—	Hemp, per ton of 2,240 pounds.	Sugar, per ton of 2,240 pounds.	Copra, per ton of 2,240 pounds.	General cargo, per 40 cubic feet.
New York, Boston, and Philadelphia via Suez Canal.....	\$10.50	\$5.00	-----	\$8.00
Chicago, New York, Boston, and Philadelphia via Pacific Ocean and overland.....	16.80	-----	\$22.40	15.00
Liverpool, London, Hamburg, and Marseille via Suez Canal.....	12.50	-----	6.75	-----
San Francisco, Seattle, and Portland via Pacific Ocean direct.....	13.20	-----	-----	8.00
Melbourne and Sydney via Torres Straits.....	10.50	-----	-----	10.50

APPENDIX B.

Inward freight rates.

[Figures in United States currency.]

To Manila from—	Flour, per ton of 2,240 pounds.	General merchandise, per 40 cubic feet.
New York, Boston, and Philadelphia via Suez Canal.....	-----	\$8.00
Chicago, New York, Boston, Philadelphia, and principal cities of United States overland and via Pacific Ocean.....	-----	11.25
Liverpool, London, Hamburg, and Marseille via Suez Canal.....	-----	7.50
San Francisco, Seattle, and Portland via Pacific Ocean direct.....	\$5.00	8.00
Melbourne and Sydney via Torres Straits.....	3.75	6.25

Report of the Shipowners' Association of the Philippines to General GROSVENOR, chairman House Committee on Merchant Marine and Fisheries.

MANILA, P. I., August 19, 1905.

Report submitted by the Shipowners' Association of the Philippines to General GROSVENOR, chairman of the House Committee on Merchant Marine and Fisheries, in response to his invitation of the 11th of August, requesting information as follows:

"It is desired to know the opinions of the men competent to state what ought to be done with the interisland traffic. Should the coastwise navigation laws of the United States be extended to this traffic? If not, what would be advisable for the improvement of this commerce? Furthermore, if the coastwise laws of the United States should be extended here (in the Philippine Islands), what ought to be done in regard to the vessels now carrying foreign flags in this trade?"

With regard to navigation laws to govern the interisland traffic we are perfectly satisfied with the manner of the present legislation, which is practically an extension of the coastwise navigation laws of the United States with modifications to suit local conditions. Section 73 of act 355 of the Philippine Commission reads:

"In the coasting trade the admeasurement, documenting, enrollment, and licensing of vessels built or owned in the Philippine Archipelago, and in the making and recording of all documents relating thereto, the insular collector shall observe, promulgate, and enforce such orders and regulations respecting the same as have been heretofore or shall hereafter be prescribed by the proper authority. In the absence of such regulations or orders he shall observe and follow the laws of the United States and the regulations of the Treasury Department of the United States so far as may be in his sound judgment applicable."

The conditions of the interisland trade are so entirely different from those obtaining in the United States or in any of its other possessions that we consider it absolutely necessary that the legislation governing same should be entirely separate and enacted to suit local conditions. This would in no way act to the prejudice of vessels engaged in the coastwise trade of any other American territory, as this local legislation would cease to be effective outside of the Philippine Islands, except in so far as regards the flag.

With regard to what would be advisable for the improvement of our commerce, we would cite that the establishment of a mail service by regularly scheduled routes, proposals for bids for which are out, to be opened on the 2d of January next, should bring the required improvements which will place the shipowners on a much more stable basis and give to the public and the Government a more efficient and satisfactory service. The other improvements that would aid in developing this commerce will, we are confident, in the able hands of the honorable Commission, come in time, and in such measure as the country can afford in the building of jetties and wharves and the dredging of rivers to provide a cheaper mode of loading and discharging cargo.

With regard to vessels now carrying foreign flags in this trade, we beg to state that there are none, as act 520, of the Philippine Commission, which temporarily allowed foreign vessels to enter into interisland trade, owing to a scarcity of tonnage caused by the quarantine regulations in force during the cholera epidemic of 1902-3, expired by time limit on the 1st of July, 1904.

With regard to legalizing the status of the vessels engaged in the interisland trade, section 3, of the Frye bill, says:

"Until Congress shall have authorized the registry as vessels of the United States of vessels owned in the Philippine Archipelago the government of the Philippine Islands is hereby authorized to adopt from time to time and enforce regulations governing the transportation of merchandise and passengers between ports or places in the Philippine Archipelago."

We think that the delay in so authorizing the registry is unjust to the local owners. The standing of the locally-owned vessels is as follows:

At the time of the taking of Manila, on the 13th of August, 1898, all the vessels engaged in the interisland trade of the Philippines were legally registered under the Spanish flag. As it was necessary to take immediate steps so that the interisland trade, interrupted since the battle of Cavite on May 1, 1898, should be resumed, an order was promulgated by the captain of the port, under date of August 30, 1898, by direction of the military governor, General Otis, the second paragraph of which provided that vessels registered as Spanish property be given a permit to carry the flag of the United States and, as such, entitled to protection as American property, etc.

No distinction was made as to whether the vessel making application for such protection was owned by a native of the islands, a Spaniard, or a foreigner. The point to be shown was proof beyond doubt that the vessel was registered as Spanish property.

This order was subsequently modified by Executive order of the 3d of July, 1899, which is embodied, with regulation governing same, in Tariff Circular 81, War Department, July 8, 1899. Most of this tariff circular is now embodied in the customs administrative act of February 6, 1902, No. 355, entitled, "An act to constitute the customs service of the Philippine Archipelago and to provide for the administration thereof."

Section 117 of this act reads as follows:

"Collectors of customs may issue a certificate of protection, entitling the vessel to which it is issued to the protection and flag of the United States in all ports and on the high seas if the vessel is owned by:

"(a) A citizen of the United States residing in the Philippine Islands;

"(b) A native inhabitant of the Philippine Islands upon taking the oath of allegiance to the United States;

"(c) A resident of the Philippine Islands before April 11, 1899, hitherto a subject of Spain, upon abjuring his allegiance to the Crown of Spain and taking the oath of allegiance to the United States."

However, by some oversight, no provision had been made for corporations or companies owning vessels and operating them under the Spanish flag and which were under their control on April 11, 1899. But this oversight was rectified by act 1235 on September 22, 1904, entitled "An act to amend act 355, known as the 'Philippines customs administrative act.'" Section 3 of this act amends section 117 of act 355 by making paragraph (a) read as follows:

"A citizen of the United States residing in the Philippine Islands or a corporation or company created under the laws of the United States or of any State thereof or of the Philippines: *Provided*, That any duly authorized officer of such corporation or company or the managing agent or the master of the vessel for which the license is sought resides in the Philippines."

Now, therefore, all of the vessels operating in the interisland trade at the present time are bona fide owned and duly registered under the laws

at present in force. No doubt whatever exists in the minds of their owners as to their legal right to the protection of the United States flag for all time.

It has been the practice of the United States, in the case of accretions of territory to it, to provide for the registration, as vessels of the United States, of vessels owned by the subjects, citizens, or residents of the territory acquired, and, in the case of the Louisiana purchase, owned by citizens of the United States in the territory at that time.

On the accretion of the Territory of Hawaii all vessels carrying Hawaiian registers, and which were owned bona fide by citizens of the United States or by citizens of Hawaii, together with several other vessels claiming Hawaiian register, were registered as vessels of the United States.

On the accretion of the island of Porto Rico to the United States the Commissioner of Navigation was instructed to make such regulations, subject to the approval of the Secretary of the Treasury, as he deemed expedient for the nationalization of all of the vessels owned by inhabitants of Porto Rico who then resided in the island or were deemed and held to be citizens of Porto Rico, except such as had elected to preserve their allegiance to the Crown of Spain on or before the 11th day of April, 1899.

It will thus be seen that on the accretion of the Territories aforementioned all their vessels were given the same rights as all other vessels of the United States proper, and therefore it would be clear discrimination against the Philippine Islands if the locally owned vessels were not given full American registry.

Besides the legal aspect of the question, it must not be forgotten that had the local vessels not been available for use the entire commerce of the islands and the transportation of troops and supplies for the United States Government would have been paralyzed at a most critical juncture.

We would beg here to give an illustration of the possible result of discrimination against the locally owned vessels if they were not given full American registry. For instance, the proposals are out for bids, to be opened on the 2d of January next, for the contract of the inter-island mail service throughout the archipelago for a period of five years. Agents of local steamship companies of the Hawaiian Islands have been looking over the ground here with a view to bidding for this contract and entering into our interisland trade. As there is already a large surplus of steamers for the present trade of these islands, a great number now being tied up for want of employment, with the influx of six or seven steamers from the Hawaiian Islands, and perhaps a few more from the United States, the local owners would be practically forced to put their steamers on the limited market for China or Japan ports and thus sacrifice their boats at less than one-half of their original cost.

As the case now stands, our Philippine-owned vessels are entirely prohibited from entering into the coastwise trade of Hawaii, Porto Rico, or the United States, or being sold to any of their ports, while vessels from any or all of these ports may come in to swamp our already half-ruined local owners. Such a discrimination would be neither just nor equitable, and we are fully confident that when these facts are brought before Congress action will be immediately taken to give all locally owned vessels full American registry.

We therefore respectfully request that you lay our case clearly before Congress, ably, we know you will, and use your best endeavors to obtain a favorable legislation.

Respectfully,

JOHN T. MACLEOD,
Honorary Secretary of the
Shipowners' Association of the Philippines.

We, the undersigned, do hereby indorse the foregoing report in all its parts.

R. E. Barretto, Presidente de la Cámara de Comercio Española; Rafael De Casin, Presidente de la Cámara de Comercio Filipino; The Manila Chamber of Commerce, per D. W. Henning, Acting Secretary; Curni Jieng, Presidente de la Cámara Comercio China; Miguel Velasco, Miembro del Consejo de Gobierno de la Asociación de Propietarios de Manila; V. D. Fernandez, Miembro del Consejo de Gobierno de la Asociación de Propietarios de Manila; S. Barreno, Miembro del Consejo de Gobierno de la Asociación de Propietarios de Manila.

Mr. HUMPHREY of Washington. I should like to ask the gentleman from Indiana [Mr. CRUMPACKER] whether, in case the tariff between this country and the Philippine Islands should be abolished, this bill makes any provision for the coastwise laws to go into effect before 1909?

Mr. CRUMPACKER. No; there is no provision of that kind in this bill. We thought the Philippine Archipelago could stand this bill, even though the tariff should be taken off.

Mr. HUMPHREY of Washington. I should like to ask the gentleman whether there were any hearings on this bill before his committee?

Mr. CRUMPACKER. No; there were no formal hearings. The committee were all fully advised in a general way of the needs of the Philippine Islands through the Commission and the Secretary of War. I think Secretary Taft, in a statement before the committee earlier in the session, discussed this question and emphasized the necessity of making a postponement, and not altogether repealing the law.

Mr. HUMPHREY of Washington. Was the gentleman's committee so well informed that it did not want to have any hearings or to give the shipowners or people immediately opposed to this matter any opportunity to appear before the committee?

Mr. CRUMPACKER. We recognized the fact that there are limitations upon our information, and that we can be instructed, but we thought that primarily the welfare and interests of the Philippine Archipelago were involved. That was the primary consideration, and that we owed it to the archipelago to give them as free commerce under existing conditions as it was possible to do for at least three more years.

Mr. HUMPHREY of Washington. May I ask the gentleman when the bill was introduced?

Mr. LITTLEFIELD. April 11.

Mr. HUMPHREY of Washington. When a similar bill was introduced before it went to the Committee on the Merchant Marine and Fisheries, did it not?

Mr. CRUMPACKER. It went to the Committee on the Merchant Marine and Fisheries, I think improperly. I introduced the bill and indorsed it to the Committee on Insular Affairs. That bill was held up two or three days, and I insisted that it should go to the Committee on Insular Affairs. I think it should have gone there then, and I think that the present bill logically and properly went to that committee.

Mr. HUMPHREY of Washington. Of course it is too late to argue that question now. I want to make just one statement in reference to the inquiry that was propounded by the gentleman from Wisconsin. He wished to know whether or not there had been any shipping built under its terms, under the provision that the law was to go into effect in 1906. There is a very reasonable explanation, however, why no shipping has been built, because the statement was made here upon the floor of this House that when the time came for that law to go into effect the cordage trust of this country would be here asking that it be extended. Can you expect the shipowners of this country, when they were anticipating the very thing that has happened, to go to work and build ships for that trade?

Mr. STAFFORD. Does the gentleman mean to state that the bill we are now considering is the result of the efforts of the cordage trust?

Mr. HUMPHREY of Washington. I do not mean to state that it is the result of the cordage trust, but I say that the cordage trust has been urging this legislation, and I further state that it appeared before our committee urging this legislation. I further state that it is to the interest of the cordage trust that the hemp be carried by the ship combine formed by foreign ships by way of London to New York, instead of being brought to the Pacific ports by American ships.

Mr. STAFFORD. Is that the only article of Philippine growth affected by this bill?

Mr. HUMPHREY of Washington. I do not know about that.

Mr. STAFFORD. Is the gentleman further acquainted with the representation made two years ago when a bill of a similar nature was under consideration, that it would be a great hardship to the Philippine producer when the coastwise laws took effect, without any additional American ships to render competition in freight traffic at all possible?

Mr. HUMPHREY of Washington. Yes; I am well acquainted with that report, but I do not believe it is true. We had testimony before our committee that there was nothing in that statement whatever.

Mr. STAFFORD. Does the gentleman think that freight can be carried as cheaply from the Philippines to American ports in American-made ships as in foreign-made vessels?

Mr. HUMPHREY of Washington. I think the American vessels can carry hemp from Manila to the American coast as cheaply as a British vessel can carry it from Manila to London and from London to New York.

Mr. STAFFORD. I put the question to the gentleman whether the American-made ship can carry Philippine products as cheaply as a foreign-built ship?

Mr. HUMPHREY of Washington. It is not a question of whether they can or not.

Mr. STAFFORD. That is my question.

Mr. HUMPHREY of Washington. That is the gentleman's question, but I say that the American-built ship will carry the products from the Philippine Islands, if you will give them the opportunity to get that trade—the trade that the combine of foreign ships are now carrying.

Mr. STAFFORD. What prevents the American ships from having the advantage of getting that trade in competition with foreign-made ships?

Mr. HUMPHREY of Washington. If I had known that this bill was being considered in the committee I would have presented the facts in relation to it, and if I had known that it was coming up here to-day I would have been prepared to present them.

Mr. STAFFORD. The gentleman is a member of the Committee on the Merchant Marine and Fisheries?

Mr. HUMPHREY of Washington. Yes.

Mr. STAFFORD. And that is a subject that has been before his committee only recently.

Mr. HUMPHREY of Washington. I will answer the gentleman's question. The reason why American ships now can not get this trade is because there is a combination between foreign ships and foreign merchants at Manila which prevents it.

We had testimony before our committee a few days ago that an American shipowner went to Manila to get a cargo, and there was a combination between the British vessels and the foreign merchants that prevented him from getting a cargo at any price. Whether that is true or not I do not know, but that was the testimony.

Mr. STAFFORD. I understand that the reason why the owners of foreign-built ships have an advantage over American shipowners is that they are subsidized by the foreign governments, and that the foreign governments accordingly pay a part of the freight in advancing a part of the profit through a subsidy, and that the American merchant received incidentally, by reason of lower freight rates, an advantage, and, without taking into consideration the additional handicap in increased cost of building in this country, the American-made ship could not compete with that made in foreign countries because of the subsidies paid.

Mr. HUMPHREY of Washington. Does the gentleman contend that if the foreign ships can carry our trade cheaper than the American vessels that thereby they ought to be allowed to carry it?

Mr. STAFFORD. If American capital—

Mr. HUMPHREY of Washington. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has four minutes.

Mr. HUMPHREY of Washington. Then I must decline to yield further. The gentleman from Wisconsin can answer in his own time. I do not want to prevent the gentleman from replying, but I want a little time myself. In regard to a statement made that there are no American ships to carry this trade, I will inform the gentleman that there are enough vessels running out of Puget Sound now to carry four times the trade between this country and the Philippine Islands. There are two vessels that run between Puget Sound and the Orient to-day that can carry more than the trade between this country and the Philippine Islands. The reason that the vessels of the Great Northern Railway no longer go there is because there is no trade for them. In addition to these vessels there are five vessels of the Boston Steamship Company, two of 10,000 tons each and three of about 5,000 tons each that run to Manila. They can not get full cargoes. The statement that there are no American ships to carry this trade is an error. There may be other reasons, and perhaps there are, why this law should be extended, but lack of ships is not one. What I am objecting to is the present consideration of this bill. It has been introduced, been reported, and called up here for passage without the people who are interested in it having any opportunity to be heard.

I know that I should like to have had an opportunity to appear before the committee. I would like to have presented to them some of the facts. I think under the circumstances that we who are opposing this bill can not be charged with being dilatory in this matter. This bill was before our committee before. We had reason to believe it would come there again. In addition to that fact, there is a bill now pending before our committee, as every man who has given the question any attention knows, upon this very subject. I do not think that this is a proper way to legislate, to introduce a bill that before has gone to another committee, call it up in a few days and report it without a hearing, come in here immediately and demand that it be passed. This bill affects interests very directly in my country. It affects American shipping interests everywhere. We ought to have some opportunity to be heard. I think the shipping interests of this country should have had some opportunity to appear and present their side of the case.

Mr. Speaker, I yield the balance of my time to the gentleman from Maine [Mr. LITTLEFIELD].

Mr. LITTLEFIELD. Mr. Speaker, how much time is there left?

The SPEAKER. The gentleman from Washington [Mr. HUMPHREY] has two minutes remaining, the gentleman from Indiana [Mr. CRUMPACKER] has twelve minutes remaining.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. STAFFORD] may have two minutes in which to make a statement.

The SPEAKER. The gentleman from Maine asks unanimous consent that the gentleman from Wisconsin may have two minutes in which to make a statement. Is there objection?

Mr. CRUMPACKER. Mr. Speaker, I think the gentleman from Maine asks that not, perhaps, as a matter of courtesy. I understand that the gentleman from Wisconsin [Mr. STAFFORD] is not anxious for time.

Mr. STAFFORD. Oh, I would like to have an opportunity to reply.

Mr. CRUMPACKER. Mr. Speaker, I think I will object.

There are other bills waiting, and I do not think the time ought to be extended.

Mr. LITTLEFIELD. Mr. Speaker, it would be very unfortunate to occupy two minutes on a bill that must be passed within six days after it is introduced. I congratulate the Committee on Insular Affairs on the great speed that they have manifested in connection with this question. I do not intimate that the speed has been indulged in to prevent people from having an opportunity to be heard, but I do congratulate the committee on its speed, because I never heard of the bill until I saw this morning in the paper that the bill had been reported from the Committee on Insular Affairs, and I was just arranging for my own convenience and in order to take care of the interests of some people that I represent to attend a meeting of the Committee on Insular Affairs for the purpose of being heard on this question.

Now, I do not say the bill is not properly here, and I do not intimate that anybody is getting it here at this time in order to prevent people from being heard. I have no doubt they feel that there is an exigency here, possibly, and they ought to make dispatch, and certainly they are making dispatch. I am sorry that they had to make such dispatch that they could not give the gentleman from Wisconsin [Mr. STAFFORD] even two minutes. The wish of my friend from Indiana [Mr. CRUMPACKER] was the father to the thought. The gentleman from Wisconsin did want to say something. The gentleman from Indiana thought he did not want to say something. Therefore he objected.

Now, in the balance of my time I desire to read a letter which very succinctly states the conditions existing in the Philippine Archipelago in connection with this question, as to whether or not the coastwise laws of the United States should be extended to that part of the United States as well as to other portions of the United States, and give to the coastwise merchant marine the same privileges in connection with the Philippine Archipelago that they have elsewhere. So far as I am concerned, on every single item since the Philippine Archipelago became the property of but not a part of the United States, I have voted consistently to apply to them the same legislation, the same rules of law in every respect, either in the imposition of a tariff or any legislation that protects them and protects us, that we have everywhere.

The SPEAKER. The time of the gentleman from Maine has expired.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent that I may proceed for three minutes more in order to extend my remarks now.

The SPEAKER. The gentleman from Maine asks unanimous consent for three minutes. Is there objection?

Mr. LITTLEFIELD. Mr. Speaker, I hope the speed involved will not require any objection to this request.

The SPEAKER. The Chair hears no objection.

Mr. LITTLEFIELD. The haste is not such as makes it necessary to object.

Mr. CRUMPACKER. Oh, I do not object.

Mr. LITTLEFIELD. Mr. Speaker, I say that I have voted consistently for every proposition of that sort. I believe they ought to have the same constitutional rights, the same legal rights, and I believe in treating them from the beginning to the end as a part of the United States.

