to bring larger numbers of Chinese and Japanese to the United States for purposes of study—to the Committee on Foreign Affairs.

Also, paper to accompany bill for relief of William A. Bailor—to the Committee on Invalid Pensions.

Also, petition of the Publishers' League, against the tariff on linotype machines—to the Committee on Ways and Means.

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

By Mr. HIGGINS: Petition of the Connecticut Library Association, opposing any change in existing law permitting libraries to import books, maps, etc., free of duty—to the Committee on Ways and Means.

By Mr. HOAR: Petition of citizens of Worcester, Mass., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. KLINE: Petition of citizens of Reading, Pa., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LEE: Petition of William B. Farrar, paper to accompany bill for relief of William B. Farrar—to the Committee on War Claims.

By Mr. NEVIN: Petition of George A. Pflaum, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. POLLARD: Paper to accompany bill for relief of W. J. Wells—to the Committee on Invalid Pensions.

By Mr. ROBERTSON of Louisiana: Paper to accompany bill for relief of Wilhelmina M. Pullen—to the Committee on Pensions.

By Mr. SMYSER: Petition of the Presbyterian Church of Wooster, Ohio (400 persons), for a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. SPARKMAN: Petition of the labor organizations of Pensacola, Fla., for passage of the eight-hour bill—to the Committee on Labor.

By Mr. SPERRY: Petition of the Connecticut Library Association, favoring the present law relative to the importation of maps, publications, etc.—to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 26, 1906.*

[*Continuation of legislative day of Friday, May 25, 1906.*]

The recess having expired, the House was called to order by its Clerk, Hon. ALEXANDER MCDOWELL, who announced that the Speaker had delegated as Speaker pro tempore Hon. JOHN DALZELL, of Pennsylvania.

Thereupon Mr. DALZELL took the chair.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of H. R. 19264, the diplomatic and consular appropriation bill.

The question was taken; and a division was demanded by Mr. CLARK of Missouri.

The SPEAKER pro tempore. Evidently no quorum is present, and the doors will be closed——

Mr. CLARK of Missouri. Mr. Speaker, no one has raised the point of no quorum.

The SPEAKER pro tempore. The Chair was anticipating the gentleman from Missouri.

Mr. PAYNE. I do not think the Chair need to do that.

The SPEAKER pro tempore. Very well; the Chair will put the question.

The question was taken; and there were—ayes 69, noes 14.

So the motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CURTIS in the chair.

Mr. FLOYD. Mr. Chairman, I yield thirty minutes to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Chairman, the country having become aroused to the humiliating fact that in recent years corporations, trusts, insurance companies, and all those interests enjoying special privileges have contributed enormous sums of money to campaign committees, which have been used to degrade, corrupt, and debauch the voter and, perhaps, control results of elections, a movement has been formally inaugurated to secure such legislation by the several States and by Congress as, it is hoped and believed, will at least check, if not effectually put a stop to, large campaign contributions, and thus restore the purity and integrity of our elections.

The particular movement in behalf of pure elections to which I refer was started by a distinguished citizen of New York, the Hon. Perry Belmont. The ultimate success of his most worthy and commendable effort is assured by the almost unanimous public approval it has received. The hearty and cordial cooperation of representative citizens of the different political parties residing in every section of the United States has been freely tendered. A nonpartisan association or organization, under the name of National Publicity Bill Organization, of which Mr. Belmont is president, is the result. The membership of this organization embraces candidates for the Presidency, United States Senators and ex-Senators, Representatives in Congress and ex-Members, governors and ex-governors, presidents of universities and colleges, presidents of the great labor organizations, members of the Democratic and Republican national and State committees, editors of great newspapers, judges of courts, and gentlemen prominent in every profession and avocation.

It affords me great pleasure to pause in this connection to say that, in my judgment, Mr. Belmont justly merits the plaudits of every lover of civic honor and of every advocate of public morals for perfecting an organization whose membership individually, as well as collectively, is so powerful, potential, and influential as to warrant the gratifying conviction that the demand for purity of elections must and will triumph.

In the early days of this Congress a bill requiring publicity of campaign contributions and expenditures was introduced by a prominent member of the National Publicity Bill Organization, who is also a distinguished and useful Member of this House, the gentleman from Massachusetts [Mr. MCCALL]. This bill was referred to the House Committee on Election of President, Vice-President, and Representatives in Congress, of which I have the honor to be a member. Our committee was not very diligent in the performance of its duty until stimulated to action by caustic and well-deserved criticism administered on this floor. Finally we entered upon consideration of the so-called "McCall bill." As I remember, the committee was practically a unit in recognizing the merits of the principle involved in this bill and the necessity for legislation along this line, and we regarded the McCall bill a long step in the right direction. Personally I do not think the McCall bill goes far enough. It only seeks publicity of the actions of national committees, and that only after elections. I desired to include other committees, so as to prevent evasion of law by a mere change of the base of operation. I also wanted publicity, as far as practicable, before elections—before the fruits of corruption and of the corrupt use of money shall have been enjoyed. With these thoughts in view, I took the McCall bill as a basis, using much of it without change, and drafted H. R. 19078, which I introduced on May 8. As I may not have the opportunity later, I desire now to give the House a brief synopsis of the essential features of the bill introduced by myself.

The first section requires all campaign contributions to be made only to a political committee or to some person authorized by such committee.

The second section defines the term "political committee" to mean any national committee, any national Congressional campaign committee, any State committee, and any district Congressional committee, of any political party, which shall aid or promote the success or defeat of any candidate for Congress, or which shall receive and expend money at or in connection with any election at which candidates for Representative in Congress are voted for.

Sections 4 and 6 require each political committee to have a chairman and a treasurer, and make it the duty of the treasurer to keep an exact record of all moneys received and expended, showing the true name and address of each person, committee, association, or corporation from whom funds are received or to whom money is paid or distributed, with the date and amount of each transaction.

Section 7 prohibits political committees from receiving contributions, from any source, within thirty days next preceding the November general election, and in States where the general election for Members of Congress is fixed by law at a time other than November the political committees within such States are prohibited from receiving contributions within thirty days next before the election in such States.

Section 8 requires each political committee whose aggregate receipts shall exceed $1,000 to make publicity as follows: The national committees of each political party, within thirty and not less than twenty days next preceding the November general election, and the State and district committees of each political party within thirty days and not less than twenty days next preceding the date fixed by law in their respective States for the general election at which Members of Congress are to be elected,

are severally required to make and publish in a newspaper of general circulation, published in the town or city where the treasurer shall keep his office, a full, true, and complete statement, signed and sworn to by the chairman and treasurer, showing the date and amount of each and every contribution, the true name and address of each contributor, and the date and amount of each and every expenditure or distribution, giving the true name and address of the person or committee to whom paid or distributed. And, in addition to the newspaper publication before the election, each of said committees is required to make a similar statement after the election, including and embracing the ante-election publication, showing in detail the entire transactions of such committees, which must be signed and sworn to by the chairman and treasurer and filed with the Clerk of this House within thirty days after the election, to be preserved by him for at least fifteen months, and be open to inspection by any citizen of the United States.

Other sections relate to judicial procedure and prescribe penalties for the violation of the provisions of the bill.

Mr. Chairman, I freely concede that the bill I am discussing may be, and doubtless is, imperfect. I am not attached to a phrase in it and will gladly abandon it for a better measure. I believe it is the best that has thus far been presented for consideration, and therefore I stand for it. It is not symmetrical enough for some of my colleagues on the committee; it is too crude for some, does not go far enough to satisfy some, and goes too far for others.

I am the poorest of literary artists. If this bill presents in clear, distinct, and comprehensive language the great principle of publicity, then it satisfies me. I confess I have made no effort to construct a thing of beauty, but on the contrary I derive some pleasure from the hope that it will appear so hideous and monstrous to every corruptionist who would degrade and debauch our elections that the mere contemplation of its enactment and enforcement would result in a case of acute nervous prostration, with strong symptoms of complete physical collapse. [Applause.]

Believing that H. R. 19078 would give practical and substantial publicity and therefore merit public approval, I sought earnestly to secure its favorable report. When the committee agreed to take a final vote on this bill at noon on May 12, I confess I was elated. At the time fixed Mr. WATKINS, one of the minority members, moved "that following the special order heretofore made, the hour of 12 o'clock meridian having arrived, the committee report favorably H. R. 19078 as amended."

The roll was called, and those voting in favor of reporting the bill H. R. 19078 were Messrs. RUCKER, GILLESPIE, HARDWICK, ELLERBE, and WATKINS—5.