Mr. SHERLEY rose.

Mr. LITTLEFIELD. Oh, just a moment. I have not the time. The gentleman from Kentucky will excuse me, because I want to read this letter, and my time is very short.

Mr. SHERLEY. I see that the gentleman wants to make haste himself. [Laughter.]

Mr. LITTLEFIELD. I have to make haste. I must make hay while the sun shines. I desire to read here a letter which states very clearly and succinctly the conditions that have existed in the Philippine Archipelago, and they make it practically impossible for people interested in the coastwise trade with their vessels to engage successfully in that trade, which gives rise to the conditions that now exist. This letter is already in the RECORD, but I want to put it in the RECORD in this connection, so the committee may appreciate and the House may appreciate these practical conditions. It is as follows:

WASHINGTON, D. C., January 24, 1906.

HON. C. E. LITTLEFIELD,
House of Representatives, Washington, D. C.

MY DEAR MR. LITTLEFIELD: The real difficulty as to the naval coal trade to Manila is that foreign houses absolutely control the hemp export trade, and will either give no cargoes to American ships bound home or force them to low and profitless figures. A few months ago rates on hemp to the Atlantic coast were about 50 shillings a ton. A large American steamer went out with coal to Manila. Freight instantly dropped to 32 shillings, even for a partial cargo. Immediately after the American steamer sailed freights rose again by foreign ships to approximately 50 shillings—

I suppose they had a trust in the transportation proposition among the foreign ships—

This game is regularly played. I believe but one of our steam or sail ships has had a full return cargo from the Philippines.

Those American shipowners chartering tonnage for coal to the Government are compelled to figure at a higher price than foreign shipowners who are reasonably sure of a return cargo from Manila. That these foreign merchants at Manila, under the American flag, should thus make war on our merchant marine is, of course, outrageous, but we must bear it until the coastwise law goes into effect.

That will be until 1909, under this bill.

The SPEAKER. The time of the gentleman has expired.

Mr. LITTLEFIELD. Well, I will ask leave of the House to print the remainder of this letter. That is the foreign combination with the foreign owners with foreign vessels, making a combination that simply makes it impossible for the American ship to get business in Manila, the country that belongs to us, that is not a part of us, and the committee's bill extends the period over which this condition can be continued until 1909. Now, I ask unanimous consent to print the balance of this letter, which more fully shows this condition.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The remainder of the letter is as follows:

The Navy Department has not been fair on this question in its reports and testimony to Congress. It must have been aware of the handicap on American ships in Manila trade, but has not said a word about it—leading the Democrats to infer, as they are glad to do, that our people are a lot of greedy monopolists.

I note that in yesterday's debate it was repeatedly stated that the rate in American ships on Navy coal to Manila was \$7.50 a ton. The first American steamship accepted under this act of April 28, 1904, got \$7. It appears in the debate that in the year before this law became effective the rate averaged in foreign vessels \$6.53. But this American steamship was so delayed in loading that the three next steamers to offer asked \$7.50, to cover the delay. Only these three cargoes have paid that rate. All the rest of our Navy coal sent out to Manila has gone, most of it, in sail vessels at a maximum of \$6.50 and a minimum of \$6. The latest charters, I understand, are at the \$6 rate, 53 cents less a ton than the average in foreign bottoms from 1889 to 1904.

Of course the effect of the new law was to make foreigners bid their lowest, so as to prejudice the Navy Department and Congress against American shipowners. Apparently that has succeeded; but if the law were repealed, as the Democrats want, American ships would be driven out and the foreigners would put the rates up again, and the Navy would save little money.

If this matter comes up again in Congress some of these facts ought to be pointed out, and I know nobody so well equipped as you to do it.

Of course, if the subsidy bill is passed and the number of American ships increased, there will be a considerable reduction under this law in coal freights to Manila.

Cordially, yours,

WINTHROP L. MARVIN.

Mr. FITZGERALD. Will the gentleman yield just a minute?

Mr. LITTLEFIELD. I think my time is out.

Mr. FITZGERALD. I just wanted to ask the gentleman if the letter stated what the gentleman's occupation has been?

Mr. LITTLEFIELD. Yes; I will be glad to state it. Do I have unanimous consent to state it, or is there too much haste?

Mr. CRUMPACKER. There is too much haste.

Mr. LITTLEFIELD. Too much hurry; very well, then, I can state it.

The SPEAKER. Does the gentleman from Indiana yield?

Mr. CRUMPACKER. I do not. Time is part of the essence of the contract. I yield four minutes to the gentleman from Virginia [Mr. JONES].

Mr. JONES of Virginia. Mr. Speaker, the proposition embodied in this bill is a very simple one, and one not difficult of comprehension. The date of its introduction is not important, and the length of time given to its consideration in committee wholly immaterial if it was carefully and fully considered. The committee which considered and reported it was unanimously of the opinion that there was pressing necessity for its early passage, and therefore consumed no time in useless and unprofitable hearings. Everybody possessing acquaintance with conditions in the Philippine Islands knows that it is very necessary that this bill ought to be passed and passed speedily. As the law now stands, after the 1st of July next the coastwise laws of the United States will apply to all shipping between the United States and the various ports of the Philippine Archipelago. This bill is merely intended to postpone for three years from the 1st of July next the application of the coastwise laws of the United States to our trade and commerce with the Philippine Islands. This bill is in the exact language of that passed two years ago—of the act which then postponed until July, 1906, the application of our coastwise laws to the commerce between the United States and the Philippines. The whole subject was then discussed at length, and the objections urged to that bill are precisely those which are offered. The interests which opposed that bill are opposing this. The question is not a new one, and the committee which considered and which now recommends the passage of this measure has long been familiar with the arguments advanced by its opponents. There are certain interests in America which are unalterably opposed to all legislation of this

character. Those interests did not prevail two years ago, and I trust they may not prevail now, for the conditions which so strongly demanded that legislation have in nowise changed. Gentlemen who objected to the measure of two years ago object now to this, and they object for the same reason. My only objection to this bill is that it does not go far enough. Instead of postponing the date of the application of our coastwise laws to vessels engaged in our Philippine trade for three additional years I would postpone their application indefinitely. Instead of making those laws apply to vessels engaged in this trade after 1909, I would enact that they should never apply. That would be more logical, more reasonable, and more just.

Mr. BONYNGE. Mr. Speaker, will the gentleman yield?

Mr. JONES of Virginia. I have only a few minutes, I will say to my friend.

The SPEAKER. The gentleman declines to yield.

Mr. JONES of Virginia. It has been intimated that the cordage trust was behind this legislation. Mr. Speaker, with all due respect for the gentleman who presents that argument, I must say it has no weight with me. I find myself utterly unable to believe that such can be the case; the cordage trust, if there be one, has not attempted to make its influence felt in behalf of this proposed legislation. It is urged by the Secretary of War, it is urged by the Philippine Commission, it is favored by every human being who feels any interest in the welfare of the people of the Philippine Islands. I suspect, Mr. Speaker, if I may venture an opinion as to the interest which any trust is taking in this measure, that there is a very powerful trust strenuously opposing its passage. The talk about some foreign combination monopolizing our carrying trade with the Philippines if this bill is passed does not frighten me in the least. I can not be frightened into pursuing a course which I know will create a killing monopoly at home by the threat that my failure to pursue that course will result in the creation of a foreign monopoly. I don't believe it. Our trade with the Philippines is now quite insignificant, and if it be insisted that it shall be carried only in American bottoms it will soon disappear altogether. The tariff duties which we now impose upon all Philippine products is surely a sufficient burden upon our commerce with our oriental possessions. Unless this measure is passed a cruel monopoly will be created which will destroy forever any little hope there may now be of our enjoying the benefit of any trade with the Philippines. To fail to pass it will close effectually the markets of the United States to the Philippine products and materially increase in the Filipino mind the distrust which is now felt for Americans.

Mr. CRUMPACKER. Mr. Speaker, I yield four minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Speaker, I voted two years ago for an amendment which would have extended this law to 1909. I am more strongly in favor of such a proposition to-day, if possible, than I was at that time. The gentleman from Maine [Mr. LITTLEFIELD] says those islands are a part of the United States, that the Constitution is there, and therefore the navigation laws should go there. That means, under the decision of Justice White in the insular cases, that we never can get rid of the islands.

Mr. LITTLEFIELD. Mr. Speaker, "the gentleman from Maine" did not state anything of the kind, I beg the gentleman from Wisconsin to note. He said absolutely nothing of the kind.

Mr. COOPER of Wisconsin. I so understood the gentleman from Maine. Does the gentleman say that they are not under the Constitution?

Mr. LITTLEFIELD. "The gentleman from Maine" said—if the gentleman from Wisconsin would like to know what the gentleman said—they belonged to us, but were not a part of us. I said that I had voted consistently to extend all legislation to that archipelago of every kind and character. That is, in substance, what I said. I did not undertake to discuss their constitutional relations, but I stated it substantially as Mr. Justice White stated it in his opinion, that they belonged to but were not a part of us. I have not any doubt whatever but that the gentleman from Wisconsin intended to quote me correctly.

Mr. COOPER of Wisconsin. The gentleman from Maine [Mr. LITTLEFIELD] made an elaborate speech on this floor when the original insular bills were under discussion here, in which he declared that the Constitution had gone to the islands.

Mr. LITTLEFIELD. So "the gentleman from Maine" did, and since then, I hope the gentleman realizes—"the gentleman from Maine" does, and "the gentleman from Maine" realizes—there is a tribunal that settles these questions, and that tribunal, by an inconsistent majority of 1, held that they belonged to and were not a part of the United States. And four of the great judges of that court held that they not only belonged to,

but were a part of the United States. Now, I said that that, so far as the Philippines were concerned, is the law of the land.

Mr. COOPER of Wisconsin. Mr. Speaker, I knew the gentleman's views of the opinion of the majority of the Supreme Court, and I knew that he attacked this alleged incoherent majority opinion in an elaborate speech before a bar association. He took occasion to send me a copy of that speech—a very able effort—and subsequently, in a conversation with me, he said: "A majority of the court can not change my views as to whether the Constitution is there or not. I believe it is there." [Laughter.]

Mr. LITTLEFIELD rose.

Mr. COOPER of Wisconsin. Now, then, Mr. Speaker, I must decline to yield further.

Mr. LITTLEFIELD. All I have to say is that the "gentleman from Maine" did not even make that last statement.

Mr. COOPER of Wisconsin. Mr. Speaker, a word as to the cordage trust. I do not want to say anything unparliamentary, but I feel entirely justified in saying that the talk we have heard here about the cordage trust being back of this legislation is utter nonsense. No member of the Committee on Insular Affairs ever heard of the cordage trust in connection with this measure until to-day. This bill was introduced by Judge CRUMPACKER because, in the judgment of the Secretary of War, and of every other disinterested, competent observer, it is very wrong indeed for us to keep a tariff of 75 per cent of the Dingley rates against those impoverished people over there, and then at the same time undertake to put down this law upon them compelling them to give up the tramp steamer, to give up the tramp sailing vessel, to give up everything like open, free competition, and limit transportation of all their products to the ships from the United States. [Applause.] No only that, but every man with whom I talked in the Philippine Archipelago last summer—

The SPEAKER. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. Mr. Speaker, I will follow the example of the gentleman from Maine [Mr. LITTLEFIELD] and request unanimous consent for three minutes more.

Mr. LITTLEFIELD. Better make it five minutes. I found three minutes too short.

The SPEAKER. Is there objection?

Mr. DAVEY of Louisiana. Mr. Speaker, I object.

Mr. CRUMPACKER. Mr. Speaker, how much time have I left?

The SPEAKER. Four minutes.

Mr. CRUMPACKER. Mr. Speaker, I yield three minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. While I was in the Philippine Islands last summer I had 100 men, if I had one, yes, 500 business men in Iloilo, Cebu, and Zamboanga, and especially in Manila, say: "Mr. COOPER, do your utmost to get that law repealed; if you can not get it repealed get it extended until the time when the Spanish treaty will expire. It is barbarous to keep 75 per cent duty upon us over here, and then put the coastwise laws upon our trade; treat us like a foreign country, and then deprive us of anything like a fair chance of getting into your market by preventing us from having anything like free competition in transportation."

Mr. Speaker, if there is any man in the House that believes in fair play, let him arise here and say how that sort of treatment can be defended on any ground of fair play. [Loud applause.] So, sir, the Secretary of War, a great American, one of the great men of this generation, wants this time extended. The Philippine Commission, as intelligent and patriotic a body of men as ever represented this country in any capacity, are unanimous in asking for it. The great business interests of Manila are unanimously asking for it.

It has been suggested that the provisions of this bill are incorporated in the ship subsidy bill soon to be reported. But, sir, we want to vote for this relief proposition upon its own merits. Therefore I ask that it pass. [Loud applause.]

Mr. CRUMPACKER. Mr. Speaker, it is about time the American Congress began to look after the interests of the Philippine Archipelago in legislation. A few years ago we passed a law abolishing the export tax on the hemp that comes to the United States. That tax was levied for revenue purposes solely and entirely and yielded in the neighborhood of \$500,000 a year. The American hemp manufacturers received the sole and entire benefit of the concession, and the archipelago got absolutely nothing in the way of compensatory benefits. Our policy has been to treat the islands as foreign territory in considerations that will operate for their benefit and to treat them as domestic territory in considerations that operate to our benefit. I ask for them only that even-handed justice that belongs to all people who live under the ægis of the Constitution, whether

they be citizens or aliens. This question has been considered by Congress and discussed in the press of the country for two years. This particular bill was introduced about a week ago, and some criticism was made by gentlemen who are opposing it as to the manner in which it got before the House. It belongs logically to the Committee on Insular Affairs, because it pertains to the commerce of the archipelago, and that committee is organized to promote the interests of the people of the Philippine Islands. But the question now for decision is, not what committee reported the bill, not whether its consideration has been unduly accelerated, but whether it is right and just. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. LITTLEFIELD. Division, Mr. Speaker; let us see how many there are of us.

The committee divided; and there were—ayes 217, noes 27.

So (two-thirds having voted therefor) the rules were suspended, and the bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 11976. An act for the relief of the Compania de los Ferrocarriles de Puerto Rico;

H. R. 9813. An act granting a pension to Harriet P. Sanders;

H. R. 8997. An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes; and

H. R. 8158. An act granting an increase of pension to Lemuel P. Storms.

The message also announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 1794. An act to ratify an agreement with the Indians of the Klamath Indian Reservation, in Oregon, and making appropriations to carry the same into effect;

S. 697. An act providing for the award of medals of honor to certain officers and men of the Navy and Marine Corps;

S. 2787. An act to amend the act of Congress approved February 11, 1901, entitled "An act providing for allotments of lands in severalty to the Indians of the La Pointe or Bad River Reservation in the State of Wisconsin;"

S. 2788. An act to enable the Indians on the La Pointe or Bad River Reservation to obtain title to the lots occupied by them in the village of Odanah, Wis., and to have said village surveyed, and for other purposes;

S. R. 30. Joint resolution to create a commission to examine into subjects of citizenship of the United States, expatriation, and protection abroad;

S. 3743. An act to amend an act entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875;

S. 505. An act for the relief of Jacob Livingston & Co.;

S. 3405. An act authorizing the payment of the Superintendent of the Government Hospital for the Insane of pay due to persons in the Navy or Marine Corps under treatment at that institution;

S. 2878. An act to establish an assay office at Salt Lake City, State of Utah;

S. 2948. An act to amend section 1 of the act approved March 3, 1905, providing for an additional associate justice of the supreme court of Arizona, and for other purposes;

S. 4684. An act authorizing the Secretary of the Interior to sell 160 acres of land occupied by the Shebit Indians in Washington County, Utah, to the Utah and Eastern Copper Company;

S. 3632. An act to amend an act entitled "An act granting an increase of pension to soldiers of the Mexican war in certain cases," approved January 5, 1893;

S. 3638. An act providing for the retirement of noncommissioned officers, petty officers, and enlisted men of the Army, Navy, and Marine Corps of the United States;

S. 3241. An act to reimburse Ulysses G. Winn for money erroneously paid into the Treasury of the United States;

S. 4725. An act to provide for the division of penalty recovered under the alien contract labor law;

S. 4967. An act to establish additional aids to navigation in Delaware Bay and River;

S. 4245. An act for the relief of George T. Larkin;

S. 1218. An act for the relief of Louise Powers McKee, administratrix;

- S. 2368. An act for the relief of the Postal Telegraph Cable Company;
- S. 4686. An act to reimburse Garrett R. Bradley, late postmaster at Tonopah, Nev., for money expended for clerical assistance;
- S. 4685. An act to reimburse Ella M. Collins, late postmaster at Goldfield, Nev., for money expended for clerical assistance and supplies;
- S. 4819. An act for the relief of M. A. Johnson;
- S. 5388. An act to authorize the acquisition of land and a building for the United States legation in Constantinople;
- S. 3720. An act granting an increase of pension to Smith Vaughan;
- S. 4193. An act granting an increase of pension to Calvin D. Wilber;
- S. 834. An act granting an increase of pension to Lucien W. French;
- S. 3555. An act granting a pension to Alice A. Fray;
- S. 1692. An act granting a pension to Ellen H. Swayne;
- S. 5355. An act granting an increase of pension to Annie M. Walker;
- S. 3468. An act granting an increase of pension to Myra D. Daniels;
- S. 5255. An act granting an increase of pension to John D. Cutler;
- S. 4745. An act granting an increase of pension to Susan J. Joslyn;
- S. 5375. An act granting an increase of pension to Frances L. Porter;
- S. 3765. An act granting an increase of pension to Charles R. Frost;
- S. 3549. An act granting an increase of pension to Martha H. Ten Eyck;
- S. 2799. An act granting an increase of pension to Willis H. Watson;
- S. 5205. An act granting an increase of pension to John F. Alsup;
- S. 5114. An act granting an increase of pension to Lizzie B. Cusick;
- S. 4231. An act granting an increase of pension to Owen Martin;
- S. 3551. An act granting an increase of pension to Solomon Jackson;
- S. 663. An act granting a pension to Joseph Ellmore;
- S. 1691. An act granting an increase of pension to Alice S. Shepard;
- S. 3130. An act granting an increase of pension to George B. Vallandigham;
- S. 3883. An act granting an increase of pension to Ferdinand Hercher;
- S. 3119. An act granting an increase of pension to F. A. Beranek;
- S. 5192. An act granting a pension to John H. Stacy;
- S. 4112. An act granting an increase of pension to H. M. Swigart;
- S. 556. An act granting an increase of pension to William H. Egolf;
- S. 3273. An act granting an increase of pension to Abisha Risk;
- S. 5189. An act granting an increase of pension to Margaret F. Joyce;
- S. 3415. An act granting an increase of pension to William Triplett;
- S. 4739. An act granting an increase of pension to Benjamin F. Burgess;
- S. 4018. An act granting an increase of pension to Ebenezer Lusk;
- S. 1628. An act granting an increase of pension to Christian H. Goebel;
- S. 3178. An act granting an increase of pension to Daniel Shelly;
- S. 1605. An act granting an increase of pension to Richard H. Lee;
- S. 5077. An act granting an increase of pension to Gabriel Cody;
- S. 5146. An act granting a pension to Mary J. McLeod;
- S. 5095. An act granting a pension to Jeremiah McKenzie;
- S. 5093. An act granting an increase of pension to Josiah F. Staubs;
- S. 5094. An act granting an increase of pension to Samuel F. Baublitz;
- S. 47. An act to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes;
- S. 5439. An act granting an increase of pension to George W. Dunlop;
- S. 3230. An act granting an increase of pension to William C. Bourke;
- S. 1013. An act granting an increase of pension to William H. O'Dear;
- S. 2835. An act granting a pension to H. Rowan Saufley;
- S. 1564. An act granting an increase of pension to Leander C. Reeve;
- S. 4948. An act for the relief of W. A. McLean;
- S. 2767. An act granting a pension to Sarah S. Etue;
- S. 2759. An act granting an increase of pension to William B. Mitchell;
- S. 3308. An act granting a pension to Sarah Lovell;
- S. 2194. An act granting a pension to William H. Sweeney;
- S. 5065. An act granting an increase of pension to Charles Jackson;
- S. 3454. An act granting an increase of pension to William Wilson;
- S. 5526. An act authorizing the establishment of a light-vessel off Orford Reef, 5 miles north of Cape Blanco, Oregon;
- S. 5484. An act authorizing the Secretary of War to accept the tract of land at or near Greeneville, Tenn., where lie the remains of Andrew Johnson, late President of the United States, and establishing the same as a fourth-class national cemetery;
- S. 190. An act for the relief of L. K. Scott;
- S. 2578. An act for the relief of Alice M. Stafford, administratrix of the estate of Capt. Stephen R. Stafford;
- S. 5352. An act for the relief of William H. Osenburg;
- S. 4511. An act granting an increase of pension to William Hoaglin;
- S. 4010. An act granting an increase of pension to Bridget Egan;
- S. 5055. An act granting an increase of pension to Melvin Grandy;
- S. 2977. An act granting an increase of pension to David B. Neafus;
- S. 4901. An act granting an increase of pension to Joshua M. Lounsbury;
- S. 4688. An act granting an increase of pension to Noel J. Burgess;
- S. 4359. An act granting an increase of pension to Mary E. Lincoln;
- S. 2985. An act granting an increase of pension to George W. Bodenhamer;
- S. 2959. An act granting an increase of pension to William R. Gallion;
- S. 3759. An act granting an increase of pension to Henry D. Mills;
- S. 1913. An act granting a pension to Clara F. Leslie;
- S. 5366. An act granting an increase of pension to John Beatty;
- S. 971. An act granting an increase of pension to W. H. Hackney;
- S. 4576. An act granting an increase of pension to William Monks;
- S. 5219. An act granting an increase of pension to David N. Morland;
- S. 3272. An act granting an increase of pension to John Hirth;
- S. 3818. An act granting an increase of pension to David B. Johnson;
- S. 1728. An act granting an increase of pension to Joseph H. Allen;
- S. 3655. An act granting an increase of pension to Mary A. Good;
- S. 5340. An act granting an increase of pension to Laura Hentig;
- S. 5342. An act granting an increase of pension to Mary E. Johnson;
- S. 5337. An act granting an increase of pension to Samuel M. Tow;
- S. 5515. An act granting an increase of pension to Matilda C. Frizelle;
- S. 5291. An act granting an increase of pension to E. A. Smith;
- S. 5344. An act granting an increase of pension to Sophronia Roberts;
- S. 5338. An act granting an increase of pension to David Buckner;
- S. 4268. An act changing the name of Douglas street to Clifton street;
- S. 5453. An act granting an increase of pension to Jacob M. Pickle;
- S. 2886. An act granting an increase of pension to Martha Hoffman;

S. 5092. An act granting an increase of pension to Mary C. Feigley;
 S. 5091. An act granting an increase of pension to Sallie Tyrrell;
 S. 1514. An act granting an increase of pension to George W. Weeks;
 S. 4582. An act granting an increase of pension to Seth H. Cooper;
 S. 5173. An act granting an increase of pension to William S. Garrett;
 S. 591. An act granting an increase of pension to William C. Banks;
 S. 4759. An act granting an increase of pension to Oliver M. Stone;
 S. 4763. An act granting an increase of pension to Harrison Randolph;
 S. 5520. An act to amend an act entitled "An act granting to the Choctaw, Oklahoma and Gulf Railroad Company the power to sell and convey to the Chicago, Rock Island and Pacific Railway Company all the railway property, rights, franchises, and privileges of the Choctaw, Oklahoma and Gulf Railroad Company, and for other purposes," approved March 3, 1905;
 S. 5560. An act for the relief of Matthew J. Davis;
 S. 171. An act for the relief of the Omaha National Bank;
 S. 5151. An act for the adjudication of the claim of Henry A. V. Post by the Court of Claims;
 S. 1004. An act 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;
 S. 3863. An act to correct the military record of Stephen Thompson;
 S. 2418. An act to enable the Indians allotted lands in severalty within the boundaries of drainage district No. 1, in Richardson County, Nebr., to protect their lands from overflow, and for the segregation of such of said Indians from their tribal relations as may be expedient, and for other purposes;
 S. 4823. An act for the relief of Madison County, Ky.;
 S. 5028. An act to remove the charge of desertion from the military record of Thomas F. Callan, alias Thomas Cowan;
 S. 5358. An act to remove the charge of desertion from the record of Edward Kelly;
 S. 2021. An act granting a pension to Juliet K. Phillips;
 S. 4392. An act granting an increase of pension to Cornelia A. Mobley;
 S. 1260. An act granting an increase of pension to Frank Pugsley;
 S. 5186. An act granting an increase of pension to Robert Staplins;
 S. 13. An act granting an increase of pension to Huntville A. Johnson;
 S. 918. An act granting an increase of pension to Edwin N. Baker;
 S. 4126. An act granting an increase of pension to Willard Farrington;
 S. 5517. An act granting an increase of pension to William H. H. Shaffer;
 S. 5455. An act granting a pension to Emily J. Alden; and
 S. 1818. An act granting an increase of pension to Edward T. White.

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. 3308. An act granting a pension to Sarah Lovell—to the Committee on Invalid Pensions.
 S. 3273. An act granting an increase of pension to John Hirth—to the Committee on Invalid Pensions.
 S. 3241. An act to reimburse Ulysses G. Winn for money erroneously paid into the Treasury of the United States—to the Committee on Claims.
 S. 3230. An act granting an increase of pension to William C. Bourke—to the Committee on Invalid Pensions.
 S. 3178. An act granting an increase of pension to Daniel Shelly—to the Committee on Invalid Pensions.
 S. 3130. An act granting an increase of pension to George B. Vallandigham—to the Committee on Invalid Pensions.
 S. 3119. An act granting an increase of pension to Francis A. Beranek—to the Committee on Invalid Pensions.
 S. 2985. An act granting an increase of pension to George W. Bodenhamer—to the Committee on Invalid Pensions.
 S. 2977. An act granting an increase of pension to David B. Neufus—to the Committee on Invalid Pensions.
 S. 2959. An act granting an increase of pension to William R. Gallion—to the Committee on Invalid Pensions.

S. 2948. An act to amend section 1 of the act approved March 3, 1905, providing for an additional associate justice of the supreme court of Arizona, and for other purposes—to the Committee on the Territories.

S. 2886. An act granting an increase of pension to Martha Hoffman—to the Committee on Invalid Pensions.

S. 2878. An act to establish an assay office at Salt Lake City, State of Utah—to the Committee on Coinage, Weights, and Measures.

S. 2835. An act granting an increase of pension to H. Rowan Saufley—to the Committee on Pensions.

S. 2799. An act granting an increase of pension to Willis H. Watson—to the Committee on Invalid Pensions.

S. 2787. An act to amend the act of Congress approved February 11, 1901, entitled "An act providing for allotments of lands in severalty to the Indians of the La Pointe or Bad River Reservation, in the State of Wisconsin—to the Committee on Invalid Pensions.

S. 2788. An act to enable the Indians on the La Pointe or Bad River Reservation to obtain title to the lots occupied by them in the village of Odanah, Wis., and to have said village surveyed, and for other purposes—to the Committee on Indian Affairs.

S. 2767. An act granting a pension to Sarah S. Etue—to the Committee on Invalid Pensions.

S. 2759. An act granting an increase of pension to William B. Mitchell—to the Committee on Invalid Pensions.

S. 2578. An act for the relief of Alice M. Stafford, administratrix of the estate of Capt. Stephen R. Stafford—to the Committee on Claims.

S. 2194. An act granting an increase of pension to William H. Sweeney, jr.—to the Committee on Pensions.

S. 2021. An act granting a pension to Juliet K. Phillips—to the Committee on Invalid Pensions.

S. 1913. An act granting a pension to Clara F. Leslie—to the Committee on Invalid Pensions.

S. 1818. An act granting a pension to Edward T. White—to the Committee on Invalid Pensions.

S. 1794. An act to ratify an agreement with the Indians of the Klamath Indian Reservation, in Oregon, and making appropriations to carry the same into effect—to the Committee on Indian Affairs.

S. 1628. An act granting an increase of pension to Christian H. Goebel—to the Committee on Invalid Pensions.

S. 1605. An act granting an increase of pension to Richard H. Lee—to the Committee on Invalid Pensions.

S. 1564. An act granting an increase of pension to Leander C. Reeve—to the Committee on Invalid Pensions.

S. 1514. An act granting an increase of pension to George W. Wicks—to the Committee on Invalid Pensions.

S. 1260. An act granting an increase of pension to Frank Pugsley—to the Committee on Invalid Pensions.

S. 1218. An act for the relief of Louise Powers McKee, administratrix—to the Committee on Claims.

S. 971. An act granting an increase of pension to William H. Hackney—to the Committee on Invalid Pensions.

S. 918. An act granting an increase of pension to Edwin N. Baker—to the Committee on Invalid Pensions.

S. 834. An act granting an increase of pension to Lucian W. French—to the Committee on Invalid Pensions.

S. 697. An act providing for the award of medals of honor to certain officers and men of the Navy and Marine Corps—to the Committee on Naval Affairs.

S. 663. An act granting a pension to Joseph Ellmore—to the Committee on Invalid Pensions.

S. 591. An act granting a pension to William C. Banks—to the Committee on Invalid Pensions.

S. 505. An act for the relief of Jacob Livingston & Co.—to the Committee on Claims.

S. 190. An act for the relief of L. K. Scott—to the Committee on Claims.

S. 171. An act for the relief of the Omaha National Bank—to the Committee on Claims.

S. 13. An act granting an increase of pension to Huntville A. Johnson—to the Committee on Invalid Pensions.

S. 47. An act to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

S. 2368. An act for the relief of the Postal Telegraph Cable Company—to the Committee on Claims.

S. 2418. An act to enable the Indians allotted lands in severalty within the boundaries of drainage district No. 1, in Richardson County, Nebr., to protect their lands from overflow, and for the segregation of such of said Indians from their tribal relations as may be expedient, and for other purposes—to the Committee on Indian Affairs.

S. 1604. An act 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—to the Committee on Invalid Pensions.

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. 6401. An act granting an increase of pension to William V. Van Ostern;

H. R. 9924. An act granting an increase of pension to Carrie A. Conley;

H. R. 13010. An act granting an increase of pension to Alice B. Hartshorne;

H. R. 11748. An act granting an increase of pension to James Wilson;

H. R. 14511. An act for the relief of C. R. Williams;

H. R. 3649. An act for the relief of Zenas Parker;

H. R. 1863. An act for the relief of M. A. McCafferty;

H. R. 120. An act to amend section 9 of the Code of Law for the District of Columbia;

H. R. 6158. An act granting an increase of pension to Henry Rittenhouse;

H. R. 8278. An act authorizing the Secretary of the Interior to issue patent to Keystone Camp, No. 2879, of the Modern Woodmen of America, to certain lands for cemetery purposes;

H. R. 7709. An act for the relief of Joseph Crow;

H. R. 6075. An act for the relief of the Methodist Church at New Haven, Ky.;

H. R. 5927. An act for the relief of the board of trustees of West Tennessee College, Jackson, Tenn.;

H. R. 11275. An act increasing the penalty for certain offenses in the District of Columbia;

H. R. 10605. An act for the relief of Edward F. Stahle;

H. R. 10584. An act for the relief of F. H. Driscoll;

H. R. 9324. An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County;

H. R. 12028. An act granting relief to John W. Donovan;

H. R. 15259. An act to authorize the North Mississippi Traction Company to construct dams and power stations on the Bear River on the northeast quarter of section 31, township 5, range 11, in Tishomingo County, Miss.;

H. R. 14578. An act for the establishment of a public crematorium in the District of Columbia, and for other purposes; and

H. R. 13247. An act for the relief of John H. Tharp, of Everstonville, Mo.

WOMAN AND CHILD LABOR.

Mr. GARDNER of New Jersey. Mr. Speaker, I ask unanimous consent for the making of the following order.

The Clerk read as follows:

Ordered, That for the remainder of the session the bill (H. R. 17562) to authorize the Secretary of Commerce and Labor to investigate and report upon the industrial, social, moral, educational, and physical conditions of woman and child workers in the United States shall have the privilege belonging to bills reported from committees having leave to report at any time.

The SPEAKER. Is there objection?

Mr. CRUMPACKER. Reserving the right to object, I want to state to the House—

Mr. GARDNER of New Jersey. I move the adoption of the following order.

Mr. CRUMPACKER. I only want to make a statement of about two or three minutes.

The SPEAKER. Does the gentleman from New Jersey yield?

Mr. GARDNER of New Jersey. I move the adoption of the order.

The SPEAKER. The gentleman moves to suspend the rules and agree to the order. Is a second demanded?

Mr. CRUMPACKER. I demand a second.

Mr. GARDNER of New Jersey. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from New Jersey has twenty minutes and the gentleman from Indiana has twenty minutes.

Mr. GARDNER of New Jersey. I reserve my time, Mr. Speaker.

Mr. CRUMPACKER. Mr. Speaker, the only thing I have to say to the House is that the Census Office has now in preparation a report covering substantially the provisions contained in the bill which the gentleman from New Jersey [Mr.

GARDNER] asks to have given a privileged status on the Calendar of the House. There are already statistics in the Census Office upon the subject of child labor and female labor taken in connection with the Twelfth Census in connection with the subject of manufactures, inquiries into which were made in 1905. I have here a statement from the chief of the division of revision and results, showing the scope and character of that report. My judgment is that it is substantially what is provided for in the bill proposed by the gentleman from New Jersey, and in order that the House may know about it I desire to print the statement in the RECORD. I do not deem it wise to pass a bill providing for an expenditure of about \$300,000 in the unnecessary duplication of work. I do not ask to have the statement read by the Clerk, but to have it printed in the RECORD for information. I have no objection to the bill proposed by the gentleman from New Jersey having a privileged status on the Calendar of the House. What I rose for originally was to get permission to print in the RECORD the statement that I now offer.

The SPEAKER. Is there objection to have printed in the RECORD the statement referred to by the gentleman? [After a pause.] The Chair hears none.

Mr. CRUMPACKER. Now, I reserve the balance of my time. The statement is as follows:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF THE CENSUS,
Washington, April 5, 1906.

Memorandum in regard to the scope and character of the proposed report on employment of women and children.

The proposed report on the employment of women and children, according to the present plans, will embrace the following classes of data:

1. A classification by race and nativity of the number of children of each sex, 10 to 15 years of age, employed in each of the principal occupations for children. This will show the numbers of native white children, native white born of native parents, native white born of foreign parents, foreign white, negro, and other colored children in each of these occupations. The data will be compiled separately for each State and Territory, and for each city of over 50,000 population.

2. A classification by year of age for the total number of children of each sex, 10 to 15 years of age, employed in all occupations. This will be shown separately for the native white children, native white of native parentage, native white of foreign parentage, foreign white, and negro children. The data will be presented for each State and Territory, and for each city of over 50,000 population.

3. A tabulation showing the number of women or girls engaged in occupations in each of the following age periods: Ten to 15 years, 16 to 20, 21 to 24, 25 to 34, 35 to 44, 45 to 54, 55 to 64, 65 and over. This will be combined with a tabulation giving the same classification by age periods of the total number of women and girls in the entire population, so as to show what proportion or per cent of the women and girls in each age period are engaged in occupations. A tabulation will be presented for all classes combined and also separately for the native white, native white of native parentage, native white of foreign parentage, foreign white, and negro. The data will be compiled separately for each State and Territory, and for each city of over 50,000 population.

4. Data in regard to the families which have children engaged in occupations. From the population schedules it is possible to collate the following data in regard to these families: The number of persons in the family, with sex and age; the number of breadwinners (persons reported as having gainful occupations) and the number of dependents (persons not having gainful occupations); the occupation, sex, and marital condition of the head of the family; the nationality of the family, as determined by the country in which the head of the family was born; the year in which the head of the family, if of foreign birth, immigrated to the United States, and the school attendance and illiteracy of the children in the family. It would be practically impossible to compile and tabulate these data for all families in the United States having children at work, but it is believed that it will be sufficient if such compilations as are significant are made for certain typical groups, so as to show the conditions in some of the principal industries in which child labor is employed in different parts of the country—for instance, the cotton-mill industry in Fall River, also in some of the southern mill towns, the glass industry in Pennsylvania, etc. The extent to which this particular branch of the investigation is carried will depend partly upon the significance of the results which are obtained and partly upon the clerical force that can be employed on this work without interfering with the other lines of work in the Bureau of the Census. One of the tabulations which it is proposed to compile from these data will show how many of the children of each year of age in these families are employed in the selected industry, how many in other industries, how many are at school, and how many are at home; that is, neither employed nor at school.

Another tabulation shows the classification of these families according to the number of older breadwinners in the family, thus segregating those families which have no older breadwinners, and therefore are apparently entirely dependent upon child labor. Those families having older breadwinners will be classified according to the number of such breadwinners (families with one older breadwinner, with two, with three, etc.); and then each class of families as determined by the number of breadwinners will be subclassified according to the number of dependents (persons without gainful occupation), thus showing, for instance, how many of the families having only one older breadwinner have no dependents, how many have one dependent, two, three, etc. It is believed that this tabulation will be very valuable as indicating the extent to which the families are dependent upon the earnings of the child. It will be possible also to segregate those families who have no male heads, representing, for the most part, the families of widows. Another tabulation may be prepared classifying the families according to size—that is, number of members in the family, families consisting of two members, three, and four, etc. The total number of persons in each class of families, as determined by size, can then be subdivided into two groups, viz, breadwinners and dependents, and each group may, if deemed advisable, be further subdivided by age. The tabulations here enumerated are in some degree tentative, but the work has

been carried far enough to indicate that this class of data is of great importance in connection with this subject and may be presented in such a way as to bring out certain significant and interesting results.

5. A tabulation of women (females 16 years of age and over) engaged in each of the principal occupations for that sex, showing how many of these women are living in families (that is with relatives) and how many are boarding; and of those living in families, how many are heads of families and how many are living with their fathers, how many with mothers, and how many with other relatives, and furthermore, how many are living in families in which there are no other breadwinners, and how many in families in which there is one other, two other, more than two. This tabulation will be shown separately for the native white women, the native white of native parentage, the native white of foreign parentage, and the negro women, and for each of these classes of population the data can be presented by marital conditions so as to show the results separately for the single women, the married, and the widowed and divorced. The data thus compiled will afford some indication of the extent to which women engaged in gainful occupations are living outside home influences and will make possible a comparison as regards this question between the different classes of working women as determined by nativity, marital status, and kind of occupation.

This tabulation, like the preceding one, is too elaborate to be carried out for the entire United States. It is expected, however, that the data can be compiled for the six cities having more than 500,000 population—New York, Chicago, Philadelphia, Boston, St. Louis, and Baltimore—and perhaps for some of the smaller towns or cities in which there are industries employing a large number of women.

6. Certain data in regard to the wages of women and children in manufacturing industries can be derived from the material collected by the recent census of manufactures.

This data will show first, the relative importance of men, women, and children among the wage-earners of each manufacturing industry as indicated by the average number of wage-earners of each class employed in that industry during the year. These data can be shown for each State and Territory and for each individual city, so far as may be deemed advisable.

Second, the earnings of women and children as compared with those of men in the same industry. In connection with the census of manufactures a transcript of the pay roll for the busiest week of the year 1904 was obtained from each manufacturer if available. On the basis of this transcript the men, women, and children employed in that week are separately classified according to the scale of their earnings, so as to show the number receiving under \$3 per week; number receiving \$3 to \$4; \$4 to \$5, etc. Since this statement covers the busiest week in the year it is probable that most of the employees were working on full time, and that their earnings therefore will correspond closely to their wages or rates of pay.

The Bureau of the Census might, if thought best, collect data of a similar character showing the earnings of women and children in some of the more important mercantile pursuits not covered by the census of manufactures—for instance, in the department stores. This possibility is under consideration.

7. It may also be worth while to tabulate the number of children born to married women engaged in occupations for comparison with the number born to other married women. The extent to which this tabulation should be carried would depend upon the results secured from experimental work.

All the above tabulations will present new data—that is, data never before published. A part of the data will be derived from the population schedules of the census of 1900, and a part from the schedules of the census of manufactures taken in 1905. The fact that five years have elapsed since the census of 1900 was taken does not, it is believed, impair the value of the data for the purposes of this report. Economic conditions have not changed so rapidly as that, and human nature has not changed at all. Moreover, it is important to have knowledge of the conditions in 1900 as a starting point from which to measure the future changes, whether in the nature of progress or of retrogression, which may be revealed by the census of 1910 or later censuses.

8. Besides these original sources of information, the statistics published in the main census report on occupations and in other census publications will be utilized so far as they can be made to contribute to the completeness of the discussion by further analysis or new correlations. An illustration of the possible value of work of this character is presented by the recent census bulletin on Negroes, the statistical data for which were derived almost exclusively from reports already published.

9. A study will be made of the census statistics of other countries with a view to introducing international comparison, so far as comparable statistics on this subject can be obtained.

It is hardly possible at this stage of progress to estimate very closely the size of the report. It is my expectation, however, that it will comprise between three and four hundred pages, making it about the size of the bulletin on Negroes.

Respectfully submitted.

J. A. HILL, Chief of Division.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended, and the order was adopted.

REGISTRATION OF TRADE-MARKS.

Mr. CURRIER. I ask unanimous consent for the present consideration of the bill (H. R. 15911) to amend the laws of the United States relating to the registration of trade-marks.