Those voting in the negative were Messrs. GAINES of West Virginia, SULLOWAY, HERMANN, NORRIS, BROOKS of Colorado, DUNWELL, CAMPBELL of Ohio, and BURKE of Pennsylvania—8.

Mr. OLMSTED. Mr. Chairman, it seems to me that the gentleman hardly intends or desires, when he comes to think of it, to mention occurrences in the committee and the names of those who voted for or against the proposition.

Mr. CLARK of Missouri. Mr. Chairman——

Mr. RUCKER. I will yield to my friend from Missouri, but I want to say I think I am capable of taking care of myself.

Mr. CLARK of Missouri. Very well.

The CHAIRMAN. The Chair will have the rule read.

Mr. RUCKER. Mr, Chairman, I do not need any instruction this morning.

The CHAIRMAN. The Clerk will read the rule.

Mr. WATKINS. Mr. Chairman, before the ruling is made the gentleman from Missouri ought to have an opportunity to express himself.

The CHAIRMAN. If the gentleman from Missouri desires to explain——

Mr. RUCKER. Mr. Chairman, I want to ask the gentleman from Pennsylvania [Mr. OLMSTED] if he made this objection simply for the "good of the order" or has he been requested to do it?

Mr. OLMSTED. No; I have not been requested to do it. I do not know who voted either way in the committee, but several times recently—I am not referring to the gentleman from Missouri—statements have been made showing what occurred in the committee.

Mr. RUCKER. Mr. Chairman, I want to say in the first place that I understand a record is kept by the committee for some purpose. No record is kept, so far as I am concerned, for the purpose of concealing my action.

The CHAIRMAN. The gentleman from Missouri is out of order, and will take his seat.

Mr. RUCKER. Very well, but I will get up again.

Mr. HAY. Mr. Chairman, I move that the gentleman from Missouri be allowed to proceed in order.

The CHAIRMAN. First the Chair will have the rule read.

Mr. BURLESON. Mr. Chairman, is it possible that the gentleman from Missouri is not to be permitted to argue the point of order?

The CHAIRMAN. The Clerk will read the rule.

The Clerk read as follows.

It is not in order in the House to refer to the proceedings of a committee, or to read from the records thereof, except by authority of the committee.

Mr. GROSVENOR. Mr. Chairman, the statement already made giving the votes of the members of the committee and criticising the action of gentlemen ought not to be permitted to go in the RECORD.

Mr. CLARK of Missouri. Mr. Chairman, the gentleman from Missouri has the right to argue the point of order as well as has the gentleman from Ohio.

The CHAIRMAN. Under the rule it is within the discretion of the Chair as to whom he shall hear on the point of order.

Mr. CLARK of Missouri. But there was nobody else trying to be heard.

The CHAIRMAN. The Chair is ready to rule.

Mr. CLARK of Missouri. But I am not ready for the Chairman to rule.

The CHAIRMAN. The Chair desires to hear nothing further upon this point. The gentleman from Virginia moves that the gentleman from Missouri be permitted to proceed in order.

The question was taken; and the motion that the gentleman from Missouri be allowed to proceed in order was agreed to.

Mr. RUCKER. Mr. Chairman, I would like to have the Chair direct that the rule be again read for my benefit.

The CHAIRMAN. The Clerk will again read the rule in the time of the gentleman from Missouri.

The Clerk read the rule.

Mr. RUCKER. Now, Mr. Chairman, a parliamentary inquiry: What is the meaning of those words "authority from the committee?"

The CHAIRMAN. If the gentleman from Missouri desires, the Clerk will read the whole precedent.

Mr. RUCKER. Not in my time.

The CHAIRMAN. No; not in the gentleman's time.

The Clerk read as follows:

713. It is not in order in the House to refer to the proceedings of a committee, or to read from the records thereof, except by authority of the committee. On February 19, 1840, the House was considering the report of the Committee on Elections in the New Jersey contested cases, when Mr. David Petrikin, of Pennsylvania, submitted the following as a question of order:

"That neither the chairman of a committee, nor any other member of the committee or of the House, can be permitted to allude on the floor to anything which has taken place in committee, or in any way relate in debate what was done by said committee or by the individual members of that committee, except it is done by a written report made to the House by authority of a majority of the committee.

The Chair decided generally that the point of order was well taken.

The debate proceeding, Mr. Millard Fillmore, of New York, made allusions to the proceedings in the Committee on Elections, and, while reading a resolution which had been adopted in that committee, was called to order by the Speaker on the ground that a Member had no right to read papers containing the proceedings of the committee (not reported by the committee), although the amendment under consideration proposed to print their proceedings.

Mr. Fillmore then took his seat.

Mr. John Quincy Adams, of Massachusetts, appealed from the decision of the Chair in its calling of Mr. Fillmore to order, on the ground that the proposition of the Committee on Elections to authorize that committee to have papers printed necessarily brought all such papers before the House. Furthermore, any Member of the House had the right to call for the reading of papers which it was proposed to print. The rules were already too rigid for the rights of Members.

Mr. Petrikin maintained that a committee was a distinct body of individuals and that it was entirely out of order to read papers and arraign its proceedings before the House. Mr. John Pope, of Kentucky, thought they should not discuss any papers and proceedings of a committee until they were reported to the House. Mr. Linn Banks, of Virginia, spoke of the importance of the precedent. He favored preserving the rights of the minority, but this case involved rather the integrity of committee proceedings. If it was allowable to go into committee and drag forth their records to be commented on in the House jealousy would be endangered and the usefulness of committees impaired. The consequences of reversing the settled practice of the House should be looked to rather than the particular case before them.

The decision of the Chair was sustained by a vote of 98 yeas to 84 nays.

The CHAIRMAN. This decision was made by Mr. Speaker Howell Cobb, of Georgia. The gentleman from Missouri [Mr. RUCKER] is recognized in his own right and will now proceed in order.

Mr. RUCKER. Mr. Chairman, I hope that extensive reading does not come out of my time. Does it?

The CHAIRMAN. No.

Mr. RUCKER. Mr. Chairman, though I am hardly able to

comprehend all the rules of the House, I will assume, for the moment, that every rule is adopted for some wise purpose. Now, with reference to the point of order made, I want to address myself to that for a moment. I take it that if the committee permits me to use the record made by that committee that my friend from Pennsylvania [Mr. OLMSTED] will not object to it. Before I took this floor, I want to say to the Chair and to this House that I asked the gentlemen of that committee for permission to use these records, and I say that the gentlemen of that committee said the use to be made of the records was a question for each individual to determine for himself, and I have determined it for myself, and whatever may be the ruling of the Chair I am willing to let the country pass upon the question. I want to state here what occurred in preventing legislation and to show why a publicity bill has not been reported. Mr. Chairman, every day we hear gentlemen on this floor say that such and such a bill has a unanimous report of the committee. Does not that carry with it a suggestion that the committee all favored it? All that I want to do is to show that the reason we have not come in here with a bill on this great question, which is agitating and engaging the thoughts of men throughout this whole United States, is because our committee is not unanimous * * * . [Words stricken out by direction of Chairman.]

Mr. PAYNE. Mr. Chairman, I make the point of order that the gentleman is not in order.

The CHAIRMAN. The gentleman is out of order.

Mr. RUCKER. Mr. Chairman, can I withdraw the language?

The CHAIRMAN. The gentleman is out of order and will take his seat.

Mr. RUCKER. Can not I withdraw the language?

The CHAIRMAN. The Chair will recognize the gentleman to withdraw the language, and if he does not withdraw it, it will be stricken from the RECORD.

Mr. RUCKER. Then I shall let the Chair strike it out. Its suppression will serve my purpose nearly as well as its insertion.

The CHAIRMAN. The Reporter is directed to strike the remarks of the gentleman which are out of order from the RECORD.

Mr. BARTLETT. Mr. Chairman, I raise the point of order that the Chairman of the Committee of the Whole has no control over the RECORD; that it is the Speaker who has the right to do that, and not the Chairman of the Committee of the Whole House, and that the Chair usurps power when he does it.

The CHAIRMAN. The Chair has jurisdiction over matters spoken in the Committee of the Whole.

Mr. BARTLETT. No; I submit the Speaker has control and not the Chairman of the Committee of the Whole House, and I make the point of order that the Chair has no power over it.

Mr. GROSVENOR. Mr. Chairman, the gentleman from Georgia [Mr. BARTLETT] will permit——

Mr. BARTLETT. Oh, all of us are out of order, I admit.