The bill was read, as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same," approved February 20, 1905, be, and is hereby, amended by inserting, after the words "description of the trade-mark itself," the words "If required by the Commissioner of Patents or desired by the applicant;" so that the section, as amended, shall read as follows:

"That the owner of a trade-mark used in commerce with foreign nations, or among the several States, or with Indian tribes, provided such owner shall be domiciled within the territory of the United States or resides in or is located in any foreign country which, by treaty, convention, or law, affords similar privileges to the citizens of the United States, may obtain registration for such trade-mark by complying with the following requirements: First, by filing in the Patent Office an

application therefor, in writing, addressed to the Commissioner of Patents, signed by the applicant, specifying his name, domicile, location, and citizenship; the class of merchandise and the particular description of goods comprised in such class to which the trade-mark is appropriated; a description of the trade-mark itself, if required by the Commissioner of Patents or desired by the applicant, and a statement of the mode in which the same is applied and affixed to goods, and the length of time during which the trade-mark has been used. With this statement shall be filed a drawing of the trade-mark, signed by the applicant, or his attorney, and such number of specimens of the trade-mark as actually used as may be required by the Commissioner of Patents. Second, by paying into the Treasury of the United States the sum of \$10, and otherwise complying with the requirements of this act and such regulations as may be prescribed by the Commissioner of Patents."

Sec. 2. That all applications for registration of trade-marks filed in the Patent Office before the 1st day of April, 1905, on which the fee of \$25 required by the act of Congress approved March 3, 1881, had been paid, and on which certificate of registration had not issued prior to said 1st day of April, 1905, shall be deemed to have been pending at that date within the meaning and for the purposes of sections 14 and 24 of the act entitled "An act to authorize the registration of trade-marks in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same," approved February 20, 1905.

Sec. 3. That the Commissioner of Patents shall establish classes of merchandise for the purpose of trade-mark registration, and shall determine the particular description of goods comprised in each class. On a single application for registration of a trade-mark the trade-mark may be registered at the option of the applicant for any or all goods upon which the mark has actually been use comprised in a single class of merchandise, provided the particular description of goods be stated.

Sec. 4. That any owner of a trade-mark who shall have a manufacturing establishment within the territory of the United States shall be accorded, so far as the registration and protection of trade-marks used on the products of such establishment are concerned, the same rights and privileges that are accorded to owners of trade-marks domiciled within the territory of the United States by the act entitled "An act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same," approved February 20, 1905.

Sec. 5. That this act shall take effect upon its passage.

With the following committee amendments:

Amend the first section of the bill by striking out the words "if required by the Commissioner of Patents and desired by the applicant," in lines 9 and 10, on page 1, and in lines 11 and 12, on page 2, and inserting in lieu thereof the words "only when needed to express colors not shown in the drawing."

Amend by striking out section 2 of the bill.

Amend section 3 of the bill by striking out the word "description," in lines 13 and 18, on page 3, and inserting in lieu thereof the word "descriptions."

Amend the numbering of the sections of the bill so that section 3 shall read "section 2;" section 4, "section 3;" section 5, "section 4."

The SPEAKER. Is there objection?

Mr. GILBERT of Kentucky. Mr. Speaker, I want to reserve the right to object. That seems to be an exceedingly important bill, and I should like to hear somebody as to its purpose. It is almost too important to be passed by unanimous consent, but still I will merely reserve the right to object.

Mr. CURRIER. Mr. Speaker, this bill, which amends the trade-mark legislation of the country, was reported from the committee unanimously. The first section of the bill provides that the applicant for the registration of a trade-mark need not describe the mark itself except when such description is needed to express colors not shown in the drawings.

Mr. GILBERT of Kentucky. Why should that necessitate this amendment of the law?

Mr. CURRIER. In all ordinary cases the mark itself, of which a drawing is filed with the application, shows very much better than any description that can be given would show just exactly what is needed. The committee can not conceive of a case where this is not so unless colors are used in the mark.

Mr. GILBERT of Kentucky. But suppose colors are necessary?

Mr. CURRIER. The bill provides that when it is necessary to express colors a description shall be filed.

Mr. GILBERT of Kentucky. Does it require the filing of a sample?

Mr. CURRIER. That is always done. A trade-mark is often a single word or a star or something of that kind, and it is difficult to describe. I wish to say that it is dangerous often to attempt to describe it, for the reason that unless the infringer's mark comes precisely within the description filed with the application it will not be held to infringe it.

Mr. GILBERT of Kentucky. Suppose it is a close imitation of the genuine trade-mark. What is there provided in this bill for the punishment of the infringement?

Mr. CURRIER. That is provided in the bill to which this is an amendment.

Mr. GILBERT of Kentucky. Is there any delineation or delimitation as to what constitutes an infringement?

Mr. CURRIER. Yes; but that is provided in the original law to which this is an amendment.

Mr. BONYNGE. Under the original bill they are required to publish notice that they have filed their application for the trade-mark, and an opportunity is given to anybody to appear in opposition to granting the trade-mark.

Mr. GILBERT of Kentucky. Is that retained?

Mr. BONYNGE. That is all retained.

Mr. CURRIER. The committee struck out the second section of the bill, so that I shall not need to refer to that. What was originally the third section, and now becomes the second section of the bill, is a very important section. It provides that the Commissioner of Patents shall establish classes of merchandise for the purpose of registration of a trade-mark, so that on a single application an applicant may register his trade-mark on an entire class of goods, provided always he is actually using the mark on his goods in interstate commerce. Now, that is the law in all the great commercial nations of the earth, and that principle obtained here until about two or three years ago, when the present Commissioner felt constrained to give a different construction to the existing law. The result of that is, I may say, that now an applicant for trade-mark registration is forced to split up his applications. Under the construction now given to the law a man who cans fish and vegetables and meats, must make three applications and pay three fees in order to get trade-mark registration on his goods. One concern in this country that makes carpenters' supplies stated to the committee that they would be forced, under the construction now given to the law, to make 80 applications and pay 80 fees. The purpose of this is to have the Commissioner make classes. Now, in foreign countries the number of classes differs, running from about 40 to about 100.

Mr. GILBERT of Kentucky. Does this leave the number of classifications entirely under the control of the Commissioner?

Mr. CURRIER. It leaves the number entirely in his hands.

Mr. GILBERT of Kentucky. What is the method by which you anticipate that the eighty applications are hereafter to be obviated?

Mr. CURRIER. For instance, Collins & Co., manufacturers of edge tools, are now forced to make about eleven applications and pay eleven fees, and under a class comprising edge tools they would make one application and pay one fee and register on all kinds of edge tools. My understanding is that there will be something less than 100 classes constituted by the Commissioner here for these purposes. A great many manufacturers in the country are interested in this, and this amendment meets the most cordial approval of the Commissioner of Patents himself.

Mr. GILBERT of Kentucky. Will these classifications be published?

Mr. CURRIER. Certainly. Gentlemen will realize the tremendous burden and inconvenience of the present practice when I say that manufacturers who desire to register abroad are met with the fact that registration of an American mark abroad is based upon registration here; so if a man is forced to split up his application here, he is forced to do it in foreign countries, and it costs in some foreign countries from \$40 to \$75 for a single registration. Accordingly, a manufacturing concern who is forced to make eighty applications here must pay for eighty applications abroad, and it is a great burden upon it.

Mr. BONYNGE. Manufacturers abroad can get registration by classes.

Mr. CURRIER. Yes.

Mr. BONYNGE. And so the foreign manufacturer has a great advantage over our manufacturers?

Mr. CURRIER. That is it. Now, section 4 provides that a citizen of a foreign country having a manufacturing establishment here can register a mark used on the products of such establishment.

Mr. BONYNGE. And the law we passed last session remains intact?

Mr. CURRIER. Remains intact, except as modified by this bill.

The committee amendments were agreed to.

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

On motion of Mr. CURRIER, a motion to reconsider the last vote was laid on the table.

FORBIDDING IMPORTATION OF FALSELY STAMPED ARTICLES OF GOLD, ETC.

Mr. RYAN. Mr. Speaker, I ask unanimous consent for the present consideration of the 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.

Mr. SHERLEY. Mr. Speaker, I object.

The SPEAKER. The gentleman from Kentucky objects.

Mr. RYAN. Mr. Speaker, I move to suspend the rules and pass the bill as amended.

The Clerk read the bill, as follows:

Be it enacted, etc., That it shall be unlawful for any person, firm, corporation, or association, being a manufacturer of or wholesale or retail dealer in gold or silver jewelry or gold ware, silver goods or silverware, or for any officer, manager, director, or agent of such firm, corporation, or association to import or export or cause to be imported into or exported from the United States for the purpose of selling or disposing of the same, or to deposit or cause to be deposited in the United States mails for transmission thereby, or to deliver or cause to be delivered to any common carrier for transportation from one State, Territory, or possession of the United States, or the District of Columbia, to any other State, Territory, or possession of the United States, or to said District, in interstate commerce, or to transport or cause to be transported from one State, Territory, or possession of the United States, or from the District of Columbia, to any other State, Territory, or possession of the United States, or to said District, in interstate commerce, any article of merchandise manufactured after the date when this act takes effect and made in whole or in part of gold or silver, or any alloy of either of said metals, and having stamped, branded, engraved, or printed thereon, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which said article is incased or inclosed, any mark or word indicating or designed or intended to indicate that the gold or silver or alloy of either of said metals in such article is of a greater degree of fineness than the actual fineness or quality of such gold, silver, or alloy, according to the standards and subject to the qualifications set forth in sections 2 and 3 of this act.

SEC. 2. That in the case of articles of merchandise made in whole or in part of gold or of any of its alloys so imported into or exported from the United States or so deposited in the United States mails for transmission, or so delivered for transportation to any common carrier, or so transported or caused to be transported as specified in the first section of this act, the actual fineness of such gold or alloy shall not be less by more than one-half of 1 carat than the fineness indicated by the mark stamped, branded, engraved, or printed upon any part of such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed; except that in the case of watch cases and flat ware, so made of gold or of any of its alloys, the actual fineness of such gold or alloy shall not be less by more than three one-thousandths parts than the fineness indicated by the mark stamped, branded, engraved, or printed upon such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed: *Provided*, That in any test for the ascertainment of the fineness of any article mentioned in this section, according to the foregoing standards, the part of the article taken for the test, analysis, or assay shall be such part or portion as does not contain or have attached thereto any solder or alloy of inferior fineness used for brazing or uniting the parts of said article: *Provided further*, That in the case of any article mentioned in this section, in addition to the foregoing tests and standards, the actual fineness of the entire quantity of gold or of its alloys contained in such article, including all solder and alloy of inferior fineness used for brazing or uniting the parts of such article (all such gold, alloys, and solder being assayed as one piece), shall not be less by more than 1 carat than the fineness indicated by the mark stamped, branded, engraved, or imprinted upon such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed, it being intended that the standards of fineness and the tests or methods for ascertaining the same provided in this section for articles mentioned therein shall be concurrent and not alternative.

SEC. 3. That in the case of articles of merchandise made in whole or in part of silver or any of its alloys so imported into or exported from the United States, or so deposited in the United States mails for transmission, or so delivered for transportation to any common carrier, or so transported or caused to be transported as specified in the first section of this act, the actual fineness of the silver or alloy thereof of which such article is wholly or partly composed shall not be less by more than four one-thousandth parts than the actual fineness indicated by any mark (other than the word "sterling" or the word "coin") stamped, branded, engraved, or printed upon any part of such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed; and that no such article or tag, card, or label attached thereto, or box, package, cover, or wrapper in which such article is incased or inclosed shall be marked, stamped, branded, engraved, or printed with the word "sterling" or "sterling silver" or any colorable imitation thereof, unless such article or parts thereof purporting to be silver contains nine hundred and twenty-five one-thousandth parts pure silver; and that no such article, tag, card, label, box, package, cover, or wrapper shall be marked, stamped, branded, engraved, or printed with the words "coin" or "coin silver" or colorable imitation thereof unless such article or parts thereof purporting to be silver contains nine hundred one-thousandth parts pure silver: *Provided*, That in the case of all such articles whose fineness is indicated by the word "sterling" or the word "coin" there shall be allowed a divergence in the fineness of four one-thousandth parts from the foregoing standards: *Provided*, That in any test for the ascertainment of the fineness of any such article mentioned in this section the part of the article taken for the test, analysis, or assay shall be such part or portion as does not contain or have attached thereto any solder or alloy of inferior fineness used for brazing or uniting the parts of such article: *Provided further*, That in the case of any article mentioned in this section, in addition to the foregoing tests and standards, the actual fineness of the entire quantity of silver or of its alloys contained in such article, including all solder and alloy of inferior fineness used for brazing or uniting the parts of such article (all such silver, alloys, and solder being assayed as one piece), shall not be less by more than one-thousandth than the fineness indicated by the marked, stamped, branded, engraved, or imprinted upon such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed, it being intended that the standards of fineness and the tests or methods for ascertaining the same provided in this section for articles mentioned therein shall be concurrent and not alternative.

SEC. 4. That in the case of articles of merchandise made in whole or in part of an inferior metal, having deposited or plated thereon or brazed or otherwise affixed thereto a plating, covering, or sheet composed of gold or silver, or of an alloy of either of said metals, and known in the market as rolled gold plate, gold plate, gold filled, silver plate, or gold or silver electroplate, or by any similar designation, so imported into the United States, or so deposited in the United States

malls for transmission, or so delivered to any common carrier, or so transported or caused to be transported as specified in the first section of this act, no such article, nor any tag, card, or label attached thereto, nor any box, package, cover, or wrapper in which such article is inclosed, shall be stamped, branded, engraved, or imprinted with any word or mark usually employed to indicate the fineness of gold, unless such word or mark be accompanied by other words plainly indicating that such article or part thereof is made of rolled gold plate, gold plate, or gold electroplate, or is gold filled, as the case may be, and no such article, nor any tag, card, or label attached thereto, nor any box, package, cover, or wrapper in which such article is inclosed or inclosed, shall be stamped, branded, engraved, or imprinted with the word "sterling" or the word "coin," either alone or in conjunction with other words or marks.

Sec. 5. That each and every person, firm, corporation, or association, being a manufacturer of or a wholesale or retail dealer in gold or silver jewelry, gold ware, silver goods, or silverware, who or which shall knowingly violate any of the provisions of this act, and every officer, manager, director, or managing agent of any such corporation or association having knowledge of such violation and directly participating in such violation or consenting thereto, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of the United States having jurisdiction of crimes within the district in which such violation was committed or through which has been conducted the transportation of the article in respect to which such violation has been committed, shall be punished by a fine of not more than \$1,000 or imprisonment for not more than six months, or both, at the discretion of the court. Whenever the offense is begun in one jurisdiction and completed in another it may be dealt with, inquired of, tried, determined, and punished in either jurisdiction in the same manner as if the offense had been actually and wholly committed therein.

Sec. 6. That the expression "article of merchandise" as used in this act shall signify any goods, wares, works of art, commodity, or other thing which may be lawfully kept or offered for sale.

Sec. 7. That all articles of merchandise to which this act applies which shall have been transported into any State, Territory, District, or possession of the United States, and shall remain therein for use, sale, or storage, shall, upon arrival in such State, Territory, District, or possession, be subject to the operation of all the laws of such State, Territory, District, or possession of the United States to the same extent and in the same manner as though said articles of merchandise had been produced in such State, Territory, District, or possession, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

Sec. 8. That this act shall take effect six months after the date of its passage.

Mr. SHERLEY. Mr. Speaker, I demand a second.

Mr. RYAN. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from New York is entitled to twenty minutes and the gentleman from Kentucky to twenty minutes.

Mr. RYAN. Mr. Speaker, this bill if enacted into law will forbid the importation, exportation, or carriage in interstate commerce of falsely or spurious stamped articles of merchandise made of gold or silver or their alloys.

It has been favorably reported from the Committee on Interstate and Foreign Commerce after a hearing.

Several States in the Union have laws prohibiting the false marking of gold and silver articles. The leading nations of Europe have long had laws prohibiting the false marking of gold and silver articles. In some of the countries the marking of the quality of the articles is compulsory; this is so in England, France, Austria, and Switzerland. In Germany the marking is voluntary, but if employed, must be accurate or within five one-thousandths for gold and eight one-thousandths for silver. By the provisions of this bill it is not compulsory to mark gold or silver articles, but if they are marked it must be accurate.

Section 2 provides how articles made in whole or in part of gold or of any of its alloys may be stamped, engraved, or labeled.

Section 3 provides how articles made in whole or in part of silver or of any of its alloys may be branded, engraved, or tagged.

Section 4 provides how articles of merchandise made in whole or in part of an inferior metal and having a plating or covering of gold or silver or of an alloy of either metal and known in the market as rolled gold, plate gold, or silver plate, or gold or silver electroplate, or by any similar designation, may be engraved or imprinted, and prohibits the use of the word "sterling" or the word "coin" on such articles.

Section 5 provides for punishment for violation of this act. The standard provided for the use of the word "sterling" is 0.925, and for the use of the word "coin" is 0.900.

Section 7, with the exception of the word "possessions," is the language of the original-package liquor provision of the Wilson Act.

Mr. Speaker, the bill was introduced by my colleague from New York [Mr. VREELAND], to whom I will yield the balance of my time in order that he may explain in detail what the bill is designed to do.

Mr. VREELAND. Mr. Speaker, the gentleman from New York has stated to the House the object of this law. It is to prevent the false marking and branding of articles made from gold and silver which are imported into the United States or exported from the United States, or that enter into interstate

commerce. I only want to say, Mr. Speaker, that, in my judgment, this is a proper example of the regulation of interstate commerce under the authority of the Constitution.

This bill does not interfere with the police power of the State. It rather promotes and benefits trade, and acts along State lines in helping them to protect the public against imposition.

The United States has lagged behind all the other civilized nations of the world in this line of legislation. Every country of Europe to-day has laws to protect their subjects from imposition by false marking of articles made of gold and silver.

Mr. STAFFORD. Will the gentleman allow me?

Mr. VREELAND. Certainly.

Mr. STAFFORD. Do I understand that foreign countries have legislation which protects purchasers living in other countries of exported articles as this law purports to do?

Mr. VREELAND. My understanding is that they do. In this bill we have adopted the Swiss standard of fineness for watch cases, and that is within three one-thousandths of full value. I understand that watches made in Switzerland for importation into the United States are required to be within three one-thousandths of what they purport to be.

Mr. STAFFORD. How is it in Germany?

Mr. VREELAND. I can not say in regard to all of the nations, but England requires all articles to be stamped.

Mr. STAFFORD. What argument or what ground of expediency can be advanced that we should concern ourselves with the interests of the purchasers in foreign countries—the consumers of articles manufactured in this country?

Mr. VREELAND. It seems to me that it is very apparent to everybody that it is in the interest of our foreign trade. If it did not take up so much of my time, I would like to read to the gentleman an extract from an English paper, which gives the proceedings of the meeting of the British Horological Institute, a society of all the watchmakers of Great Britain, in which they demand that legislation shall be passed in Great Britain protecting them from fraudulent marking of watches that are sent into that country from the United States.

Mr. STAFFORD. That is a local regulation, for Great Britain, and not for the United States, to legislate upon.

Mr. VREELAND. I hope the gentleman will not take up my time while I am trying to answer his question. I say this great society of Great Britain demands that laws shall be passed protecting them from the manufacturers of the United States who send over there watches that are falsely and fraudulently marked. I ask, What will be the result of it if the manufacturers of this country continue to send abroad articles falsely marked upon the face of them, and if in the end it will not have the effect of destroying our trade in other countries?

Now, Mr. Speaker, I desire simply to state who are behind this bill. There is in favor of this bill an agreement of all the manufacturers of gold and silver ware in the United States—in New England, in New York, in New Jersey, in Chicago, in St. Louis. After a year of effort we have succeeded in getting an agreement upon what is considered a practicable and workable bill, the agreement coming from all of the manufacturers in the United States. I have received from the dealers in the United States—retail and wholesale—who handle these goods, who have to represent as to what they are to their customers, more than 14,000 letters representing every Congressional district in the United States, asking and urging that legislation of this kind may be passed. It goes without saying that every family in the United States—and every family in the United States at some time buys articles made of gold and silver—desires some regulation, so that when they put their money into silver which they suppose is sterling, and is marked "sterling," or into gold which they suppose is 14 or 16 carats fine, and is so marked, they may have some method of finding out whether they are being defrauded. I reserve the balance of my time.

Mr. STAFFORD. Mr. Speaker, before the gentleman takes his seat I wish he would explain the application and extent of section 6.

Mr. VREELAND. Oh, I only have fifteen minutes altogether.

Mr. STAFFORD. I would like the gentleman to explain section 6, which seems to extend the law to every conceivable kind of commerce. It reads:

That the expression "articles of merchandise," as used in this act, shall signify any goods, wares, works of art, commodity, or other thing which may be lawfully kept or offered for sale.

Mr. VREELAND. Yes; but the bill applies only to articles made of gold or silver or an alloy.

Mr. STAFFORD. Whether this phraseology would not extend it to all articles of commerce?

Mr. VREELAND. It would not extend it beyond articles made of gold or silver.

Mr. SHERLEY. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Speaker, I regret my inability to agree with my amiable friend the gentleman from New York [Mr. VREELAND]. If it were a question of local interest only, I should not resist his efforts, but being a general bill which affects us all and involves my own oath to support the Constitution as well as his and that of other gentlemen in this House, I am compelled to call the attention of the House to the fact that the bill is nothing but an effort to impose upon the Federal Government, contrary to the intention and design of the Constitution, the burden of performing the police duty of this country. There is not presented by it a conceivable case, nor can a conceivable case arrive under it that can not be punished by the courts and laws of the State in which that case might arise. It is true there is a pretense made here of empowering the States, after original packages have been delivered within their borders, to perform police duties. Gentlemen can not by taking counsel add one cubit to the stature of either the State or Federal arm of our dual Government in this respect. They can not confer or take away a police power or duty assigned to either by the Constitution. It is the law, as announced in the case of *Plumley v. Massachusetts* and affirmed in subsequent cases, that whenever original packages go into a State they are not exempt from the laws of that State, if the question of fraud or deceit or swindling be raised. In the ordinary course of trade Congress may regulate commerce. It has been distinctly recognized many times that the matter of liquors and beers referred to in the Wilson bill are articles of commerce against which no question of fraud or cheating or swindling was raised. That is especially mentioned in the case of *Plumley v. Massachusetts*, and it expressly held that regardless of the original package, or whence it came, the police powers of the State attach if fraud or dishonesty be alleged. It is not only within their power, Mr. Speaker, but it is the duty of the States to take jurisdiction and punish every act at which this bill is aimed, bad as they are. The States ought to do their duty.

Under our oaths to support the Constitution we ought to see to it that States are not allowed to impose upon the Federal Government and rid themselves of the duty, trouble, and expense of punishing these crimes, perpetrated by cheats and swindlers. If I lived in a State which confessed its incapacity or indisposition to exercise its police power I would renounce my citizenship.

Mr. GILBERT of Kentucky. Mr. Speaker I want to know why it is that there are three or four different standards of measurement prescribed in section 2. The standard mentioned in the tag is different in gold goods from that which is designated in silver goods.

Mr. ADAMSON. Mr. Speaker I would be very glad indeed to answer the gentleman, but I am unable from the study I have given to the bill to divine any reason for it. The bill is no friend of mine, and I am not in its confidence. I am fighting the bill generally for the reason that it is an unjust and unnecessary imposition on the Federal Government of duties that under the Constitution clearly can be and ought to be discharged by the local governments. I object to the bill for another reason: It confounds postal affairs with the commerce clause of the Constitution and they stand upon principles and plans essentially and radically different. The stuff mentioned in this bill ought not to go through the mails at all. The Post-Office Department ought not to come in competition with transportation companies as carriers of freight and merchandise. It ought to carry letters and newspapers, but I concede that whatever is carried it is proper for the Federal Government to guard the mails and the use of the mails everywhere. In commerce the clause originally designed to prevent discrimination by one State against another State has been construed to authorize all kinds of regulations which affect the usual order of trade and articles legitimately recognized thereunder, but no court, nobody, no State, no Congress has ever gone far enough yet to claim exemption from local laws for original packages if the question of fraud, dishonesty, immorality, or cheating and swindling be raised. All such acts are punishable by the State courts exclusively, regardless of origin or character of packages.

Mr. Speaker I yield back the balance of my time.

Mr. SHERLEY. Mr. Speaker, my opposition to this bill, like that of the gentleman who has just preceded me, is not against the subject-matter to which it relates so much as it is to the legislative body to which the matter is brought. If it is proper for Congress to legislate in regard to the purity of manufactured articles of gold and silver, when they are the subjects of interstate commerce, it is equally proper for Congress to legislate in regard to the purity of lead, zinc, fluor spar, or anything else used in interstate commerce. It is one of the curious things in connection with American history that the clause that was put into the Constitution of the United States

for the purpose of keeping commerce free should now be used for the purpose of hampering commerce. We owe our Constitution to the fact that under the Articles of Confederation there had arisen conflicts between one State and another in regard to interstate commerce, and in order to prevent a State from discriminating against articles from another State it was provided that Congress should have control over commerce between the States, and for another reason, entirely over commerce with foreign nations, for those gentlemen who have taken the trouble to read the history of the debates at that time, realize that the two provisions contained in that commerce clause were given for diametrically opposite purposes. Congress was given control over commerce with foreign nations in order to give the National Government a weapon to fight England and other nations that were discriminating against our commerce on the high seas. It was given control over commerce between the States for the purpose of preventing the States discriminating and not for the purpose of restricting.

Now, there is not a Member here but realizes that the work that legitimately comes to Congress has become so great that we have been forced to not only do work almost entirely by committees, but to do work through heads of Departments. We are not able to consider matters that come here on the floor at all. We are wholly dependent upon the information that some Department presents, and nine times out of ten we follow the recommendations made by the Departments, and yet here are gentlemen asking day after day that we shall not only take care of the many matters now presented, but that we shall go out into the domain of the States and rob them of their police powers. The gentleman said that this does not take away the police powers of the State. That is partially true. If you could fully do it, you would have done that long ago, but you can not. It does do this, however: It does invade what has been declared repeatedly by the Supreme Court to be the sole province and proper domain of State government—

Mr. VREELAND. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. VREELAND. I was about to ask the gentleman if he noticed under the provisions of section 7 of the bill that articles of merchandise of this kind are expressly put under the State laws when they become intermingled with the property of the State, and I ask the gentleman how that robs the States of their police powers?

Mr. SHERLEY. The gentleman is very generous in giving something that the States already had. There is not a line written in your bill that adds one iota to the power of the States over these matters. It is simply a blind. It is held out with the hope that by saying we are not interfering with the States that the bill will be passed. What is the fact? What is happening in every State of the Union to-day? The State legislatures, the State governments, instead of being virile and efficient, are becoming anything but that. State officials do not want to use the power of their State governments because it means State taxation to pay for its exercise, which the people have to pay directly out of their pockets, and so you find officers of State governments charged with these matters coming up to the National Government to ask it to do what it is their duty to do, so that they be relieved of the burden and the States relieved of the cost. I believe it was intended that the individual States of America should be sovereign States, keeping at home among the people 90 per cent of the things that affect life, liberty, and property. I believe the safety of the country lies in keeping such government at home.

If gentlemen are to come here with this bill—a bill that has no more warrant for its existence than any bill relating to any other article of interstate commerce—you might as well regulate, as a gentleman just suggested, how far the bottom of a strawberry box shall be from the top, for strawberries are used in interstate commerce. Can the gentleman give any reason why we should not regulate articles made of bronze, copper, zinc, or lead and used in interstate commerce? They are amalgamated with baser metals and deception is practiced on the public.

Mr. VREELAND. I would like to ask the gentleman if he knows why every country in Europe for centuries has regulated gold and silver, and regulated nothing else?

Mr. SHERLEY. I do not know that to be fact, but I do know this, that every government in Europe that the gentleman refers to and to which the report refers is a government that does not have our dual system of government. That is my answer to the gentleman. If you did not have any sovereign State, if you had but one sovereignty here, there would be hundreds of questions that would properly belong to the National Government that do not now belong to it. I insist that those things which belong to the States shall be kept in the States.

Why, your very report is a refutation of the need of your legislation. You report that the State of New York has recently adopted a law and is enforcing that law. What is happening in New York can happen in every other State of the Union. But it is a modern tendency to come to Washington because it is easier than going to the different States; and it has gone so far now that we have the doctrine proclaimed that whatever is big, because it is big, must be solved by the National Government. You will swamp your Government. You will destroy a representative Government in the true sense of the term if you insist upon going along this road, and I have taken occasion to make these remarks, not because I have any special objection to this particular bill—I have not examined it in detail—but because I know it is not a matter that belongs to the National Government, and because I know in my short experience here that we can not undertake to attend to all the matters that should be subject to the police powers of the State and keep this Government an intelligent and effective one. One gentleman well remarked that this bill is not only using wrongfully power under the interstate-commerce clause, but also under the postal clause. The postal bureau was established for the purpose of conveying information to the people. It is constantly being used now and a constant demand being made on Congress to further use it for the purpose of police regulations, of regulating the morals of the people. What does it matter to the post-office, as a Department of the Government, whether a watch shipped through the mails be gold or half gold, or silver or half silver? Why should your postal affairs be intermingled with this? Is it because you have to find devious ways in and around and about to get away from the idea of the Constitution makers that these police powers belong to and were reserved to the individual States? You have got to take a power given for another purpose and pervert it to this use in order to make your legislation stick. I protest against this, the most flagrant attempt to misuse the power given under the interstate-commerce clause for police purposes. I reserve the balance of my time. [Applause.]

Mr. VREELAND. Mr. Speaker, what time is there left on the respective sides?

The SPEAKER. The gentleman from New York [Mr. VREELAND] has fourteen minutes and the gentleman from Kentucky [Mr. SHERLEY] has six minutes remaining.

Mr. VREELAND. Mr. Speaker, I only want to reply at this time to one or two points the gentleman has raised. One of them is the very natural and proper inquiry as to whether it is not necessary for the General Government to regulate everything else that goes into interstate and foreign commerce. The gentleman says, "Why should not the Government regulate lumber and iron and zinc?" And he might extend the list much further than that. Why, Mr. Speaker, the reason for this is very evident. I have asked the gentleman why in all of the civilized countries of Europe during all the years when they have manufactured articles from gold and silver those governments have found it necessary to place regulations and safeguards around articles made of gold and silver and not around other things? The gentleman does not deny the necessity for it, but he evades the inquiry by saying that we have a dual form of government and that it should be done by the States.

Now, I submit, Mr. Speaker, that experience has demonstrated that there are two articles that go into interstate commerce that need regulation by the National Government. One of them is articles made out of gold and silver and the other articles which go into the food supply of the country. I insist that there is no necessity for any regulation about lumber, and iron, and zinc, and articles made from wool, cotton, or silk, or tools and implements or machinery, for the reason, Mr. Speaker, that no one need be deceived when they buy those things. Why, a man buys a pair of shoes; if he is defrauded in it he finds it out within six months, and the man who made those shoes and sold those shoes receives his punishment in the loss of trade. But, Mr. Speaker, when a man over in the city of Brooklyn makes a watch like this and stamps it "warranted 14 carat," and when a piece of that watch is cut off and assayed by the United States shows it is only 10 carats, the man who bought it is swindled the difference between 10 and 14 carats. I ask where is the remedy for that man? He may carry that 10-carat watch in his pocket for twenty-five years and never discover that he has been swindled, and that is the reason why articles of gold and silver are singled out for regulation by the General Government.

Now, you tell me there is no trouble to regulate that by the State. We have succeeded, after four years, in forcing a law through the legislature of the State of New York forbidding the manufacturers to make false statements on articles made of

gold and silver. The manufacturers of the State of New York very properly said to us, "Why, you are tying our hands, and leaving our competitors loose. You are forbidding us from cheating upon these articles made of gold and silver, but leaving it open to the men that make the same things in Connecticut, New Jersey, Chicago, or St. Louis, or Kentucky, if they make them out there, or anywhere they are made throughout the United States, to make them and send them out and sell them, and tie our hands so that we can not compete with them, and we will be driven out of business." Now, that is the reason why we can not get State legislation upon this question. That is the reason why they said to us, "Why do you not go to Congress; why do you not have a uniform law or regulation established, where all of us may be bound by it, and where all may be protected by it?"

I yield five minutes to the gentleman from Alabama.

Mr. RICHARDSON of Alabama. Mr. Speaker, I believe that the intent and meaning of this bill is to protect the manufacturers as well as the public by excluding within the bounds of interstate and foreign commerce spuriously marked gold ware and silverware out of all the markets of the United States. I can not understand, Mr. Speaker, why anyone should object if I go into a retail jewelry establishment and want to buy a piece of silverware—a ladle, urn, pitcher, or other valuable article—if I try to protect myself against having a spurious, fraudulent article imposed on me. I find it marked "sterling;" that means nine hundred and twenty-five one-thousandths of pure silver. I buy it as pure silver, yet the truth is that instead of getting a "sterling" article, I buy that which runs about four hundred and twenty-five one-thousandths of pure silver. Is not that a misrepresentation? Is it not selling something to a purchaser under false pretenses? It is deceit of the meanest character. This bill seeks to prevent that deception. It seeks to have manufacturers, retailers, and purchasers deal with each other on the basis of honesty and fair dealing.

This bill, Mr. Speaker, does not undertake to prevent a man from selling. We must not forget that it neither seeks to prevent the manufacturer or the retailer from selling their silver or gold wares, nor it does not require the articles to be marked. It puts no restraint upon him in that respect. But it does this: It says, "Mr. Manufacturer and Mr. Retailer, whenever you mark that piece of silver or that piece of gold, by putting on it 'sterling' or '14 carat,' you shall mark it correctly, and it shall contain the standard amount of pure silver and carat gold, as marked, within the leeway under the bill. Does such a requirement wrong anyone? You shall not sell it under any false pretense. If you do not want to mark it, that is all right; let it go unmarked. If you do not want to label it, that is all right." What is the result of that? If this law passes, and it requires the manufacturer to mark his goods correctly when he marks them at all, then should a citizen go into a jewelry establishment to buy, and they show a piece of silver that is offered for sale, and he notices that the piece is not marked at all, what is the inevitable conclusion? Why, the inevitable conclusion is that it is alloyed and adulterated, and not what it is represented to be. We conclude at once that this retailer is suppressing the truth. He is seeking to sell an article that is spurious. How long would such a business house last with that reputation? We hunt another retailer, and find the silver article he offers to sell is marked "sterling," then we know what we are buying, what to calculate on, and that we are dealing with an honest manufacturer or retailer—a man that is complying with the requirements of the law.

This bill, as I say, undertakes to regulate merely articles that are manufactured of gold and silver, in whole or in part, and simply proposes not to prohibit their sale, but to require them to be marked correctly and sold for what they really are. How does this interfere in the least, as is now contended by some gentlemen, with the police rights of the State? Certainly the police powers of the State can not be invoked to shelter fraud and misrepresentation. The bill clearly declares—

Mr. HENRY of Texas. Will the gentleman permit me to ask him a question?

Mr. RICHARDSON of Alabama. Certainly.

Mr. HENRY of Texas. In certain cases does it not forbid the transportation of articles from one State to another?

Mr. RICHARDSON of Alabama. What cases do you mean?

Mr. HENRY of Texas. Is it not a principle in the bill that certain articles that do not come up to a certain standard of quality shall not be transported from one State to another?

Mr. RICHARDSON of Alabama. Certainly not, if marked correctly. If a fraud is being attempted, then the transportation of that article from one State into another ought to be forbidden. This is what the bill means. The bill provides that where a State has passed a law and made a standard itself for the

manufacture of gold and silver this bill puts the article so made under the provisions of the laws of the State the moment it goes into that State. What possible objection could the most theoretical and ardent advocate of States rights make against that? No interference with the laws of the State is contemplated, but the bill seeks uniformity of rules and standards.

Mr. HENRY of Texas. It puts an embargo upon the commerce of the people on certain articles.

Mr. RICHARDSON of Alabama. What objection have you to that if the effort is to prevent imposition on the public?

Mr. HENRY of Texas. You have the right to regulate, but not suppress the commerce between the States.

Mr. RICHARDSON of Alabama. We have the right under the Constitution to regulate the instrumentalities of commerce between the States; then certainly Congress has the authority to regulate commerce itself. This bill does not suppress commerce. It prevents the transfer from one State to another of any article manufactured of gold or silver bearing a false label or mark.

Mr. HENRY of Texas. Just another question and then I am through. Section 6 says that—

The expression "article of merchandise" as used in this act shall signify any goods, wares, works of art, commodity, or other thing which may be lawfully kept or offered for sale.

Now, does not that mean all articles of commerce, whether silverware or goldware?

Mr. RICHARDSON of Alabama. It is not so intended.

Mr. HENRY of Texas. It says "articles of merchandise."

Mr. RICHARDSON of Alabama. We are not seeking to regulate by this bill "articles of merchandise" generally, but the provisions of the bill relate to articles manufactured of gold or silver. The title of the bill discloses its scope: Forbidding the importation or exportation and carriage of falsely or spuriously stamped articles of merchandise of gold or silver.

Mr. HENRY of Texas. It may be that it goes further than you intend; and that is what I am afraid of.

Mr. RICHARDSON of Alabama. It is not the purport or meaning of this bill, as I have shown in the title of the bill and each one of its provisions.

Mr. Speaker, the section that I come from is not engaged in the manufacturing of jewelry. As I understand, for many years in the early history of this country that business was confined to the New England States.

Now, the cities of New York, Chicago, and St. Louis, together with New Jersey, have become the great manufacturers of jewelry, and they send out hundreds of millions of dollars' worth of their articles manufactured of gold and silver throughout the whole country. We all buy them throughout the country, and why should we not expect and require them simply to tell the truth in the marks that they put upon the gold and silver articles? To do less than that is a wrong and injury to honest manufacturers. As I said, if they do not want to mark them they can decline, and trust to the purchaser to come in and buy on his own responsibility and without any guaranty. No one objects to that. All we ask is, as is declared in the pure-food bill, which is kindred legislation to this, not to prevent a man from selling, but to make him tell the truth when he makes representations to the purchaser of what he is selling.

It behooves Congress, and I think it is clearly in the jurisdiction of Congress, within the limits of the commerce clause, to enact legislation that will protect the public against the growing frauds, deceit, and misrepresentations that are daily being practiced with unblushing and reckless audacity. It is worse than idle to declare in such an effort as this that we are invading the "police powers" of the States. There is such a policy as cooperation and mutual aid between the States and the Federal Government for the welfare of the people.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, I do not oppose the object sought to be accomplished by this bill, but only the method by which the object is sought to be accomplished. I believe that the objects, so far as the States are concerned, can be just as well secured by the legislatures of the several States. I do not think the gentleman from New York [Mr. VREELAND], who is the author of the bill, will controvert that proposition. If he is ready to do so, I pause to have him do it now.

Mr. VREELAND. I will say to my friend from Massachusetts that, as a practical proposition, I think it is not true. As a theoretical proposition, doubtless the States could enact laws to accomplish this result.

Mr. SULLIVAN of Massachusetts. Now, the gentleman asserts as a practical proposition that the States are incapable of exercising the powers which the people of those States reserved to themselves when the Constitution was adopted.

Mr. VREELAND. If the gentleman will pardon me, I should prefer that he did not use the word "incapable." But for

reasons, some of which I have stated, they are unwilling to act. Their manufacturers are unwilling to tie their hands and leave the hands of hundreds of others untied in other States.

Mr. SULLIVAN of Massachusetts. If the people of a State believe it desirable for the legislature to prescribe the fineness of an article of gold or silver, will the gentleman tell me why, with such a public opinion, the legislation sought to be secured by this bill can not be secured by the legislature of such a State? Will the gentleman answer that question?

Mr. VREELAND. Mr. Speaker, I have endeavored to explain.

Mr. SULLIVAN of Massachusetts. Won't the gentleman answer that question?

Mr. VREELAND. The difficulties of obtaining legislation by the State legislature I have partly explained. For example, in the State of New York we desired to pass a bill to prevent the false marking of jewelry. Immediately the manufacturers came in and said, "Why, you are tying our hands, you are preventing us from competing with others, but you leave open the hands of men from Massachusetts, from Illinois, from New Jersey, from Rhode Island, and from all over the Union."

Mr. SULLIVAN of Massachusetts. Have you passed such a bill in the State of New York?

Mr. VREELAND. We have succeeded after three years of effort.

Mr. SULLIVAN of Massachusetts. Now, the gentleman admits that even in the State of New York, where, he asserts, that there was opposition to such a bill, the people were virtuous enough to compel their legislature to pass such a bill. Why may not similar results be obtained in other States of the Union?

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. SHERLEY. Mr. Speaker, I yield two minutes more to the gentleman.

Mr. GILBERT of Kentucky. Mr. Speaker, will the gentleman allow me a question?

Mr. SULLIVAN of Massachusetts. If it is only a question; I have only two minutes.

Mr. GILBERT of Kentucky. Congress has recognized this duty and the Supreme Court has recognized its right to prohibit the transmission of lottery tickets through the mails. What is the difference between that right and that duty and preventing the transmission of articles fraudulently tagged through the mails? It Congress has that right and duty, where is the remedy? How can your State meet that condition?