The CHAIRMAN. All gentlemen will take their seats. The gentleman from Missouri [Mr. RUCKER] is recognized to proceed in order and has fourteen minutes remaining.

Mr. RUCKER. Well, Mr. Chairman, I will try to proceed in order and yield as respectfully and submissively as I can to the ruling of the Chair, induced, as it is, by the distinguished leader of the majority, the gentleman from New York [Mr. PAYNE], and I will say, Mr. Chairman, that I shall not tell this House what is in the record, since gentlemen on the other side desire that the record shall not have publicity. I shall not quote the record any more, but, proceeding, as I trust I may now proceed, in order, I desire to say that if the bill H. R. 19078 were up for consideration before this committee and a vote should be taken on a motion to report that bill back to the House of Representatives, then, on such a motion as that, I say that the gentleman from Missouri [Mr. RUCKER], the gentleman from Texas [Mr. GILLESPIE], the gentleman from Georgia [Mr. HARDWICK], the gentleman from South Carolina [Mr. ELLERBE], and the gentleman from Louisiana [Mr. WATKINS] would vote in the affirmative, and on such a motion as that in this House—now, mark you, not in the House committee—the gentleman from West Virginia [Mr. GAINES], the gentleman from Nebraska [Mr. MORRIS], the gentleman from Oregon [Mr. HERMANN], the gentleman from Colorado [Mr. BROOKS], the gentleman from New York [Mr. DUNWELL], the gentleman from Ohio [Mr. CAMPBELL], and the gentleman from Pennsylvania [Mr. BURKE] would all vote in the negative. [Applause and laughter on the Democratic side.] And if they did not do it, they would contradict themselves.

Mr. GRIGGS. Are they Republicans or Democrats?

Mr. RUCKER. All that I named last are Republicans, of course. Mr. Chairman, I am not going to mention anything that occurred in the committee, but the next meeting of the committee—and I believe I can state that, because it is a historical fact that we had a meeting on the 19th day of May—the chairman of the committee—mark you, Mr. Chairman, I am not going to say what occurred in the committee—the chairman of that committee, my distinguished friend from West Virginia [Mr. GAINES], submitted a bill that he had prepared at the suggestion and the request of the committee for the consideration of that committee, and I want to say that if the bill, reported by the distinguished chairman of that committee, instead of being reported to the committee had been reported to *this* Committee of the Whole House, and I had made the motion like this, "that the committee proceed now to the consideration of the draft of the bill just submitted by the chairman of the Committee on Election of President, Vice-President, and Representatives in Congress, and that the Committee of the Whole hold daily sessions, only taking recess for meals, from 10.30 a. m. until 5 p. m. of each day, until a final vote on the bill be had, and that question were submitted on this floor to a vote, on the roll call I want to say to the House and to the country that the gentleman from Texas [Mr. GILLESPIE], the gentleman from Louisiana [Mr. WATKINS], the gentleman from South Carolina [Mr. ELLERBE], the gentleman from Georgia [Mr. HARDWICK], and the gentleman from Missouri [Mr. RUCKER], would vote in the affirmative, and every gentleman on the majority side of that committee except one would vote in the negative, *or else they would again contradict themselves.*

Now, Mr. Chairman, I am proceeding in order, I hope. [Laughter.] Then, Mr. Chairman, I want to suggest another fact. If this Committee of the Whole had under consideration publicity measures, and if this committee had agreed solemnly to meet three times a week for the purpose of giving consideration to this great and important subject, I believe that at a meeting like this on a pleasant forenoon, that perhaps the gentleman—Mr. BURKE of Pennsylvania—would move that hereafter instead of meeting three times a week that we only meet once a week. If he had so moved—*in this committee, mark you*—I would seek to amend the motion by moving "that the meetings be Mondays, Thursdays, and Saturdays at 10 o'clock, and with recess only for lunch, remain in session until 5 p. m., until the publicity bill submitted by the gentleman from West Virginia [Mr. GAINES] was fully considered and voted out; and on such a vote as that, if one could be had, I want to say that all of my Democratic colleagues would vote in the affirmative and all of my Republican colleagues—I will not say that, but Mr. GAINES of West Virginia, Mr. NORRIS of Nebraska, Mr. BROOKS of Colorado, Mr. DUNWELL, Mr. CAMPBELL of Ohio, and Mr. BURKE of Pennsylvania, if here—would vote in the negative, *or again contradict themselves.*

Then, Mr. Chairman, I want to say, if I may be permitted to proceed in order, that when the hour of adjournment of that committee should arrive, and a gentleman on that side of the aisle should move to adjourn, I would move, in view of the importance of this great question, "that the committee adjourn until 2 o'clock to-day, and at that hour reconvene and remain in session until 5 o'clock this evening, giving consideration to the bill heretofore submitted by the distinguished gentleman from West Virginia;" and on that motion I ought to say to this committee, if a vote was had here, every one of the Republicans whose names I have heretofore given and whose names I will put in the RECORD would vote against the motion and all the Democrats whose names I have used would vote for it. Then, Mr. Chairman, I want to say now, because I think I have passed beyond the point where there can be differences, that I regret very much gentlemen have such a fellow-feeling for members of our committee that they will not let us fight this out among ourselves. I regret that the distinguished gentleman from New York [Mr. PAYNE], who favors publicity and opposes these great corruption funds, I suppose, and the distinguished gentleman from Pennsylvania [Mr. OLMSTED], whom I also know to be an honorable man, and who does not approve of the use of the $16,000,000 by which voters of our country were debauched and the best and purest man that ever shone in the political firmament of this country was robbed of an election to the Presidency [applause on the Democratic side]—I regret, I repeat, that this small handful of Democrats, only five, and that great majority of eight Republicans on the committee can not fight this out without the great, ponderous weight of the gentleman from New York being thrown upon that side of the scales. So far as I am concerned, Mr. Chairman, I want to serve notice here now that while I respect for the time being, under compulsion, the rules of this House [laughter], I want to say to you, sir, that I have more supreme regard for the approval of the humblest citizen of my district on a question of duty performed than I have for

the approval of the entire majority membership of this House when it comes to the observance of a mere rule which covers up and hides from view the acts of men who are charged with official responsibility. [Applause on the Democratic side.] Of course, gentlemen of the committee, those who constitute the majority of the Committee on Election of the President and Vice-President and Members of Congress, are in favor of publicity. They say so, and the newspapers quote them thus; but, unfortunately, every act, except expressions which have gone to the country through the columns of newspapers, contradicts their statements. I make no accusation against anybody, but I want to suggest that the record which I am forbidden to read, if read to this House, would justify a strong suspicion that some at least of the gentlemen whose names I have called are at heart opposed to publicity legislation. And why? Every member of one political party, the Democratic, if this question was submitted here, where I have a right to say what my colleagues would do, would vote for publicity in its widest and broadest form, and, judging the future by the past, every gentleman on the majority side of that committee would vote against it *or again contradict themselves.* I do not propose to allow blame to attach unjustly to the minority of that committee if I can prevent it, rules or no rules. As members of that committee it is our duty to aid and not stifle legislation. We of the minority spurn the protection of the arbitrary rules of this House.

We have performed our duty and our record is clear. I invite gentlemen to read it. The more it is read the more the country will condemn the party in power for its inaction and its obstruction. [Applause on the Democratic side.] We do not apprehend, Mr. Chairman, that there is any dread consequence in publicity to the Democratic party. We do not think it is necessary to rely upon great sums of boodle and slush in order to retain our numerical strength upon this floor, but we know, or we think we know, if we can prevent the Republican party from using boodle we will be strong enough to elect the distinguished gentleman from Mississippi [Mr. WILLIAMS] Speaker of the House in the Sixtieth Congress [applause on the Democratic side], provided, of course, that my good friend and colleague from Missouri [Mr. CLARK] is not a candidate. [Applause on the Democratic side.] Not only that, but with such legislation as this we will yet elect to the Chief Magistracy of the United States that peerless—yes, I say peerless, because the brightest star in your party when compared with the grandeur of William J. Bryan suffers as doth the lightning bug when compared with the brilliancy and glory of the sun. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD. Mr. Chairman, I yield the gentleman five minutes more.

The CHAIRMAN. How much time?