Mr. SULLIVAN of Massachusetts. The State can pass a law prohibiting the use of or reception into the State of lottery tickets, which would be perfectly valid. The State can pass a law regulating the fineness of gold and silver articles, as Congress may. What Congress is doing is passing a bill in the exercise of a police power which Congress does not have.

Now the gentleman says that we will not legislate as to other things, because there is no necessity for it. May not some one in the next Congress say the people are suffering because they have shoddy in their woolen suits, and some virtuous gentleman rise up to prohibit the transportation of woolen suits that have any shoddy in them? The next thing we will do will be to regulate the length of nails that have become a subject of interstate commerce, the length and weight of bars of soap, railroad ties, and all other articles that may be the subject of interstate commerce. Where is it going to end? Isn't it about time to leave to the States themselves the powers which they insisted should be reserved them when they consented to come into the Union?

May we not as well amend the Constitution and abolish all State governments as to pass such laws as this under the guise of the exercise of the power to regulate interstate commerce? I think the time has come to allow the States to act upon the subjects of legislation which it was intended should be secured to them, to the end that the State legislatures may retain their virility and command the presence of able men within those States.

Mr. VREELAND. Mr. Speaker, I have only four minutes remaining. I want to say to my friend from Massachusetts [Mr. SULLIVAN] that the States have had authority to act at any time within these hundred years. A few of them have acted, but only three or four States out of the whole forty-five that comprise the Union have passed any legislation whatever on this subject. In the meanwhile, Mr. Speaker, hundreds of millions of dollars' worth of articles made from gold and silver are sold to the people of this country, in every State and in every Congressional district every year, which are falsely marked, and by which the purchasers thereof are deceived and defrauded. I

insist that we are interfering in no way in this bill with the right of the States. If the State of Kentucky desires to have its citizens buy articles of gold and silver that are falsely and fraudulently branded, they have a perfect right to do so.

Mr. SHERLEY. Will the gentleman yield?

Mr. VREELAND. I can not yield.

Mr. SHERLEY. I will yield to the gentleman a minute of my time.

Mr. VREELAND. The trouble is that the gentleman has no time remaining.

Mr. Speaker, I want to say to you that, in my judgment, you can go into the stores of this city—you can go into the stores of any city in the United States, and I have looked up the subject carefully—and you will not find 2 per cent of the articles made of gold and silver in those stores that are what they purport to be in the marks put upon them. I have a large collection of articles here that I desire to show to the House, illustrating how articles of gold and silver are falsely marked and branded to deceive the people. Why, the wife of some Member of this House desires to buy some sterling silver spoons; she desires to buy spoons that are 0.925 pure; that will last her through her lifetime, and that will be handed down to her children and her children's children, and she goes to a store to invest her money in sterling silver. The article which I have in my hand is, perhaps, a fair specimen of what she may get. She can get it in almost any large city in the United States, an article marked "Sterling," an article, perhaps, represented to her to be sterling, but which is merely a cheap plate, one which would last her four or five years and then become absolutely worthless. I have here also two other articles of the same kind. There is a gold watch marked "Warranted 14 carats," but the United States assay shows it is only 10 carats. There is a locket which might be bought for some one of your little girls for a Christmas present, an article which, if it were what it purports to be, namely, 14 carats, ought to last her a lifetime, and yet all that is is a filled case of some base metal, washed over with a covering of gold.

Why, I went into one of the great factories of New England while I was looking up this subject last summer—a factory which makes finger rings—where 700 people were employed. They showed me an order from one of the great department stores of the United States, ordering 100 dozen rings to be made, the rings to be marked 18 carats, but to be made only 10 carats fine. Why, Mr. Speaker, it is a common thing, as I am told by those who deal in these things, to order watch cases, to order rings, to order all sorts of things made out of gold and silver, and to have accompanying the order the explicit direction to mark them higher than they actually are in value.

[Here the hammer fell.]

Mr. SHERLEY. Mr. Speaker, I shall not detain the House longer than a half a minute to read to them what the gentleman declined to give to the House in response to an inquiry of mine. The gentleman stated that this proposed law did not interfere with any rights of the States or its citizens; that a merchant in the State of Kentucky was not prohibited from buying or selling false jewelry of silver or gold if he desired to do so. If the gentleman will look in his own bill he will find on the first page, in line 8, that there is an inhibition on importing or exporting any article that does not meet the requirements of this act. Now, no dealer in the State of Kentucky could import from the State of New York nor export to the State of New York such articles if he saw fit. I am not now speaking as to whether he ought to want to do so or not, but I am calling the attention of the House to this as a sample of the accuracy of the statements of the advocates of this sort of legislation.

Mr. RYAN. I call for a vote, Mr. Speaker.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question being taken, on a division (demanded by Mr. SHERLEY) there were—ayes 139, noes 35.

Accordingly (two-thirds having voted in the affirmative) the rules were suspended and the bill was passed.

NATIONAL QUARANTINE LAW.

Mr. DAVEY of Louisiana. Mr. Speaker, I call up the bill (S. 4250) to further enlarge the powers and authority of the Public Health and Marine-Hospital Service and to impose further duties thereon, and move to suspend the rules, discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill, agree to the amendment reported by the committee in the nature of a substitute, and pass the bill as amended.

The SPEAKER. The gentleman from Louisiana moves to discharge the Committee of the Whole House on the state of the Union from the further consideration of the following Senate bill, agree to the amendment in the nature of a substitute,

and pass the bill. The Clerk, without objection, will read the substitute in lieu of the Senate bill. [After a pause.] The Chair hears no objection.

Mr. DAVEY of Louisiana. Mr. Speaker, I ask unanimous consent that the reading of the substitute be dispensed with, as it has already been read.

The SPEAKER. The gentleman from Louisiana asks unanimous consent that the reading of the substitute be dispensed with, it being, as the Chair understands, a copy of the House quarantine bill, which passed the House a few days ago. Is there objection?

Mr. BARTLETT. Mr. Speaker, I think we better have the bill read.

Mr. HEPBURN. Mr. Speaker, in explanation, I would say to the gentleman from Georgia [Mr. BARTLETT] that this is a Senate bill. The whole of the bill after the enacting clause was stricken out, and the amendment reported by the committee adopted. Now, that amendment is the text of the bill that a few days ago passed this House.

The SPEAKER. So the Chair understands. The gentleman from Georgia, however, demands the reading of the amendment.

Mr. HEPBURN. Mr. Speaker, I thought perhaps the gentleman from Georgia did not understand.

Mr. BARTLETT. I did understand, but, Mr. Speaker, there are so many of these bills being brought up and passed that I think the time of the country can well be expended in reading some of them.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury shall have the control, direction, and management of all quarantine stations, grounds, and anchorages established by authority of the United States, and as soon as practicable after the approval of this act shall select and designate such suitable places for them and establish the same at such points on or near the seacoast of the United States or the border of the United States and a foreign country, as in his judgment are best suited for the same and necessary to prevent the introduction of yellow fever into the United States, and, in his discretion, he may also establish at the group of islands known as the "Dry Tortugas," at the western end of the Florida reef, and at such other point or points on or near the seacoast of the United States (not to exceed four in the aggregate) as he deems necessary, quarantine grounds, stations, and anchorages, whereto or whereto infected vessels having on board any person with yellow fever and bound for any port in the United States may be detained or sent for the purpose of being disinfected, having their cargoes disinfected and discharged, if necessary, and their sick treated in hospitals until all danger of infection or contagion from such vessels, their cargoes, passengers, or crews has been removed.

SEC. 2. That in cases in which the title to the land and water so selected and designated is in the United States it shall be the duty of the department, bureau, or official of the United States having custody or possession of such land and water, or any part thereof, not used by the Government for other purposes designated by law, or possession of said Dry Tortugas Islands, on demand of the Secretary of the Treasury, to deliver the same into his custody and possession for the use of the Public Health and Marine-Hospital Service, evidencing such delivery by a suitable instrument in writing to be delivered to the Secretary of the Treasury. That in cases in which the title to such land and water, or any part thereof, is in any other owner than the United States it shall be the duty of the Secretary of the Treasury to secure the title and possession of the same to the United States for the use of the Public Health and Marine-Hospital Service of the United States, by purchase at a reasonable price, if possible; but if, in his judgment, the price demanded for such property be excessive, he is hereby authorized to apply to the Attorney-General of the United States to cause to be instituted, in the proper tribunal, condemnation proceedings in the name of the United States for the purpose of acquiring for the United States the title and possession of such land and water, and said Attorney-General shall, as soon as possible after such application by the Secretary of the Treasury, cause such proceedings to be instituted and conducted to a conclusion, and the custody and possession of such land and water, when duly acquired in accordance with the award made in such condemnation proceedings, shall be delivered to the Secretary of the Treasury for the use of the Public Health and Marine-Hospital Service.

SEC. 3. That on acquiring possession of any land and water in accordance with the provisions of this act for the purpose of establishing thereat a quarantine station and anchorage, the Secretary of the Treasury shall cause to be published in such newspapers as he may think proper, once a week for four successive weeks, a notice of the selection and designation of such places for quarantine stations and anchorages, with a description of the boundaries of such quarantine stations and anchorages, and such rules and regulations as he shall adopt and promulgate, requiring vessels with yellow fever among their passengers or crews to go to specified quarantine stations and anchorages, to be dealt with there before visiting any port of the United States. He shall establish at such quarantine stations and anchorages all necessary instrumentalities for disinfecting vessels and their cargoes, and where the same shall be required shall erect the necessary hospital buildings and install the necessary furniture and fittings for receiving and treating the sick among the passengers and crews of vessels going to such quarantine stations and anchorages, and provide for the separation of those among their passengers and crews who are suffering from yellow fever from those who are in good health, and shall further provide for doing all things necessary to eradicate such disease from such vessels, their cargoes, passengers, and crews.

SEC. 4. That any vessel, or any officer of any vessel, or other person other than State health or quarantine officers, entering within the limits of any quarantine grounds and anchorages, or any quarantine station and anchorage, or departing therefrom, in disregard of the quarantine rules and regulations or without the permission of the officer in charge of such quarantine ground and anchorage, or of such quarantine station and anchorage, shall be deemed guilty of a misde-

meanor, and upon conviction thereof shall be punished by a fine of not more than \$300 or by imprisonment for not more than one year, or both, in the discretion of the court. That any master or owner of any vessel violating any provision of this act, or any provision of an act entitled "An act granting additional powers and imposing additional duties on the Marine-Hospital Service," approved February 15, 1893, or violating any or regulation made in accordance with this act or said act of February 15, 1893, relating to the inspection of vessels, or to the prevention of the introduction of contagious or infectious diseases into the United States, or any master, owner, or agent of any vessel making a false statement relative to the sanitary condition of such vessel or its contents, or as to the health of any passenger or person thereon shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than \$500 or imprisonment for not more than one year, or both, in the discretion of the court.

Sec. 5. That in any place where a quarantine station and plant is already established by State or local authorities it shall be the duty of the Secretary of the Treasury, before selecting and designating a quarantine station and grounds and anchorage for vessels, to examine such established stations and plants, with a view of obtaining a transfer of the site and plants to the United States; and whenever the proper authorities shall be ready to transfer the same or surrender the use thereof to the United States, the Secretary of the Treasury is authorized to obtain title thereto or possession and use thereof, and to pay a reasonable compensation therefor, if, in his opinion, such purchase or use will be necessary to the United States for quarantine purposes.

Sec. 6. That whenever any established station, or any land or water, or any part thereof, shall be acquired by the United States under the provisions of this act, jurisdiction over the same shall be ceded to the United States by any State in which the same is situated before any compensation therefor shall be paid or any permanent structures or improvements be made or maintained thereon.

Sec. 7. That every common carrier engaged in interstate commerce shall, under such regulations, restrictions, and safeguards as may be promulgated by the Secretary of the Treasury, receive, carry, and transport through any State or Territory necessary to complete the journey or carriage into a State wherein delivery or debarkation may be lawful all passengers, freight, or baggage which may have been discharged and properly certified in accordance with the regulations of the Public Health and Marine-Hospital Service; and every person interfering with or obstructing such carrier or any passenger or any instrumentality of commerce in any such carriage or journey shall be guilty of a misdemeanor and on conviction thereof be punished by a fine not exceeding \$300 or be imprisoned for a period not exceeding one year, or both, in the discretion of the court: *Provided*, That this section shall not be construed as giving authority to any person to debark or unload freight in any locality contrary to the lawful regulations thereof.

Sec. 8. That the sum of \$500,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of this act, as well as for the purpose generally of preventing the importation of yellow fever into the United States, and for the further purposes, in cooperation with State or municipal health authorities, of eradicating it should it be imported, of preventing its spread from one State into another State, and of destroying its cause.

The SPEAKER pro tempore (Mr. CURTIS). Is a second demanded?

Mr. BARTLETT. Yes; I demand a second.

Mr. DAVEY of Louisiana. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. The gentleman from Louisiana asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears no objection. The gentleman from Louisiana is recognized for twenty minutes and the gentleman from Georgia [Mr. BARTLETT] for twenty minutes.

Mr. PAYNE. Mr. Speaker, I move that the House do now take a recess until 11.30 o'clock to-morrow morning.

The SPEAKER pro tempore. The question is on taking a recess until 11.30 o'clock to-morrow morning.

The question was taken; and on a division (demanded by Mr. BARTLETT) there were—ayes 125, noes 9.

Mr. BEALL of Texas. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Texas makes the point of no quorum. The doors will be closed, the Sergeant-at-Arms is directed to bring in absentees, and the roll will be called. The question is, Shall the House take a recess until to-morrow at 11.30 a. m.? The Clerk will call the roll.

The question was taken; and there were—yeas 165, nays 19, answered "present" 7, not voting 190, as follows:

YEAS—165.

Acheson	Cassel	Dovener	Gronna
Adamson	Chapman	Driscoll	Grosvenor
Alken	Clark, Fla.	Dwight	Hamilton
Allen, N. J.	Clark, Mo.	Ellerbe	Hay
Barchfeld	Cole	Ellis	Hayes
Bennet, N. Y.	Conner	Esch	Hepburn
Bishop	Cooper, Pa.	Fitzgerald	Hill, Conn.
Bonyng	Cooper, Wis.	Floyd	Hinshaw
Boutell	Crumpacker	Foster, Ind.	Hoar
Bowers	Currier	Foster, Vt.	Hogg
Bowersock	Curtis	French	Hopkins
Brantley	Cushman	Fulkerson	Houston
Brown	Dale	Fuller	Howell, N. J.
Brundidge	Dalzell	Garber	Howell, Utah
Buckman	Davey, La.	Gardner, N. J.	Hubbard
Burton, Del.	Davidson	Gilbert, Ind.	Huff
Burton, Ohio	Dawson	Gilbert, Ky.	Hunt
Butler, Pa.	Dickson, Ill.	Graff	Johnson
Calderhead	Dixon, Ind.	Graham	Jones, Wash.
Candler	Dixon, Mont.	Griggs	Kahn

Keifer	Minor	Reynolds	Thomas, N. C.
Kinkaid	Mondell	Richardson, Ala.	Tirrell
Kitchin, Claude	Moon, Tenn.	Richardson, Ky.	Townsend
Knowland	Mouser	Rives	Trimble
Lacey	Murdock	Robinson, Ark.	Volstead
Lafean	Murphy	Rodenberg	Vreeland
Lamar	Needham	Ryan	Wallace
Landis, Frederick	Nevin	Sims	Watkins
Lever	Norris	Slomp	Webb
Littauer	Olcott	Smith, Cal.	Weeks
Little	Otjen	Smith, Iowa	Weems
Longworth	Page	Smith, Ky.	Weisse
McCleary, Minn.	Parker	Smith, Samuel W.	Wiley, Ala.
McKinley, Ill.	Parsons	Smyser	Williams
McKinney	Patterson, N. C.	Southall	Wilson
McLain	Payne	Southwick	Wood, N. J.
McMorran	Pou	Sparkman	Young
Macon	Prince	Spight	Zenor
Madden	Pujo	Steenerson	The Speaker
Marshall	Randsell, La.	Stevens, Minn.	
Martin	Reeder	Sullivan, Mass.	
Miller	Reid	Tawney	

NAYS—19.

Bartlett	Field	Gregg	Lloyd
Beall, Tex.	Garner	Hefflin	Moore
Burgess	Garrett	Henry, Tex.	Sheppard
Burleson	Gillespie	Humphreys, Miss.	Smith, Tex.
De Armond	Gillett, Mass.	Jones, Va.	

ANSWERED "PRESENT"—7.

Gillett, Cal.	Kennedy, Ohio	Mahon	Smith, Wm. Alden
Goebel	Knapp	Meyer	

NOT VOTING—190.

Adams, Pa.	Dresser	Landis, Chas. B.	Ruppert
Adams, Wis.	Dunwell	Law	Russell
Alexander	Edwards	Lawrence	Samuel
Allen, Me.	Fassett	Lee	Schneebell
Ames	Finley	Le Fevre	Scott
Andrus	Flack	Legare	Scroggy
Babcock	Fletcher	Lester	Shackleford
Bankhead	Flood	Lewis	Shartel
Bannon	Fordney	Lilly, Conn.	Sherley
Bartholdt	Foss	Lilly, Pa.	Sherman
Bates	Fowler	Lindsay	Sibley
Bede	Gaines, Tenn.	Littlefield	Slayden
Beidler	Gaines, W. Va.	Livingston	Small
Bell, Ga.	Gardner, Mass.	Lorimer	Smith, Ill.
Bennett, Ky.	Gardner, Mich.	Loud	Smith, Md.
Bingham	Gill	Loudenslager	Smith, Pa.
Birdsall	Glass	Lovering	Snapp
Blackburn	Goldfogle	McCall	Southard
Bowie	Goulden	McCarthy	Sperry
Bradley	Granger	McCreary, Pa.	Stafford
Brick	Greene	McDermott	Stanley
Brooks, Tex.	Gudger	McGavin	Stephens, Tex.
Brooks, Colo.	Hale	McKinlay, Cal.	Sterling
Broussard	Hardwick	McLachlan	Sullivan, N. Y.
Brownlow	Haskins	McNary	Sulloway
Burke, Pa.	Haugen	Mann	Sulzer
Burke, S. Dak.	Hearst	Maynard	Talbott
Burleigh	Hedge	Michalek	Taylor, Ala.
Burnett	Henry, Conn.	Moon, Pa.	Taylor, Ohio
Butler, Tenn.	Hermann	Morrell	Thomas, Ohio
Byrd	Higgins	Mudd	Towne
Calder	Hill, Miss.	Olmsted	Tyndall
Campbell, Kans.	Hitt	Overstreet	Underwood
Campbell, Ohio	Holliday	Padgett	Van Duzer
Capron	Howard	Palmer	Van Winkle
Chaney	Hughes	Patterson, S. C.	Wachter
Clayton	Hull	Pearre	Wadsworth
Cockran	Humphrey, Wash.	Perkins	Waldo
Cocks	James	Pollard	Wanger
Cousins	Jenkins	Powers	Watson
Cromer	Kellher	Rainey	Webber
Darragh	Kennedy, Nebr.	Randell, Tex.	Welborn
Davis, Minn.	Ketcham	Rhinock	Wharton
Davis, W. Va.	Kitchin, Wm. W.	Rhodes	Wiley, N. J.
Dawes	Klepper	Rixey	Wood, Mo.
Deemer	Kline	Roberts	Woodyard
Denby	Knopf	Robertson, La.	
Draper	Lamb	Rucker	

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. CROMER with Mr. VAN DUZER.

Mr. DEEMER with Mr. KLINE.

Mr. FOSS with Mr. MEYER.

Mr. HEDGE with Mr. LEGARE.

Mr. LILLEY of Connecticut with Mr. HILL of Mississippi.

Mr. McCALL with Mr. ROBERTSON of Louisiana.

Mr. MANN with Mr. HOWARD.

Mr. POLLARD with Mr. PADGETT.

Mr. STERLING with Mr. BURNETT.

Mr. WATSON with Mr. SHERLEY.

For the session:

Mr. BRADLEY with Mr. GOULDEN.

Mr. MORRELL with Mr. SULLIVAN of New York.

Mr. SHERMAN with Mr. RUPPERT.

For the day:

Mr. ADAMS of Pennsylvania with Mr. BROUSSARD.

Mr. ALEXANDER with Mr. CLAYTON.

Mr. ANDRUS with Mr. WILLIAM W. KITCHIN.

Mr. BINGHAM with Mr. HEARST.

Mr. BROWNLOW with Mr. BOWIE.

Mr. BURKE of South Dakota with Mr. LEE.