Mr. RUCKER. Five minutes, and I will proceed in order. Mr. Chairman, quoting a phrase quite familiar to Members of Congress, I ask "why hesitate" about giving this House in its wisdom an opportunity to express its judgment upon the great question of publicity? Is it possible that publicity will reveal in either party a putrid, leprous condition, so foul that its stench in the nostrils of good men would cause them to flee from that party as from a pestilence? The principle of publicity is nonpartisan. Its enactment into law *is demanded by good men,* and Mr. Chairman, if I may do so, I want to italicize the words, "is demanded by good men" of all parties. Every man who really loves his country and who desires to elevate and not degrade public morals is an advocate of this form of legislation. The honor of the Republic and the purity and sanctity of its elections demand publicity of campaign contributions. Every man worthy of a position of honor, confidence, and trust demands or ought to demand to know that the commission he bears from a proud constituency is unsullied and unstained by crime. The people demand a law of publicity, and if the party in power neglects to enact it, then, in my judgment, the anathemas of an outraged populace will be hurled against those responsible for the failure. Now, Mr. Chairman, I ask a parliamentary question.

The CHAIRMAN. The gentleman will state it.

Mr. RUCKER. Under the wise and just rulings of the Chair, may I be permitted to have access to the CONGRESSIONAL RECORD to publish anything I have said?

The CHAIRMAN. Anything that is in order.

Mr. RUCKER. I would like to know how far your censorship extends?

The CHAIRMAN. The Chair has ruled on that question and the rule of the House has been read, and the gentleman knows when he is in and when he is out of order.

Mr. PALMER. Before the gentleman sits down, I would like to ask him a question.

The CHAIRMAN. Will the gentleman from Missouri yield to the gentleman from Pennsylvania?

Mr. RUCKER. Certainly. And I would like for some members of my committee to ask me a question also.

Mr. PALMER. I have had a bill or two before your committee on this subject, and I have not succeeded in getting them out.

Mr. RUCKER. Until we get a new deal they will never be acted on, my good friend.

Mr. PALMER. Is not this your complaint now, that the committee has not reported your bill?

Mr. RUCKER. May I ask you a question?

Mr. PALMER. I am asking you a question now. I say, is not your complaint that the committee declines or refuses to report your bill?

Mr. RUCKER. The gentleman knows that is not true. I have said repeatedly that I favor any publicity measure, and that I am not wedded to the bill I introduced or to any particular phrase in it.

Mr. PALMER. Is not the reason because the committee did not report your bill?

Mr. GRIGGS. Mr. Chairman, I make the point of order that the question is entirely out of order.

Mr. RUCKER. If you will allow me to go into the committee room and state what occurred——

Mr. PALMER. Do you think your bill is perfect and that it ought to be reported in preference to any other bill?

Mr. RUCKER. I will put in the RECORD, with the Chairman's consent, an admission of the fact that my bill may be imperfect and perhaps is imperfect, but it is the best I can draft. I wish the gentleman would help me to perfect it. My bill is not as complete as the Commandments, I admit, but it would catch many a corruptionist, some of whom live not a thousand miles from Pennsylvania. [Laughter.] And I have no reference to the gentleman.

Mr. PALMER. That is what I want. I want the bill to be broad enough and good enough when it is brought in here to accomplish something. I do not think your bill will catch anything.

Mr. RUCKER. Let me say to the gentleman from Pennsylvania that the better the bill is the less chance it has of enactment.

Mr. PALMER. The what?

Mr. RUCKER. The better a bill is the more certain it is to be condemned and doomed in that committee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OLMSTED. I ask that the gentleman may be allowed to proceed for ten minutes.

Mr. RUCKER. I will not infringe on the patience of the House to that extent, but in view of the pernicious activity of some gentlemen, and the pressure brought to bear on some others, I will consume a few minutes in which to say to my friend from Pennsylvania that he misquotes me, inadvertently, of course, because it is not in his heart to do a malicious, wanton wrong; and his error can not be due to ignorance, because he is one of the most distinguished lawyers of this House. But the gentleman, by reason of partisan bias, which blinds him, sees no merit in the bill I introduced. I invite him, and I invite his colleagues, I invite any of the distinguished members of this great reform organization to modify, to correct, or destroy my bill, and give us something better or as good in its place, and I will vote for it. Not only that, but I pledge the Democrats of this committee and I believe that I am not saying too much when I say that I pledge the Democratic party to do anything that will make the corruptionists of this country come from under cover so that honest men may see them, because any man—every honest man—will condemn them.

Now, Mr. Chairman, I thank the gentleman——

Mr. PALMER. If you will agree to vote for my bill, I will agree to help you perfect yours.

Mr. RUCKER. Why did not the gentleman offer that before Congress was about to adjourn? I really believe the gentleman favors publicity, because he introduced a bill upon that subject. Why did not the gentleman help me? I have been struggling and fighting before that committee, but it has been a fight of five against eight, a minority fighting to overcome a partisan majority. You gentlemen on the Republican side had better get active. You daily hear the murmuring of the people. You are witnessing with dismay the people of your own States instructing for a man so popular and so great that you realize that in the next election most of you, unless you become very proficient as apologists and cunning in explanation, will be relegated to the rear and Democrats will occupy this House clear over to the

Cherokee Strip on the other side. [Applause on the Democratic side.]

Now, Mr. Chairman, this is my last appearance, and I want to thank the committee for its courtesy, but before yielding the floor——

Mr. OLMSTED. Will the gentleman allow me to ask him a question——

Mr. RUCKER. I am just about to deliver my peroration.

Mr. OLMSTED. It will not interfere with your peroration.

Mr. RUCKER. Oh, it will not matter if it is lost.

Mr. OLMSTED. The Constitution provides that the States shall prescribe the times, manner, and method of elections of Congressmen——

Mr. RUCKER. That is enough; I catch the gentleman's point——

Mr. OLMSTED. Now, I want to state to you, inasmuch as you made some reference to Pennsylvania, we have just passed a law within the last six months, forty times stronger than your bill. It is so strict in its provisions against the expenditure of money improperly that if a man even thinks about it, it will bring him within the provisions of the law. If you pass such a law in Missouri you will have no trouble.

Mr. RUCKER. We have a good law in Missouri. My humble opinion is that in your State you can not prevent corruption in politics without hanging a lot of criminals. You can not stop political corruption there by law, because the law will not be enforced. Good people have got to take some of the criminals out and execute them. [Laughter and applause on the Democratic side.]

Mr. OLMSTED. We have got a law enacted in the last six months that practically provides execution for anybody that violates it.

Mr. RUCKER. The gentleman speaks of the law in Pennsylvania, and it really affords reason to hope, if the gentleman properly construes the law of his own State, that Pennsylvania is preparing to join the solid South and break into the Democratic column.

Mr. Chairman, I want to thank the committee now for the courtesy shown me and to express my appreciation of and obligation to the Chairman for his very kindly consideration on all the questions that have arisen during this brief discussion. [Applause on the Democratic side.]

Mr. Chairman, before I take my seat I desire to obtain unanimous consent to publish, as an appendix to my remarks, a list of the names of the members of the National Publicity bill organization. It is very short.

The CHAIRMAN. Is there objection?

Mr. PAYNE. I did not hear the gentleman's request.

The CHAIRMAN. His request is that he be permitted to append to his remarks a list of the names of the members of the National Publicity Bureau, which is very short. Is there objection?

There was no objection.

The list is as follows:

APPENDIX.

National publicity bill organization.

LIST OF MEMBERS.

Perry Belmont, New York.
Joseph W. Folk, governor of Missouri.
J. Frank Hanly, governor of Indiana.
A. J. Montague, governor of Virginia.
A. B. Cummins, governor of Iowa.
N. C. Blanchard, governor of Louisiana.
Louis Warfield, governor of Maryland.
W. M. O. Dawson, governor of West Virginia.
William D. Jenks, governor of Alabama.
Samuel W. Pennypacker, governor of Pennsylvania.
George E. Chamberlain, governor of Oregon.
Claude A. Swanson, governor of Virginia.
Grover Cleveland, former President of the United States.
Alton B. Parker, former chief justice court of appeals, New York.
William J. Bryan, Nebraska.
Frank H. Black, former governor of New York.
L. F. C. Garvin, former governor of Rhode Island.
Samuel Gompers, president American Federation of Labor, New York.
Charles W. Eliot, president Harvard University, Massachusetts.
Edward A. Alderman, president University of Virginia.
W. H. P. Faunce, president Brown University, Rhode Island.
Henry Hopkins, president Williams College, Massachusetts.
J. G. Schurman, president Cornell University, New York.
William Dew Hyde, president Bowdoin College, Maine.
Ira Remsen, president Johns Hopkins University, Maryland.
E. Benjamin Andrews, president Nebraska University.
George Harris, president Amherst College, Massachusetts.
M. W. Stryker, president Hamilton College, New York.
James A. Tate, president American University, Tennessee.
George L. Collie, president Beloit College, Wisconsin.
J. H. Kirkland, chancellor Vanderbilt University, Tennessee.
David S. Jordan, president Leland Stanford Junior University, California.
Charles H. Levermore, president Adelphi College, New York.
M. H. Chamberlain, president McKendree College, Lebanon, Ill.
Lorenzo J. Osborn, president Des Moines College, Iowa.
Stephen F. Weston, president Antioch College, Yellow Springs, Ohio.
Charles Noble Gregory, dean of Law College, Iowa State University, Iowa City.
W. L. Ward, New York, member Republican national committee.
Norman E. Mack, New York, member Democratic national committee.
William E. Chandler, former Secretary of the Navy, New Hampshire.
James K. Jones, former chairman Democratic national committee, Arkansas.
John Wanamaker, former Postmaster-General, Pennsylvania.
Oscar S. Strauss, former minister to Turkey, New York.
Charles E. Hughes, counsel to New York legislative insurance investigating committee.
Julius M. Mayer, attorney-general of New York.
Warner Miller, former United States Senator from New York.
John M. Thurston, former United States Senator from Nebraska.
William F. Vilas, former Postmaster-General, Wisconsin.
Everett Colby, State senator-elect, New Jersey.
August Belmont, treasurer Democratic national committee, New York.
Melville E. Ingalls, Cincinnati, Ohio.
Judson E. Harmon, former United States Attorney-General, Ohio.
John E. Lamb, former Member of Congress from Indiana.
J. W. Kern, former candidate for governor of Indiana.
T. M. PATTERSON, United States Senator from Colorado.
Clark Howell, member Democratic national committee from Georgia.
Carter Harrison, former mayor of Chicago.
Josiah Quincy, Boston, Mass.
Roger C. Sullivan, member Democratic national committee from Illinois.
Alexander Troup, New Haven, Conn.
Charles A. Gardiner, chairman law committee of the board of regents, New York State.
Andrew Carnegie, Pennsylvania.
John F. Dillon, former judge, New York.
John T. McGraw, member Democratic national committee from West Virginia.
D. L. D. GRANGER, Member of Congress from Rhode Island.
James H. Wilson, Wilmington, Del.
John G. Milburn, New York.
W. F. Harrity, former chairman Democratic national committee, Pennsylvania.
Henry Watterson, editor of Louisville Courier-Journal, Kentucky.
Melville E. Stone, New York.
W. B. Vandiver, superintendent insurance, Missouri.
R. R. Kenney, member Democratic national committee from Delaware.
Edward Lauterbach, member of New York State board of regents.
J. J. Willett, former judge, Alabama.
John Ford, former State senator, New York.
Hermann Ridder, publisher Staats-Zeitung, New York.
J. Hampden Robb, former State senator, New York.
D. N. Lockwood, Buffalo, N. Y.
George Haven Putnam, publisher, New York City.
Frances Lynde Stetson, New York City.
J. H. Clarke, Cleveland, Ohio.
B. B. Smalley, member Democratic national committee from Vermont.
R. B. Van Courtlandt, New York City.
WILLIAM SULZER, Member of Congress from New York.
Charles W. Knapp, St. Louis, Mo.
P. H. Quinn, member Democratic national committee from Rhode Island.
J. B. Sullivan, Des Moines, Iowa.
Charles S. Hamlin, Boston, Mass.
Eugene S. Ives, Tucson, Ariz.
Cromwell Gibbons, Jacksonville, Fla.
W. R. Nelson, Kansas City, Mo.
Frank K. Foster, Massachusetts Federation of Labor.
P. J. McCarthy, Providence, R. I.
P. S. Grosscup, United States circuit judge, Illinois.
James M. Lynch, president International Typographical Union, Indiana.
John Y. Terry, member Democratic national committee from State of Washington.
John W. Blodgett, member Republican national committee from Michigan.
J. M. Greene, member Republican national committee from South Dakota.
W. A. Coakley, general president International Lithographers and Press Feeders' Association, New York.
J. A. Springer, national organizer United Mine Workers, West Virginia.
Park Mitchell, former president New Hampshire State Federation of Labor.
Timothy Healy, president International Brotherhood of Stationary Firemen, New York.
John Nugent, president West Virginia State Federation of Labor.
William A. Gaston, member Democratic national committee from Massachusetts.
Hoke Smith, former Secretary of the Interior.
William J. Wallace, United States circuit judge, Albany, N. Y.
J. K. Richards, United States circuit judge, Cincinnati, Ohio.
Horace H. Lurton, United States circuit judge, Nashville, Tenn.
James G. Jenkins, United States circuit judge, Milwaukee, Wis.
L. E. McComas, judge court of appeals, Washington, D. C.
A. M. Stevenson, member Republican national committee, Denver, Colo.
Urey Woodson, member Democratic national committee, Owensboro, Ky.
H. S. Cummings, member Democratic national committee, Stamford, Conn.
T. E. Ryan, member Democratic national committee, Waukesha, Wis.
Frederick V. Holman, member Democratic national committee, Portland, Oreg.
T. T. Hudson, member Democratic national committee, Duluth, Minn.
Henry B. Thompson, former chairman Republican State committee, Wilmington, Del.
Henry T. Kent, St. Louis, Mo.
Martin Maginnis, president Soldiers' Home, Helena, Mont.
E. E. Clark, chief Order Railroad Conductors, Cedar Rapids, Iowa.
John T. Wilson, president of Maintenance of Way Employees, St. Louis, Mo.
Robert C. Houston, Georgetown, Del.
James Wilson, president National Pattern Makers' Union, New York.

Louis Wiley, New York.
Josephus Daniels, Raleigh, N. C.
Thomas C. McClellan, Albany, N. Y.
Hannis Taylor, Alabama, former minister to Spain.
D. R. Francis, St. Louis, Mo.
Crammond Kennedy, Washington, D. C.
HENRY D. CLAYTON, Member of Congress, member Democratic national committee from Alabama.
JOHN L. BURNETT, member Democratic Congressional committee for Alabama.
EATON J. BOWERS, member Democratic Congressional committee for Mississippi.
ROBERT F. BROUSSARD, member Democratic Congressional committee for Louisiana.
JOHN W. GAINES, member Democratic Congressional committee for Tennessee.
EDWARD W. CARMACK, United States Senator from Tennessee, and one of the nine members of the Senate who are members of the Democratic Congressional committee.
John Cadwalader, Philadelphia.
Henry W. Williams, Baltimore.

EXECUTIVE COMMITTEE.

Perry Belmont, of New York.
William E. Chandler, of New Hampshire.
J. G. Schurman, of New York.
James H. Wilson, of Delaware.
A. H. Stevenson, of Colorado.
Norman E. Mack, of New York.
John E. Lamb, of Indiana.
Charles S. Hamlin, of Massachusetts.
John H. Clarke, of Ohio.
Charles W. Knapp, of Missouri.
Alexander Troup, of Connecticut.
W. R. Nelson, of Missouri.
Cromwell Gibbons, of Florida.
John W. Blodgett, of Michigan.
Frank K. Foster, of Massachusetts, delegate for the American Federation of Labor to the British Trade Union Congress.
James M. Lynch, of Indiana, president of the International Typographical Union.
James Wilson, of Pennsylvania, president Pattern Makers' National League.

LAW COMMITTEE.

John M. Thurston, of Nebraska.
Charles A. Gardiner, of New York.
John T. McGraw, of West Virginia.
Louis E. McComas, of Maryland.
Crammond Kennedy, of the District of Columbia.
Hannis Taylor, of Alabama.

Mr. CLARK of Missouri. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Missouri. I understood the Chair to order that the Official Reporters should strike from the RECORD certain remarks which the gentleman from Missouri [Mr. RUCKER] made. Now, the parliamentary inquiry is how the Chairman of the Committee of the Whole gets any control over the RECORD at all?

The CHAIRMAN. The rule gives the Chairman the right to enforce order in the Committee of the Whole, and such remarks as were made after the gentleman was called to order and after he was ruled out of order should be left out of the RECORD—that is, such remarks as were out of order after the gentleman was called to order.

Mr. CLARK of Missouri. But how do you get control over the RECORD?

The CHAIRMAN. The Speakers have always exercised it in the House, and the rule gives the Chairman of the Committee of the Whole the same right to enforce order in committee.