Mr. BURLEIGH with Mr. KELHER.
 Mr. DAVIS of Minnesota with Mr. HARDWICK.
 Mr. DUNWELL with Mr. BUTLER of Tennessee.
 Mr. HALE with Mr. TALBOTT.
 Mr. HITT with Mr. RUSSELL.
 Mr. KNAPP with Mr. STEPHENS of Texas.
 Mr. CHARLES B. LANDIS with Mr. COCKRAN.
 Mr. LILLEY of Pennsylvania with Mr. UNDERWOOD.
 Mr. MAHON with Mr. GAINES of Tennessee.
 Mr. OLMSTED with Mr. RAINEY.
 Mr. SCROGGY with Mr. TOWNE.
 Mr. WM. ALDEN SMITH with Mr. SULZER.
 Mr. WALDO with Mr. LEWIS.
 For the vote:
 Mr. ADAMS of Wisconsin with Mr. BELL of Georgia.
 Mr. BABCOCK with Mr. FINLEY.
 Mr. BANNON with Mr. WOOD of Missouri.
 Mr. BARTHOLOMT with Mr. BYRD.
 Mr. BATES with Mr. DAVIS of West Virginia.
 Mr. BIRDSALL with Mr. FLOOD.
 Mr. BRICK with Mr. GILL.
 Mr. CAMPBELL of Ohio with Mr. GLASS.
 Mr. DAWES with Mr. GOLDFOGLE.
 Mr. FASSETT with Mr. GUDGER.
 Mr. GAINES of West Virginia with Mr. GRANGER.
 Mr. GARDNER of Massachusetts with Mr. LAMB.
 Mr. GARDNER of Michigan with Mr. JAMES.
 Mr. GREENE with Mr. LESTER.
 Mr. HUGHES with Mr. LINDSAY.
 Mr. JENKINS with Mr. LIVINGSTON.
 Mr. KETCHAM with Mr. BANKHEAD.
 Mr. LAWRENCE with Mr. McDERMOTT.
 Mr. LOUDENSLAGER with Mr. McNARY.
 Mr. LOVERING with Mr. MAYNARD.
 Mr. McCREARY of Pennsylvania with Mr. PATTERSON of South Carolina.
 Mr. MUDD with Mr. RANDELL of Texas.
 Mr. OVERSTREET with Mr. RIXEY.
 Mr. PEARRE with Mr. RHINOCK.
 Mr. ROBERTS with Mr. RUCKER.
 Mr. SCOTT with Mr. SHACKLEFORD.
 Mr. SMITH of Pennsylvania with Mr. SLAYDEN.
 Mr. TAYLOR of Ohio with Mr. SMALL.
 Mr. TYNDALL with Mr. SMITH of Maryland.
 Mr. WACHTER with Mr. STANLEY.
 Mr. WANGER with Mr. BROOKS of Texas.
 Mr. WILEY of New Jersey with Mr. TAYLOR of Alabama.
 Mr. BEALL of Texas. Mr. Speaker, I would ask if there is a quorum present?

The SPEAKER pro tempore. There is not at present.

Mr. BEALL of Texas. Mr. Speaker, I move that the House adjourn until 12 o'clock to-morrow.

The SPEAKER pro tempore. The gentleman from Texas moves that the House adjourn. Is there a second to that motion?

Mr. DAVEY of Louisiana. Mr. Speaker, a point of information, sir. If we adjourn now until 12 o'clock to-morrow, what will be the position of the bill before the House for consideration?

The SPEAKER pro tempore. It will be unfinished business for the next suspension day.

Mr. BARTLETT. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BARTLETT. This is the first motion made to adjourn; does that require a second?

The SPEAKER pro tempore. It does now. All those in favor of seconding the motion to adjourn will stand and remain standing until counted. [After counting.] Seventeen, not a sufficient number, and the motion is not seconded.

The SPEAKER. The yeas are 165 and the nays are 19; answering "present," 7, a total of 191 voting "yea," "nay," and "present"—in the opinion of the Chair a quorum. The Chair will hand to the Clerk a statement covering the reason the Chair has to assign for holding 191 to be a quorum. The Clerk will read:

The Clerk read as follows:

The Constitution of the United States, in the sections relating to the Congress, specifies that "a majority of each House shall constitute a quorum to do business." This brings to the front the question as to what constitutes the "House," whether it be all the Members provided for by the apportionment, or whether it be a less number determined by existing accidents or exigencies. During the civil war, when many seats in both House and Senate were vacant, this question assumed great significance and was passed upon in both Houses. On July 19, 1861, Mr. Speaker Grow, after listening to debate, decided that a quorum consisted of "a majority of those chosen," but expressly re-

frained from deciding as to whether the fact of taking or not taking the oath of office should be considered. (See section 250 of Parliamentary Precedents.) In 1879 Mr. Speaker Randall intimated that he held the same view; but in 1886 Mr. Speaker Carlisle treated the question as an open one. In 1890 Mr. Speaker Reed, after careful examination of the precedents of the House, held that a quorum was a majority of those "chosen and living," such, in his opinion, being the intent of Mr. Speaker Grow's ruling in 1861, although the language of 1861 was not in this respect definite.

This, therefore, is the status of the question so far as the decisions of the House go. But at the present time another question arises. The apportionment gives this House 386 Members, of whom 194 are a quorum. But two Members have died, and two—Messrs. Patterson of Tennessee and Williamson of Oregon—have not yet been sworn, and Mr. Swanson has resigned. If the rule be that those "chosen and living" constitute a quorum, without regard to the qualification by taking the oath, then the quorum is 192; but if Members not qualified are not to be counted as part of the House, then the total membership is reduced to 381, and the quorum is 191.

While the question has never been passed on in the House, it has been the subject of most careful consideration in the Senate, and the result is embodied in a permanent form in Rule III, sec. 2: "A quorum shall consist of a majority of the Senators duly chosen and sworn."

At first, in 1862, the Senate declined to commit itself to the rule established by the decision of Mr. Speaker Grow in the House in 1861; but in 1864, after thorough debate, by a vote of yeas 26, nays 11, the Senate resolved that "a quorum of the Senate consists of a majority of the members duly chosen." The question of qualification was brought up in this discussion, but the Senate showed reluctance to bring it into the decision.

On January 17, 1877, the Senate, in adopting rules, agreed to the rule in its present form, specifying the quorum as "a majority of Senators duly chosen and sworn." These words were adopted with very little debate, on the statement by the Senator in charge that they were the words of the old rule of 1864. But, in fact, the words "and sworn" were inserted in the revision of 1868, being recommended by a committee composed of Messrs. Henry B. Anthony, of Rhode Island; Samuel C. Pomeroy, of Kansas, and George F. Edmunds, of Vermont. Their report does not explain their reasons for adding these words, and there was no debate on this point when the Senate agreed to the report. The Senate was undoubtedly aware of the change, however, since the words "and sworn" are italicized in the report, indicating that they were an amendment. On October 11, 1893, the Senate discussed the whole rule briefly, and there was an appeal from a decision of the Chair based on the rule. This appeal was laid on the table—yeas 38, nays 5; but this question did not particularly touch the question of qualification.

Such is the status of this question so far as the law of the House and Senate is concerned. The rule of the Senate goes farther than the decisions in the House, and does not seem to have been the subject of extended deliberation so far as the qualification feature is concerned. But in view of the learning of the committee who made the report of 1868, and of the reasons which seem to sustain that report, the Chair feels constrained to hold that after the House is once organized a quorum consists of a majority of those Members chosen, sworn, and living, whose membership has not been terminated by resignation or by the action of the House.

The SPEAKER. A quorum being present, the House stands in recess until to-morrow, at 11.30 o'clock.

Accordingly (at 6 o'clock and 14 minutes p. m.) the House took a recess until to-morrow, at 11.30 o'clock.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of a project for improvement of the Cumberland River—to the Committee on Rivers and Harbors, 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 William H. Engles against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, recommending an appropriation for telephone service in certain public buildings—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the west fork of the south branch of the Chicago River, Illinois—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Attorney-General submitting an estimate of appropriation for pay of special assistant attorneys, United States courts—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for payment of damages to the mission steamer *Sentinel*—to the Committee on Claims, 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, referred to the several Calendars therein named, as follows:

Mr. LACEY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 9008) to authorize the Secretary of the Interior to add to the segregation of coal and asphalt lands in the Choctaw and Chickasaw nations, Indian Territory, reported the same with amendment, accompanied by a report (No. 3288); 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. 10861) to limit removals from State courts into courts of the United States in certain cases, reported the same with amendment, accompanied by a report (No. 3292); which said bill and report were referred to the House Calendar.

Mr. BURTON of Ohio, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 15095) authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations, reported the same without amendment, accompanied by a report (No. 3293); 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. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4244) granting an increase of pension to John Spaulding, reported the same without amendment, accompanied by a report (No. 3221); 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. 17072) granting a pension to Joseph French, reported the same with amendment, accompanied by a report (No. 3222); 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. 17557) granting an increase of pension to John W. Marshall, reported the same without amendment, accompanied by a report (No. 3223); 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. 17913) granting an increase of pension to Philo Green, reported the same with amendment, accompanied by a report (No. 3224); 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. 17806) granting an increase of pension to Enoch Boyle, reported the same with amendment, accompanied by a report (No. 3225); 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. 17797) granting an increase of pension to Wilbur F. Lane, reported the same with amendment, accompanied by a report (No. 3226); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17395) granting an increase of pension to Thaddeus C. S. Brown, reported the same without amendment, accompanied by a report (No. 3227); 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. 15003) granting an increase of pension to James Gray, reported the same without amendment, accompanied by a report (No. 3228); 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. 15634) granting an increase of pension to Samuel M. Reese, reported the same with amendment, accompanied by a report (No. 3229); 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. 15819) granting an increase of pension to William T. Burgess, reported the same with amendment, accompanied by a report (No. 3230); 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. 16471) granting an increase of pension to North Ann Dorman, reported the same

with amendment, accompanied by a report (No. 3231); 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. 16648) granting an increase of pension to Henry B. Teetor, reported the same with amendment, accompanied by a report (No. 3232); 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. 16193) granting an increase of pension to Daniel Shrader, reported the same with amendment, accompanied by a report (No. 3233); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16629) granting an increase of pension to Louis Stoeckig, reported the same with amendment, accompanied by a report (No. 3234); 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. 14391) granting an increase of pension to Franklin Cooley, reported the same with amendment, accompanied by a report (No. 3235); 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. 14500) granting an increase of pension to Margaretta E. Hutchins, reported the same with amendment, accompanied by a report (No. 3236); 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. 15316) granting an increase of pension to James McKelvey, reported the same with amendment, accompanied by a report (No. 3237); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10561) granting an increase of pension to Joseph N. Piersell, reported the same without amendment, accompanied by a report (No. 3238); 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. 10524) granting an increase of pension to Ebenezer W. Akerley, reported the same with amendment, accompanied by a report (No. 3239); 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. 12810) granting an increase of pension to Edward Ross, reported the same without amendment, accompanied by a report (No. 3240); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13077) granting an increase of pension to James S. Prose, reported the same with amendment, accompanied by a report (No. 3241); 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. 13075) granting an increase of pension to Pard Lamoreux, reported the same with amendment, accompanied by a report (No. 3242); 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. 8771) granting an increase of pension to Florence Sullivan, reported the same with amendment, accompanied by a report (No. 3243); 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. 7584) granting an increase of pension to James H. Kemp, reported the same with amendment, accompanied by a report (No. 3244); 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. 9135) granting a pension to August Croma, reported the same with amendment, accompanied by a report (No. 3245); 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. 10008) granting an increase of pension to James W. Dorman, reported the same with amendment, accompanied by a report (No. 3246); 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. 6061) granting an increase of pension to William H. Chapman, reported the same with amendment, accompanied by a report (No. 3247); 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. 6865) granting an increase of pension to Charles F. Voss, reported the same

with amendment, accompanied by a report (No. 3248); 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. 735) granting an increase of pension to Frank L. Fornshell, reported the same with amendment, accompanied by a report (No. 3249); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2168) granting an increase of pension to William Bridges, reported the same with amendment, accompanied by a report (No. 3250); 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. 2155) granting an increase of pension to William H. Smith, reported the same with amendment, accompanied by a report (No. 3251); 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. 7508) granting an increase of pension to Benjamin F. Andrews, reported the same with amendment, accompanied by a report (No. 3252); 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. 11510) granting an increase of pension to Joseph S. Larrance, reported the same without amendment, accompanied by a report (No. 3253); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10630) granting an increase of pension to Philip Dumont, reported the same without amendment, accompanied by a report (No. 3254); 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. 17771) granting an increase of pension to Deloss Williams, reported the same with amendment, accompanied by a report (No. 3255); 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. 17830) granting an increase of pension to William R. Snell, reported the same with amendment, accompanied by a report (No. 3256); 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. 17635) granting an increase of pension to George Willey, reported the same with amendment, accompanied by a report (No. 3257); 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. 16408) granting an increase of pension to William Hendricks, reported the same with amendment, accompanied by a report (No. 3258); 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. 15305) granting an increase of pension to Ezra H. Brown, reported the same with amendment, accompanied by a report (No. 3259); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11917) granting an increase of pension to Davis Preston, reported the same with amendment, accompanied by a report (No. 3260); 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. 9138) granting an increase of pension to Aaron L. Rockwood, reported the same with amendment, accompanied by a report (No. 3261); 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. 8479) granting a pension to Nellie A. Batchelder, reported the same with amendment, accompanied by a report (No. 3262); 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. 8547) granting an increase of pension to John W. Madison, reported the same with amendment, accompanied by a report (No. 3263); 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. 8833) granting a pension to Edna M. Johnson, reported the same with amendment, accompanied by a report (No. 3264); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4406) granting

a pension to Albert M. Ryan, reported the same with amendment, accompanied by a report (No. 3265); which said bill and report were referred to the Private Calendar.

Mr. GRAHAM, from the Committee on Claims, to which was referred the bill of the Senate (S. 2262) for the relief of Pay Director E. B. Rogers, United States Navy, reported the same without amendment, accompanied by a report (No. 3266); which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 14232) for the relief of Delia B. Stuart, widow of John Stuart, reported the same without amendment, accompanied by a report (No. 3267); which said bill and report were referred to the Private Calendar.

Mr. McGAVIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 9212) for the relief of Joseph W. I. Kempa, executor of the last will and testament of William J. Grutza, deceased, reported the same without amendment, accompanied by a report (No. 3268); which said bill and report were referred to the Private Calendar.

Mr. GRAHAM, from the Committee on Claims, to which was referred the bill of the Senate (S. 1169) for the refund of certain tonnage duties, reported the same without amendment, accompanied by a report (No. 3269); which said bill and report were referred to the Private Calendar.

Mr. MOUSER, from the Committee on Claims, to which was referred the bill of the House (H. R. 12009) for the relief of the heirs at law of M. A. Phelps and the heirs at law of John W. Renner, reported the same without amendment, accompanied by a report (No. 3270); which said bill and report were referred to the Private Calendar.

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the House (H. R. 3462) for the relief of Franklin Patterson, reported the same with amendment, accompanied by a report (No. 3271); which said bill and report were referred to the Private Calendar.

Mr. BEALL of Texas, from the Committee on Claims, to which was referred the bill of the House (H. R. 1563) for the relief of Matthew J. Davis, reported the same without amendment, accompanied by a report (No. 3272); which said bill and report were referred to the Private Calendar.

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the House (H. R. 4233) to reimburse the Harpswell Steamboat Company, of Portland, Me., for expenses incurred and for repairing damages sustained by its steamer *Sebascodegan* in collision with the United States steamer *Woodbury*, reported the same with amendment, accompanied by a report (No. 3273); which said bill and report were referred to the Private Calendar.

Mr. GRAHAM, from the Committee on Claims, to which was referred the bill of the House (H. R. 5169) for the relief of W. B. Sutter, reported the same without amendment, accompanied by a report (No. 3274); which said bill and report were referred to the Private Calendar.

Mr. BEALL of Texas, from the Committee on Claims, to which was referred the bill of the House (H. R. 5666) for the relief of L. L. Arrington and L. S. Arrington, reported the same with amendment, accompanied by a report (No. 3275); which said bill and report were referred to the Private Calendar.

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the House (H. R. 14381) authorizing and directing the Secretary of the Treasury to pay to the Holtzer-Cabot Electric Company the amount due said company from the Post-Office Department, reported the same with amendment, accompanied by a report (No. 3276); which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the House (H. R. 5622) for the relief of M. D. Wright and Robert Neill, reported the same without amendment, accompanied by a report (No. 3277); 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. 15850) for the relief of M. A. Johnson, of Stoughton, Dane County, Wis., reported the same with amendment, accompanied by a report (No. 3278); which said bill and report were referred to the Private Calendar.

Mr. RIVES, from the Committee on Claims, to which was referred the bill of the House (H. R. 2926) for the relief of the heirs of John Smith, reported the same with amendment, accompanied by a report (No. 3279); which said bill and report were referred to the Private Calendar.

Mr. CLAUDE KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 3518) for the relief of Copiah County, Miss., reported the same without amendment, accompanied by a report (No. 3280); which said bill and report were referred to the Private Calendar.

Mr. RIVES, from the Committee on Claims, to which was referred the bill of the Senate (S. 4348) for the relief of Augustus Trabling, reported the same without amendment, accompanied by a report (No. 3281); which said bill and report were referred to the Private Calendar.

Mr. GARRETT, from the Committee on Claims, to which was referred the bill of the House (H. R. 6417) for the relief of T. J. H. Harris, reported the same without amendment, accompanied by a report (No. 3282); which said bill and report were referred to the Private Calendar.

Mr. GRAHAM, from the Committee on Claims, to which was referred the bill of the House (H. R. 8) for the relief of the Harbison-Walker Company, of Pittsburg, Pa., reported the same without amendment, accompanied by a report (No. 3283); which said bill and report were referred to the Private Calendar.

Mr. CLARK of Florida, from the Committee on Claims, to which was referred the bill of the House (H. R. 2702) for the relief of Charles S. Blood, reported the same with amendment, accompanied by a report (No. 3284); which said bill and report were referred to the Private Calendar.

Mr. WELBORN, from the Committee on Claims, to which was referred the bill of the House (H. R. 13357) for the relief of John Hudgins, reported the same with amendment, accompanied by a report (No. 3285); which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the House (H. R. 6104) to reimburse John Waller, late postmaster at Monticello, N. Y., for moneys expended in carrying the mails, reported the same without amendment, accompanied by a report (No. 3286); which said bill and report were referred to the Private Calendar.

PUBLIC 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. GILLET of Massachusetts, from the Committee on Appropriations: A bill (H. R. 18198) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1907, and for other purposes—to the Union Calendar.

By Mr. SMITH of Arizona: A bill (H. R. 18199) to increase the compensation of the members of the Arizona legislature—to the Committee on the Territories.

By Mr. BARTLETT: A bill (H. R. 18200) to provide for mandamus proceedings against the Postmaster-General on applications for the admission of publications to the mails as second-class matter—to the Committee on the Judiciary.

Also, a bill (H. R. 18201) to provide for an appeal in applications for the admission of publications to the mails as second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MURPHY: A bill (H. R. 18202) to provide for the improvement and repair of the public roads of the counties of Crawford, Dallas, Dent, Laclede, Maries, Phelps, Pulaski, Shannon, Texas, Webster, and Wright, in the State of Missouri, and making appropriation therefor—to the Committee on Appropriations.

By Mr. SMITH of Arizona: A bill (H. R. 18203) providing for the exchange and payment by the United States of certain Pima County (Ariz.) railroad bonds validated by Congress, and for other purposes—to the Committee on the Judiciary.

By Mr. CLAUDE KITCHIN: A bill (H. R. 18204) to authorize the Northampton and Halifax Bridge Company to construct a bridge across Roanoke River at or near Weldon, N. C.—to the Committee on Interstate and Foreign Commerce.

By Mr. MEYER: A bill (H. R. 18205) to authorize the Court of Claims to admit as evidence affidavits in certain cases—to the Committee on the Judiciary.

By Mr. LARRINAGA: A bill (H. R. 18206) to provide for the exemption from taxation of all bonds issued by the government of Porto Rico for the construction of public highways, bridges, and other public improvements—to the Committee on Insular Affairs.

By Mr. KALANIANAOLE: A bill (H. R. 18207) to amend the act to provide a government for the Territory of Hawaii, approved April 30, 1900—to the Committee on the Territories.

Also, a bill (H. R. 18208) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900—to the Committee on the Territories.

By Mr. KINKAID: A bill (H. R. 18209) to grant to Franklin Currie the right to construct and operate an electric railway and an electric-lighting plant and to construct a dam across White River on the Fort Robinson Military Reservation, Nebr.—to the Committee on Military Affairs.

By Mr. DE ARMOND: A bill (H. R. 18210) concerning employment in the classified civil service in the Departments at the seat of government—to the Committee on Reform in the Civil Service.