Mr. CLARK of Missouri. No. Now, if the Chair will bear with me a minute, the situation is this: The gentleman from Missouri [Mr. RUCKER] had pronounced but about one-half of one sentence. Then the gentleman from Pennsylvania objected, and the gentleman from Ohio [Mr. GROSVENOR] impinged into the situation and insisted not only that what the gentleman from Missouri was about to say was out of order, but that what he had said ought to be stricken out of the RECORD. My understanding was that the Chair sustained the contention of the gentleman from Ohio. Well, I submit now, with all good feeling for the Chair and for everybody else, that the Chair had no right to make any such order.

Mr. CRUMPACKER. Will the gentleman from Missouri allow a question?

Mr. CLARK of Missouri. Yes.

Mr. CRUMPACKER. Is it not true that the Committee of the Whole makes its own RECORD? The House can not know officially of the RECORD of the Committee of the Whole, and it can only revise the RECORD when the Committee of the Whole does an improper thing or puts an improper thing in the RECORD. It seems to me logically the Committee of the Whole must control its own record. It makes the RECORD and it must control it.

Mr. CLARK of Missouri. No; here is the procedure, Mr. Chairman, I will say in answer to the gentleman from Indiana [Mr. CRUMPACKER]: If anything is spoken on the floor in Committee of the Whole and any gentleman thinks that that language ought to go out of the RECORD, then it becomes the duty of the Committee of the Whole to rise and report the proceedings to the House and have it stricken out by the House or have it left in by the House. Now, just one word more, if the Chair will permit me. This is the first time I ever heard that rule invoked in this House anyhow. I have heard the gentleman from New York [Mr. PAYNE] and the gentleman from Ohio [Mr. GROSVENOR] and the gentleman from Pennsylvania [Mr. DALZELL] and the gentleman from Mississippi [Mr. WILLIAMS] repeatedly refer on the floor of this House to things that happened in the committee, and I have done it myself.

Mr. KEIFER. That does not change the rule.

Mr. BARTLETT. Mr. Chairman——

The CHAIRMAN. The Chair is ready to rule. The committee will be in order. All gentlemen will please take their seats.

Mr. BARTLETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The Chair will first answer the inquiry of the gentleman from Missouri [Mr. CLARK].

Mr. BARTLETT. I want to refer the Chair to the authority.

The CHAIRMAN. Gentlemen will please take their seats. The Chair desires to call the gentleman's attention to Hinds's Parliamentary Precedents, page 884:

Mr. Kem, of Nebraska, rising to a parliamentary inquiry, asked if the remarks made by the gentleman upon the floor, out of order, were entitled to go into the RECORD, when objection was made. Mr. GROSVENOR, of Ohio, made the point of order that the RECORD was not before the House and that the gentleman was not charged with any duty regarding it until the next morning. The Speaker said:

"The Chair is obliged to say that the question of what goes into the RECORD is somewhat of a disputed point. Whatever is presented as a question of privilege and as a part of the proceedings of the House ought to go into the RECORD, but what is said after the question has been ruled upon by the Chair the Chair thinks ought not to go into the RECORD."

Mr. CLARK of Missouri. But my understanding was that the Chair sustained the suggestion of the gentleman from Ohio [Mr. GROSVENOR] that what the gentleman from Missouri [Mr. RUCKER] had just said should be stricken out of the RECORD.

The CHAIRMAN. The gentleman from Missouri misunderstood the Chair, because the Chair distinctly said that what was said by the gentleman from Missouri after the point was made and sustained should not go into the RECORD.

Mr. GROSVENOR. Mr. Chairman, I took no interest in or thought of what was going on until I heard the gentleman from Missouri called to order, and then, in obedience to a mind I have had I made the suggestion, which I have more than once made when a Member has been called to order and proceeds to talk, that what he says ought not to go into the RECORD. I do not know what it was the gentleman was saying, and I do not care. I felt no interest in the question under discussion. Now, a single word further. How can you present to the House tomorrow morning the RECORD of the House truthfully as to what took place in the Committee of the Whole? And necessarily the gentleman from Missouri will find that the rulings upon questions of privilege all along the line are solved in this way, that whatever took place in Committee of the Whole can be regulated and controlled by the action of the Committee of the Whole.

Mr. GAINES of West Virginia. Mr. Chairman, a parliamentary inquiry. Is the Chair ready to rule?

The CHAIRMAN. The Chair has already ruled, and there is nothing before the committee.

Mr. CLARK of Missouri. I want to read one citation to show that the Chair ruled wrong.

The CHAIRMAN. The Chair will stand by his ruling.

Mr. CLARK of Missouri. Right or wrong?

The CHAIRMAN. Right or wrong. [Laughter.]

Mr. ADAMS of Pennsylvania. Mr. Chairman, I move that the committee do now rise.

The question was taken; and on a division (demanded by Mr. GAINES of West Virginia) there were—ayes 141, noes 37.

So the committee determined to rise; accordingly the committee rose, and the Speaker having resumed the chair, Mr. CURTIS, Chairman of the Committee of the Whole House on the state of the Union reported that that committee had had under consideration the consular and diplomatic appropriation bill, and had come to no resolution thereon.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I desire to present a conference report on the Indian appropriation bill, H. R. 15331, with the statement, for printing in the RECORD, under the rule.

The SPEAKER. The report and statement will be printed under the rule.

PROCEEDINGS IN COMMITTEE OF THE WHOLE.

Mr. CLARK of Missouri. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. CLARK of Missouri. For the purpose of having a question of order settled.

The SPEAKER. About what?

Mr. CLARK of Missouri. A question of the highest privilege of the House.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. In the course of certain remarks by Judge RUCKER——

The SPEAKER. Where did the gentleman make the remarks?

Mr. CLARK of Missouri. In the Committee of the Whole. This affects the RECORD, if the Speaker pleases. The gentleman from Missouri, Judge RUCKER, was making remarks on the publicity bill and had delivered about one-half of a certain sentence when the gentleman from Pennsylvania [Mr. OLMSTED] raised the question of order that he was violating the rule that prohibits reference to what happened in a committee of the House. Then the gentleman from Ohio [Mr. GROSVENOR] insisted that not only what Judge RUCKER said subsequent to that in the same line should be stricken from the RECORD, but what he said prior to that, to which the gentleman from Pennsylvania objected, should be stricken out of the RECORD. The Chairman of the Committee of the Whole House on the state of the Union, Mr. CURTIS, for whom I have the kindliest feelings, sustained a part of the motion of the gentleman from Ohio; that is, as to what Judge RUCKER said after he was called to order.

The SPEAKER. The Chair is prepared to rule. The Chair has no knowledge of what took place in the Committee of the Whole House on the state of the Union. The Committee of the Whole House on the state of the Union is a committee consisting of all the Members, and the Chair has no means of ascertaining what took place in that committee except upon a report by the Chairman of that committee to the House. The Chair knows nothing from that report. The Chair has a precedent that is in hand, which will be found on page 403 of the Manual. It is as follows:

The Speaker can not rule in regard to what occurs in Committee of the Whole unless the point of order is reported to the House for decision.

Mr. CLARK of Missouri. That is exactly what I am doing now.

The SPEAKER. But some other Member might disagree with the gentleman. The gentleman from Missouri bears no mission from the Committee of the Whole House to report to the House what happened there.

Mr. CLARK of Missouri. Mr. Speaker, I do not want to be overpersistent, but I have two citations in point also which I will read, if the Speaker will permit me.

The SPEAKER. The Chair, through courtesy, will hear the gentleman.

Mr. CLARK of Missouri. I do not care how I obtain the right, if I can read it. [Laughter.] I read from page 403 of the Manual, near the middle of the page:

The Committee of the Whole, having no control over the CONGRESSIONAL RECORD, reported to the House an alleged breach of privilege involved in the reading of an anonymous letter in the committee, and the House struck the letter from the RECORD.

The SPEAKER. Precisely, but the gentleman is hoist by his own——

Mr. CLARK of Missouri. I wish the Speaker would proceed, for that is a good quotation from Shakespeare. [Laughter.]

The SPEAKER. What the gentleman has just read is exactly in point as sustaining the Chair.

The Committee of the Whole, having no control over the CONGRESSIONAL RECORD, reported to the House an alleged breach of privilege involved in the reading of an anonymous letter in the committee, and the House struck the letter from the RECORD.

Now, there is no report touching this matter made from the committee to the House, and therefore there is nothing upon which to base action.

Mr. CLARK of Missouri. Let me make just two remarks. The first one is that the first half of that quotation shows that the Committee of the Whole has no control over the CONGRESSIONAL RECORD, and the second is that while it is true, as the Speaker stated, that I bear no commission to report from the Committee of the Whole, the Speaker of this House has an absolute machine whereby he may find out what the Committee of the Whole did. All that the Speaker has to do is to summon the Reporters and find out precisely what took place.

The SPEAKER. And then, under the rules of the House, the Speaker would become what the Speaker at times thinks his critics are not justified in calling him, a real czar.

ORDER OF BUSINESS.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I now move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the consular and diplomatic bill, and in connection therewith move that all general debate on the bill close at 3 o'clock, the time to be equally divided, one half to be controlled by the gentleman from Virginia [Mr. FLOOD] and the other half by myself, and on that I move the previous question.

The SPEAKER. The Chair will state the motion. The gentleman from Pennsylvania moves that the House resolve itself into the Committee of the Whole House on the state of the Union, and pending that motion the gentleman moves that all general debate close at 3 o'clock.

Mr. ADAMS of Pennsylvania. To be equally divided, Mr. Speaker.

Mr. PAYNE. But that is not in order. That can not be done now.

Mr. PERKINS. Mr. Speaker, have I the right to be recognized on this question?

Mr. ADAMS of Pennsylvania. Mr. Speaker, on that I move the previous question.

The SPEAKER. The motion is not debatable.

Mr. PAYNE. Well, it is amendable, Mr. Speaker.

The SPEAKER. The motion is not debatable.

Mr. PERKINS. Mr. Speaker, I move——

The SPEAKER. The Chair is mistaken. The motion to go into the Committee of the Whole is not debatable or amendable, but the motion to limit the time of general debate is amendable, in the opinion of the Chair. The gentleman from Pennsylvania moves the previous question upon the motion.

Mr. PERKINS. Mr. Speaker, am I entitled to be recognized on that motion?

The SPEAKER. The previous question has been moved, and the very object of the previous question is to cut off debate and amendments. The question is on ordering the previous question on the motion of the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. PERKINS) there were—ayes 126, noes 86.

So the previous question was ordered.

The SPEAKER. The question now is on the motion of the gentleman from Pennsylvania to close debate at 3 o'clock.

The question was taken; and on a division (demanded by Mr. PERKINS) there were—ayes 100, noes 93.

Mr. PERKINS. Mr. Speaker, I ask for tellers.

Mr. HAY. Mr. Speaker, I ask for tellers.

Mr. ALEXANDER. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The yeas and nays are demanded. 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.

Mr. PADGETT. Mr. Speaker, a demand for tellers was made.

Mr. ADAMS of Pennsylvania. Mr. Speaker, a point of order. I maintain that it is too late for tellers.

Mr. PERKINS. Mr. Speaker, a demand was made for tellers. It was not answered because a demand for the yeas and nays was made and took the place of it, and, as I understand, a demand for the yeas and nays takes the Member making the demand for tellers off his feet. The yeas and nays have been refused, and therefore I think the demand for tellers is now in order.

The SPEAKER. The Chair, after inquiry, does not find that this question is controlled or enlightened by a precedent. There may be precedents in the premises, but, if so, they can not be found after hasty examination. Now, the gentleman demanded tellers. Pending that demand the yeas and nays were demanded and the yeas and nays were refused. It does seem to the Chair that the demand for tellers, not having been disposed of, might be regarded as pending, because, perchance, the Chair may have miscounted, the vote being close, or, perchance, gentlemen may have changed their judgment between the time the count was made by the Chair and the present time. As many as are in favor of ordering tellers will rise and stand until counted.

Mr. ADAMS of Pennsylvania. Mr. Speaker, will the Chair hear me for a moment, or has the Chair decided the point.

The SPEAKER. The Chair will hear the gentleman.

Mr. ADAMS of Pennsylvania. Mr. Speaker, it has been the universal custom in this House that the call for the yeas and nays overrides the call for tellers as a higher parliamentary proceeding and privilege.

Mr. PERKINS. Mr. Speaker, that is why I yielded to the call for yeas and nays. That call for the yeas and nays, however, was not seconded by the House. I now make the call for tellers. I entirely agree with the gentleman. He is exactly right, and the Chair sustains the point.

The SPEAKER. As many as favor——

Mr. ADAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent——

Mr. BURLESON. Regular order!

Mr. ADAMS of Pennsylvania. I ask unanimous consent, Mr. Speaker——

Mr. BURLESON. Regular order, Mr. Speaker.

Mr. ADAMS of Pennsylvania (continuing). That general debate on this bill close at the end of four hours, two hours on either side, one-half of the time to be controlled by the gentleman from Virginia and the other half by myself. I think that meets everybody's desires.

Mr. PERKINS. Mr. Speaker, am I entitled to be heard on any motion?

The SPEAKER. Is there objection?

Mr. PERKINS. Mr. Speaker, reserving the right to object, I would like to state the reasons for the position I have taken. I have no desire in any way to harass or delay the business of the House, but in this long debate upon the diplomatic bill Mr. FOSTER of Vermont and myself, of the committee, fourth and fifth on the committee, were each entitled to one hour in our own right. We have yielded and have been glad to yield to Mr. DALZELL and to others who have spoken on important questions all the time that they desired. Now, I have no desire, Mr. Speaker, nor has my associate, Mr. FOSTER, to occupy an hour in our own right, but I do desire the time I have promised certain gentlemen, who, I think, have the right to be heard—the balance of my hour. I wish to have the right to dispose of one hour of this debate, and I am sure that the House, when I have been willing to yield to others who have desired to speak on important questions, will not wish that any member of the committee shall lose his right to one hour for himself or to be given by himself to such other members of the House as have asked for the time and, in his opinion, are justly entitled to have it.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I am asking the time for these very two gentlemen.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. [Applause.]

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The SPEAKER. The question recurs to the motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the diplomatic appropriation bill.

The question was taken; and the motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 19264) making appropriations for the diplomatic and consular service, Mr. CURTIS in the chair.

The CHAIRMAN. Debate is limited to four hours, two hours to be controlled by the gentleman from Virginia, and two hours to be controlled by the gentleman from Pennsylvania.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I yield one hour to the gentleman from New York [Mr. PERKINS.]

Mr. PERKINS. Mr. Chairman, I yield ten minutes to the gentleman from West Virginia [Mr. GAINES.]

Mr. GAINES of West Virginia. Mr. Chairman, I have some embarrassment in following the gentleman from Missouri [Mr. RUCKER] because I shall endeavor to be bound by the rules of the House, and in the outset I want to say that if at any time I transgress them, I shall be obliged if the Chair or any other Member will direct my attention to that fact. Also, I shall say in beginning, Mr. Chairman, as bearing on the subject of publicity in election expenses and of law relative to that subject, that the speech of the gentleman from Missouri shows how futile are rules to bind gentlemen who wish to evade and elude them. Early in this session, Mr. Chairman, a scheme to exploit a particular measure with reference to publicity in election expenses engrossed the attention of the press of this country, attracted the attention of the public to some extent and made considerable impression upon the Members of this House. The result of that exploitation in newspapers with reference to the subject of publicity in election contributions was a bill (H. R. 11642) known generally as the "Belmont bill," promoted by the energy of Mr. Perry Belmont, and introduced into this House by the distinguished gentleman from Massachusetts [Mr. MCCALL]. That bill upon the first reading recommends itself to the judgment of those people who desire to prevent election corruption by giving publicity to election contributions, but I submit to the judgment of anybody who will read it carefully this proposition, that no man can look into that bill without saying that it is drawn, not designedly, I believe, but successfully drawn for the purpose of giving no embarrassment to the man who wishes to contribute to election expenses; and that it would hamper only the man who is conscientious enough to pay attention to the spirit of the law, even when the letter of the law is easy to evade. This bill provides for publicity in election contributions that are made to aid elections of Members of Congress in two or more States of the Union, and made to a political committee having jurisdiction in two or more States of the Union. What futile nonsense, is this, Mr. Chairman!

Contributions to elect Members of Congress or Presidential electors in two or more States of the Union, and to a committee having jurisdiction in two or more States of the Union! It would look as though the gentleman who first drew this bill remembered the situation of the Democratic party. It would look as if he did not desire, for instance, to hamper contributions made to the city committee or the Tammany committee of the city of New York. A great corporation, under the Belmont bill, without any embarrassment whatever, any rich man who chose, could contribute all the millions he desired to the committee of the city of New York to any State committee in the State of New York, or Indiana, or West Virginia, or Missouri—the State of my distinguished colleague upon the committee, Mr. RUCKER. Persons or the corporations might contribute in every Congressional district in the United States and in every county in the United States. Recognizing that condition, what happened? I shall not state what happened in the committee. I shall not state any conditional proposition, and evade the rule when the Chair calls me to order. As I have said once before, those are matters of propriety, and address themselves to the individual discretion and disposition of each particular gentleman. But I will——

Mr. RUCKER. Will the gentleman yield?