PRIVATE 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. BARCHFELD: A bill (H. R. 18211) granting an increase of pension to Julia A. Burt—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 18212) for the relief of Robert Barnett—to the Committee on Military Affairs. Also, a bill (H. R. 18213) granting an increase of pension to William Ingram—to the Committee on Pensions.

Also, a bill (H. R. 18214) granting an increase of pension to John Ingram—to the Committee on Pensions.

By Mr. BINGHAM: A bill (H. R. 18215) granting a pension to Alfred D. Stidham—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 18216) granting an increase of pension to Hiram E. Frazier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18217) granting an increase of pension to Orceila Gray—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: A bill (H. R. 18218) granting an increase of pension to Joseph L. Topham—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 18219) for the relief of the heirs of Joel S. Calvert—to the Committee on War Claims.

By Mr. CANNON: A bill (H. R. 18220) granting an increase of pension to Daniel L. Wise—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18221) granting an increase of pension to George Henness—to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 18222) granting an increase of pension to William E. Patterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18223) granting an increase of pension to George D. McGuire—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 18224) granting a pension to Abigail Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18225) granting an increase of pension to Louisa Strang—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18226) to correct the military record of Francis Ammons—to the Committee on Military Affairs.

By Mr. DUNWELL: A bill (H. R. 18227) granting an increase of pension to Catharine F. Fitzgerald—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18228) to remove the charge of desertion from the military record of John J. Waterkeyn—to the Committee on Military Affairs.

Also, a bill (H. R. 18229) to remove the charge of desertion from the military record of Thomas Butler—to the Committee on Military Affairs.

By Mr. DWIGHT: A bill (H. R. 18230) granting an increase of pension to William M. Swart—to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 18231) granting an increase of pension to Amanda Lucas—to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 18232) for the relief of John W. McCann—to the Committee on Military Affairs.

Also, a bill (H. R. 18233) granting an increase of pension to Charles Mulvaney—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 18234) granting an increase of pension to Randal N. Bragg—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 18235) granting a pension to Ida M. Warner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18236) granting an increase of pension to Thomas Garrett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18237) granting an increase of pension to Rachel Egeness—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 18238) granting an increase of pension to Charles Schotte—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18239) granting an increase of pension to Bryant Brown—to the Committee on Invalid Pensions.

By Mr. HUFF: A bill (H. R. 18240) granting a pension to Ernest W. Hilliard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18241) granting a pension to James Emmett Lawson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18242) granting an increase of pension to Francis Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18243) granting an increase of pension to Jacob S. Rickard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18244) granting an increase of pension to James W. Kelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18245) granting an increase of pension to Samuel D. McCurdy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18246) granting an increase of pension to Harrison Burkett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18247) granting an increase of pension to William Baird—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18248) granting an increase of pension to John D. Evans—to the Committee on Invalid Pensions.

By Mr. KLEPPER: A bill (H. R. 18249) granting an increase of pension to Hiram G. Hunt—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 18250) granting a pension to Rose Haynes—to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 18251) granting an increase of pension to Joshua M. Gibbs—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 18252) to amend and correct the records of Company D, Stone County, Mo., Home Guards, by including the name of Thomas B. Stockton therein, with the dates of his enlistment and discharge—to the Committee on Military Affairs.

By Mr. NEVIN: A bill (H. R. 18253) granting a pension to Mary Gerard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18254) granting an increase of pension to Sarah S. Crane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18255) granting an increase of pension to Amos W. Murphy, alias William Bryan—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 18256) granting an increase of pension to Henry Eash—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama (by request): A bill (H. R. 18257) for the relief of the estates of Stephen Cordell and Elizabeth Cordell, deceased—to the Committee on War Claims.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 18258) for the relief of the Cumberland Presbyterian Church, of Russellville, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 18259) for the relief of J. B. McFarlin, of Allen County, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 18260) granting an increase of pension to James M. Silvey—to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 18261) granting an increase of pension to John T. Mitchell—to the Committee on Invalid Pensions.

By Mr. SHARTEL: A bill (H. R. 18262) granting an increase of pension to John H. Broadway—to the Committee on Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 18263) granting a pension to Charles W. Brown—to the Committee on Pensions.

Also, a bill (H. R. 18264) granting an increase of pension to George E. Clymer—to the Committee on Invalid Pensions.

By Mr. SMYSER: A bill (H. R. 18265) granting an increase of pension to William Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18266) granting an increase of pension to Garret H. Fowler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18267) granting a pension to Rachel Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18268) granting an increase of pension to William R. Jenkins—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 18269) granting a pension to Wells Murphy—to the Committee on Pensions.

By Mr. STANLEY: A bill (H. R. 18270) for the relief of the estate of Robert C. Jameson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18271) granting an increase of pension to William H. Kyler—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 18272) providing for the payment of a certain judgment or decree against Henry E. McKee, agent and trustee for the Choctaw Nation of Indians, out of funds payable to the said nation of Indians—to the Committee on Indian Affairs.

By Mr. WEISSE: A bill (H. R. 18273) granting a pension to Wilbur M. Root—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18274) granting an increase of pension to Fritz Dittmann—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 18275) granting an increase of pension to William M. Sims—to the Committee on 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 Flatbush Taxpayers' Association, for construction of battle ships in Brooklyn Navy-Yard—to the Committee on Naval Affairs.

By Mr. ACHESON: Petition of 400 citizens of Washington, Pa., for Sunday closing of the Jamestown Exposition—to the Committee on Industrial Arts and Expositions.

Also, petition of Camp Hawkins, No. 1, and Camp De La Loma, Society of the Army of the Philippines, for bill H. R. 16013—to the Committee on Military Affairs.

Also, petition of citizens of Pennsylvania, against sale of liquor in all Government buildings and parks—to the Committee on Alcoholic Liquor Traffic.

By Mr. ANDREWS: Petition of G. Hauser et al., that all mineral lands in townships 10 north, range 11 west, and 11 north, range 12 west, New Mexico, be excluded and excepted in the grant to Atlantic and Pacific (now Santa Fe) Railway Company—to the Committee on the Public Lands.

By Mr. BARCHFELD: Petition of the Women's Health Protective Association, of New York, for bills S. 50 and H. R. 4462—to the Committee on the District of Columbia.

Also, petition of the Yellow Pine Company, of Philadelphia, for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Wilson Eyre, and the T. Square Club, of Philadelphia, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the Southern Pine Company, for bill H. R. 5281 (the pilotage bill)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Guy King, of Philadelphia, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of Emily C. Scott, of the Woman's Christian Temperance Union, for the Littlefield-Dolliver bill—to the Committee on the Judiciary.

By Mr. BARTLETT: Petition of the Woman's Health Protective Association, for bills S. 50 and 2962 and H. R. 4462, relating to child labor in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BENNETT of Kentucky: Petition of W. J. Canafax et al. and D. T. Reynolds et al., for immediate consideration of the Gardner bill, favoring restriction of immigration—to the Committee on Foreign Affairs.

By Mr. BINGHAM: Paper to accompany bill for relief of Alfred D. Stidham—to the Committee on Invalid Pensions.

By Mr. BONYNGE: Petition of William Hummel, for immediate consideration of the Gardner bill, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BURKE of Pennsylvania: Petition of the Women's Health Protective Association, for bills S. 50 and H. R. 4462—to the Committee on the District of Columbia.

Also, petition of Camp De La Loma, No. 6, Army of the Philippines, for conferring medals on certain officers and men of the Spanish war—to the Committee on Military Affairs.

Also, petition of Wilson Eyre and the T. Square Club, of Philadelphia, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of Emily Clark Scott, of the Woman's Christian Temperance Union of Allegheny County, for the Littlefield-Dolliver bill—to the Committee on the Judiciary.

By Mr. COLE: Petition of Frank Wineman and many other citizens of the Eighth Ohio district, for immediate consideration of the Gardner bill favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. COOPER of Wisconsin: Petition of W. F. Goodman, of Kenosha, against bill H. R. 12973, relative to Chinese immigration—to the Committee on Foreign Affairs.

By Mr. DALE: Paper to accompany bill for relief of John J. Howells—to the Committee on Invalid Pensions.

Also, petition of Howard L. Neff, Robert C. Lippincott, Miller, Robinson & Co., Wm. L. Shew & Co., William M. Lloyd Company, Charles Este, Edmund A. Souder & Co., R. A. & J. J. Williams, Eli B. Hallowell & Co., the Lumbermen's Exchange, Thomas B. Hammer, the Southern Pine Company, the Yellow Pine Company, the Provident Lumber Company, George F. Craig & Co., Henson & Pearson, and the Henry C. Patterson Company, all of Philadelphia, Pa., favoring and urging the passage of bill H. R. 5281, to remove discriminations against American sailing vessels in the coasting trade—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the American Federation of Labor, protest-

ing against the passage of bill H. R. 5281, to abolish compulsory pilotage in certain ports and with reference to certain vessels (coastwise sailing vessels)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of J. Billings, F. W. Wilson, A. C. Franklin, S. W. Franklin, W. L. Ruland, and D. L. Ruland, of Dalton, Pa., and Howard L. Arrison, of Philadelphia, favoring the repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, petition of the Powers-Weightman-Rosengarten Company, of Philadelphia, relative to the words "liquid medicinal preparations," in bill H. R. 17453, and requesting a more clear definition of the term—to the Committee on Ways and Means.

Also, resolution of the National Council of Women of the United States, favoring and urging the passage of bills S. 50 and H. R. 4462 and 6001, to regulate the employment of child labor, and providing for compulsory education in the District of Columbia—to the Committee on the District of Columbia.

Also, resolution of Washington Camp, No. 280, Patriotic Order Sons of America, of Elmhurst, Pa., favoring the passage of bill H. R. 15442, providing for the establishment of a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens—to the Committee on Immigration and Naturalization.

Also, petition of Bittenbender & Co., of Scranton, Pa., against the passage of parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Baltimore and Philadelphia Steamboat Company, of Philadelphia, against the passage of bill H. R. 17129, to equip vessels with better life-preserving appliances—to the Committee on Interstate and Foreign Commerce.

Also, petition of H. S. Webb, of Scranton, Pa., and J. C. Wilson, of Philadelphia, favoring the adoption of the metric system of weights and measures by the United States Government—to the Committee on Coinage, Weights, and Measures.

Also, petition of H. C. Derby, of Dunmore, Pa., and Washington Camp, No. 175, Patriotic Order Sons of America, of Scranton, Pa., favoring legislation restricting immigration—to the Committee on Immigration and Naturalization.

Also, resolution of the T Square Club, of Philadelphia, urging the passage of legislation to provide for the preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of Wilson Eyre, of Philadelphia, urging the passage of legislation to provide for the preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, resolution of Camp Hawkins Home, No. 1, Society of the Army of the Philippines, of Washington, Pa., and Camp Walter E. Brown, No. 4, Army of the Philippines, of Connellsville, Pa., indorsing and urging the passage of the Bonyne bill providing medals of honor to the officers and enlisted men who voluntarily remained in the service after the terms of their legal enlistment had expired—to the Committee on Military Affairs.

Also, petition of the Keystone Watch Case Company, of Philadelphia, favoring the passage of bill H. R. 14604, providing against the importation and carriage in interstate commerce of falsely or spurious stamped articles of merchandise made of gold or silver or their alloys—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Sixteenth Street Improvement Association, of Washington, D. C., requesting Congress to purchase land bounded by Florida avenue on the south and Sixteenth street on the west, for a public reservation—to the Committee on the District of Columbia.

Also, petition of Miss Florence Keen, of Philadelphia, favoring the passage of a bill providing for the creation of national forest reserves in the Southern Appalachian and White mountains—to the Committee on Agriculture.

Also, petition of the American Newspaper Publishers' Association, urging legislation to abolish the duty on mechanically ground wood and news print paper—to the Committee on Ways and Means.

Also, petition of C. S. Weston, W. W. Scranton, Robert Peck, George Sanderson, and others, of Scranton, Pa., urging the enactment of a law which will remove the internal-revenue tax from ethyl alcohol of domestic production which has been rendered undrinkable or unfit for use as a beverage by the admixture of such substance or substances as the Commissioner of Internal Revenue may prescribe—to the Committee on Ways and Means.

By Mr. DAWES: Petition of J. J. Carlow, submitting plan for digging the Panama Canal, eschewing assistance of all railroad men in so doing—to the Committee on Interstate and Foreign Commerce.

Also, petition for an appropriation to keep in repair the old National Road of Ohio—to the Committee on Appropriations.

By Mr. DAWSON: Resolution of Paint, Oil, and Glass Association, for bill H. R. 4549, for consolidation of third and fourth class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. DOVENER: Petition of West Virginia Teamsters, for bill H. R. 12243, to pension Army teamsters—to the Committee on Invalid Pensions.

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

By Mr. ESCH: paper to accompany bill for relief of Charles Mulvaney—to the Committee on Invalid Pensions.

By Mr. FLETCHER: Petition of the Grand Army of the Republic, Department of Minnesota, against any law inimical to the old soldier employed by the Government on account of his age—to the Committee on the Judiciary.

By Mr. FULLER: Paper to accompany bill for relief of Rachel Egeness—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Ida M. Warner—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Petition of the Southern Line Company, of Philadelphia, for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Wilson Eyre and the T Square Club, of Philadelphia, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the Women's Health Protective Association, for bills S. 50 and H. R. 4462—to the Committee of the District of Columbia.

By Mr. HAYES: Petition of the Second Presbyterian Church of San Jose, Cal., for relief of Indians in California—to the Committee on Indian Affairs.

By Mr. HUBBARD: Petitions of citizens of Storm Lake, Sac City, Sheldon, Onawa, and Monona, Iowa, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HUFF: Petition of the Powers-Weightman-Rosengarten Company, for specific wording of bill H. R. 17453, as to withdrawal from bond, tax free, of denaturalized alcohol—to the Committee on Ways and Means.

Also, petition of the National Council of Women of the United States, for bills S. 50 and H. R. 4462 and 6001, relating to child labor in the District of Columbia, to education, also to creation of a child's bureau—to the Committee on the District of Columbia.

Also, petitions of Camp Walter E. Brown, No. 4, and Camp Hawkins Home, No. 1, Society of the Army of the Philippines, for an appropriation to provide medals for certain officers and men in the Spanish war—to the Committee on Military Affairs.

Also, petition of the National Metal Trades Association, for bill H. R. 529 (the Gallinger shipping bill)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the T Square Club, of Philadelphia, and Wilson Eyre, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the Baltimore and Philadelphia Steamboat Company, against bill H. R. 17129, as proposing legislation in the interest of patentees, but unnecessarily burdensome to steamboat companies—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Keystone Watch Case Company, for bill H. R. 14604, forbidding importation of falsely stamped merchandise of gold or silver—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Sorosis Club of New York, for bills S. 50 and H. R. 4462, being the child-labor bills, and bill S. 2962, for a children's bureau—to the Committee on the District of Columbia.

Also, petitions of R. A. & J. J. Williams, Howard L. Neff, the Lumberman's Exchange, Charles Este, Miller, Robinson & Co., the Henry C. Patterson Company, William M. Lloyd, Edmund A. Louder & Co., Thomas B. Hammer, Eli B. Hallowell & Co., George F. Craig, the Provident Lumber Company, William L. Shew & Co., and Henson & Pearson, all of Philadelphia, Pa., for bill H. R. 5281 (the pilotage bill)—to the Committee on the Merchant Marine and Fisheries.

Also, paper to accompany bill for relief of John D. Evans, James E. Lawson, William Baird, Harrison Burkett, Samuel D. McCurdy, W. Kelly, James S. Rickard, Francis Anderson, and Ernest W. Hilliard—to the Committee on Invalid Pensions.

By Mr. KNOWLAND: Paper to accompany bill for relief of Frank S. Hastings—to the Committee on Invalid Pensions.

Also, petition of the Japanese and Korean Exclusion League, for retention of the present Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. LACEY: Petition of the T-Square Club, for preserva-

tion of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of citizens of Whatcheer, Iowa, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LINDSAY: Petition for bill H. R. 8989, relative to retirement of volunteer officers of the war of the rebellion—to the Committee on Military Affairs.

Also, petition of the Woman's Health Protective Association of New York, for a model child-labor law for the District of Columbia, favoring bills S. 50 and H. R. 4462—to the Committee on the District of Columbia.

By Mr. LITTLEFIELD: Petition of citizens of Maine, for immediate consideration of the Gardner bill favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MCCARTHY: Petition of Alfred L. Riggs et al., for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

By Mr. MOON of Tennessee: Petition of the Junior Order of United American Mechanics of Chattanooga, Tenn., and citizens of Riceville, Tenn., for immediate consideration of the Gardner bill favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MOUSER: Petition of citizens of Bucyrus, Tenn., for immediate consideration of the Gardner bill favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. NEEDHAM: Petition of the Soquel Congregational Church, for relief of the landless Indians in California—to the Committee on Indian Affairs.

Also, petition of A. E. Yoell, against Japanese being brought to the United States under contracts made nominally in Hawaii, but in reality in Japan—to the Committee on Foreign Affairs.

Also, petition of the Japanese and Korean Exclusion League, for the Chinese-exclusion law as it is—to the Committee on Foreign Affairs.

By Mr. NEVIN: Petition of Junior Council, No. 34, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. POU: Petition of Walnut Creek Council, No. 55, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. RICHARDSON of Alabama: Paper to accompany bill for relief of E. G. Falkner—to the Committee on Pensions.

Also, paper to accompany bill for relief of the estates of Stephen Cordell and Elizabeth Cordell, late of Dekalb County, Ala.—to the Committee on War Claims.

By Mr. RIXEY: Petition of citizens of Manassas, Va., for immediate consideration of the Gardner bill favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Texas: Paper to accompany bill H. R. 17574, for a public building in El Paso—to the Committee on Public Buildings and Grounds.

By Mr. SAMUEL W. SMITH: Petition of Charles F. Hart et al., for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

By Mr. SMYSER: Petition of Union ex-prisoners of Newark, Licking County, Ohio, favoring bill H. R. 14609, allowing \$2 per day for every day in Confederate prisons—to the Committee on Invalid Pensions.

Also, petition of Camp No. 5, Sons of Veterans, of New Philadelphia, Ohio, William F. Hurst, commander, against bill H. R. 8131—to the Committee on Military Affairs.

Also, petition of the Licking County (Ohio) Good Roads Association, W. S. Weiant, and W. L. Prout, for bill H. R. 39, for public roads—to the Committee on Agriculture.

Also, petition of the Licking County (Ohio) Good Roads Association, W. S. Weiant, and William L. Prout, for bill H. R. 17561—to the Committee on Agriculture.

Also, petition of H. W. Maddox, master, and others of Licking Valley Grange, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, petition of the Central Trades Labor Council, Edwin P. Miller, President, and 4 others—to the Committee on Foreign Affairs.

Also, petition of William Killenberger, president of the Review Club, of Newark, Ohio, and 26 members, and the Woman's Club of Coshocton, Ohio, Mrs. H. S. Pratt and 38 members, for an appropriation to investigate the industrial condition of women in the United States—to the Committee on Appropriations.

Also, petition of George C. Frut and 49 others, of Dalton, Ohio, for immediate consideration of bill for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SULLIVAN of New York: Petition of the American Reciprocal Tariff League, for an advisory commission of economic experts to adjust the tariff—to the Committee on Ways and Means.

Also, petition of Seabury & Johnson, favoring the pure-food bill with a certain amendment, as accompanies this petition and laid before the committee—to the Committee on Interstate and Foreign Commerce.

Also, petition of Seabury & Johnson, for the Currier bill providing amendments to the Bonyne bill for the protection of trade-marks—to the Committee on Patents.

Also, petition of John Lucas & Co. and the Colburn Machine Tool Company, against the compulsory metric system—to the Committee on Coinage, Weights, and Measures.

SENATE.

TUESDAY, April 17, 1906.

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

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

The VICE-PRESIDENT. The Journal stands approved.

OATHS IN THE EXECUTIVE DEPARTMENTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting a draft of a bill to authorize officers and clerks in the Executive Departments to administer oaths when specially designated for that purpose by the head of the Department with which they are connected, and also a draft of a bill to authorize officers and employees of Executive Departments to administer oaths when specially designated for that purpose by the head of the Department with which they are connected, etc.; which, with the accompanying papers, was referred to the Committee on the Judiciary, 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 relating to the vessel brig *Neutrality*, William Clark, 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 the trustees of the Presbyterian Church of Strasburg, Va., 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 case of the heirs of Vernon H. Johnson, 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 Salem Baptist Church, of Clark County, Va., 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 Ebenezer Methodist Episcopal Church South, of Garrisonville, Va., v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, 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, in which it requested the concurrence of the Senate:

H. R. 8973. An act to amend section 5200, Revised Statutes of the United States, relating to national banks;

H. R. 11796. An act for the diversion of water from the Sacra-