Mr. GAINES of West Virginia. I decline to yield. I have only ten minutes and the gentleman had twenty-five.

Mr. RUCKER. I advised the gentleman that I would make use of occurrences in committee.

Mr. GAINES of West Virginia. I admit that. I do not wish to attempt what the gentleman has just done, because I am trying to avoid your open breach of the rules of this House. I decline to yield further, and the gentleman must recognize the justice of it. I will tell you what did happen, from the records of this House. On the 8th day of this month the gentleman from Missouri [Mr. RUCKER] introduced H. R. 19078. An examination of that bill discloses—what? That the distinguished gentleman from Missouri [Mr. RUCKER] agrees with everything I have said—that the Belmont bill is so faulty that it would accomplish nothing in the way of publicity of elections, nor constitute one single influence toward honesty and decency of elections or publicity in election contributions. [Applause on the Republican side.] It shows, Mr. Chairman, further—it shows that the distinguished gentleman from Missouri [Mr. RUCKER] recognizes the fact that no Federal election law—and it is a strange thing that the Democratic party should be standing here as the champion of Federal election law in this Congress, I remark in passing—it shows that he has by his act admitted and by his bill asserted that no Federal election law can reach the difficulty sought to be reached unless we concede that the Government of the United States in matters of elections may not only regulate the contributions of money to elect Members of Congress and Presidential electors, but that it may go beyond it and take jurisdiction of every contribution with reference to every person to be voted for at any election where Members of Congress may by law be voted for.

The bill of the distinguished gentleman from Missouri [Mr. RUCKER] provides that Congress can take jurisdiction of contributions to State committees. It provides that punishment may be had through the Federal courts of anybody who contribute to a State committee pending any election at which Members of Congress and Presidential electors may by law be voted for. Therefore, Mr. Chairman, what reason was there for stopping there? If the Belmont bill was perfect, as you have asserted, notwithstanding your act here in introducing your bill, notwithstanding the flattery you put in the RECORD this morning concerning the Belmont bill, what is the reason for its being defective? Because it did not include State committees? What reasonable man can claim that your bill is other than mere nonsense and balderdash and claptrap and an appeal to the uninformed when it stops at State committees? [Applause on the Republican side.] What good was there in doing it? And what eulogy is to be made of that measure? The gentleman does not claim it is perfect. I announce and assert that no bill ever introduced in this or any other legislative body had fewer of the earmarks of perfection than that bill of yours.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. GAINES of West Virginia. No; I will not. If my time

be extended I will yield to anybody with great pleasure, and to no one with more pleasure than to the gentleman from Texas. Now, then, since it seems that public opinion was changed in this country, since it seemed that the Republican party was not to be denounced——

The CHAIRMAN. The time of the gentleman has expired.

Mr. PERKINS. Mr. Chairman, I yield five minutes more to the gentleman from West Virginia [Mr. GAINES].

Mr. GAINES of West Virginia. Since, Mr. Chairman, it seemed that the Republican party, which has been in the past so severely criticised by its Democratic friends because it favored a Federal election law, was now to be assailed from that same high source because it was not ready enough to take Federal jurisdiction of elections in this country, I myself, having none of the constitutional difficulties on that subject so offensive to my Democratic friends, until I found that the gentleman from Missouri had taken the lead and crossed the Rubicon, and asserted that every election in this country, for every officer voted for where a Member of Congress might be voted for, might be controlled and ought to be, at least, in part, controlled by the Federal Government, I introduced a measure on May 21, 1906, which provided for publicity not only for contributions made under the Belmont law, to elect Members of Congress and Presidential electors in two or more States, not only, as in the Rucker bill, contributions made to State committees, but to control contributions made to elect any officer, or to any person or committee in aid of the election of any officer, who was to be voted for at the same time that a Member of Congress was to be voted for. Unless we can wipe out the difficulties of State lines in the matter of Federal jurisdiction to control election expenses, it is absolute demagogy, in my opinion, to endeavor to pass any legislation at all on this subject. If we may go that far, then we may do it with success. It makes no difference whether the money contributed to influence elections be contributed to a Member of Congress, or a Presidential elector, or to elect a governor, or a State officer, or some county or city officer to be voted for in the same ballot box. Knowing this, I introduced the bill H. R. 19515. I repeat, Mr. Chairman, that it is absolutely useless and absurd for the people of this country to demand plenary relief at the hands of Congress, and not give full jurisdiction to deal with the subject or consent to the exercise of that full jurisdiction.

Mr. RUCKER. Will the gentleman yield for just a moment?

Mr. GAINES of West Virginia. Though it is not just, I will yield to the gentleman as the more polite course.

Mr. RUCKER. Did I not urge in every way that I could the taking up of the bill and reporting it?

Mr. GAINES of West Virginia. I shall not now, Mr. Chairman, criticise the ingenuousness, or lack of it, on the part of the gentleman who asks me to follow him into an open violation of the rules; but I say this, that an examination of this bill will, in my opinion, show that if the Federal Government has jurisdiction enough to accomplish anything the bill I introduced will reach the point. It may be violated. It can not be evaded. Now, the bill introduced by the gentleman from Massachusetts [Mr. MCCALL] and the one introduced by the gentleman from Missouri [Mr. RUCKER] nobody would violate, because the merest child could evade it with impunity, or know how to do it.

There are some people, it is to be remembered in matters of election laws, as I stated in the beginning, who do not need drastic rules to control them, and others, again, can not be controlled by any rule or the underlying sense of propriety which led to its adoption.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. PERKINS. I yield the gentleman one minute more.

Mr. GAINES of West Virginia. I will say, however, to the gentleman from Missouri [Mr. RUCKER], in reply to his question, that if my bill be faulty in one particular matter, to which I myself called the attention of the committee and upon which I asked the committee's advice and suggestions—viz, with respect to the time when expenditures must be reported, as relating to the last expenditures made during any campaign—with that possible exception, I believe, it reaches the point. And the remarks made by the gentleman from Missouri, in violation of the rules of this House, show that if he filibustered against the consideration and consumed the time of the committee it is no fault of mine.

Mr. RUCKER. The gentleman knows that is not a fact, and he will not assert that as a fact.

Mr. GAINES of West Virginia. Your speech will prove it. [Loud applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. PERKINS. Mr. Chairman, after we have had three or four days of exciting debate upon a question as burning as that of tariff legislation, it may be a soothing change to the committee if we return to the dignified calm of the diplomatic service.

Now, Mr. Chairman, what I wish to say in connection with the service may have some interest to the members of this House, because I wish to furnish some figures in connection with the civil service of the United States and the service of Members of this House of Representatives. Two or three weeks ago there was reported from the Committee on Foreign Affairs a bill in reference to the consular service, and at that time it was suggested that similar legislation might be unfavorably regarded, because it might tend to diminish the patronage sometimes exercised by Members of the House in reference to the appointment of those connected with the consular service. I might say, Mr. Chairman, that such bits of patronage as exist with reference to the consular service are absorbed at the other end of the Capitol, and rarely, indeed, do they reach this House. But beyond that I wish to suggest to the attention of the committee not only my own views, but my own views based upon the records of the House of Representatives, in reference to the usefulness of any form of patronage to us.

I should say in this connection a word in reference to a criticism often made outside as to the consular bill. There was a demand that came to many Members of this House from many organizations and leagues for the reformation of the consular service, asking that Congress insert in that bill a provision requiring that appointments to the consular service should in future be made by what is called a "civil service examination." Now, I wish to say, Mr. Chairman, that those demands, no matter how worthy the gentlemen or the organization from which they have come, seem to me essentially futile. Everyone of us knows, or should know, that under the Constitution the Congress of the United States has no power to limit the choice of the Executive, given him by the Constitution, with reference to foreign ambassadors and consuls. It is said that such a provision as is demanded might state and record the solemn opinion of Congress. I submit that it is not the business of Congress to pass what should be called a law that may be obeyed or that may be disobeyed. When we pass a law, we pass a law that must be obeyed. We do not pass a law that in the form of law is mere advice. Furthermore, the demand that is made upon us is made to the wrong place. If the gentlemen interested in a change, in a reformation or improvement of the consular service, wish to effect the change they ask for, they should turn their artillery not upon Congress, which does not have the power, but upon the Executive, which does have the power. If it is an improvement to have the members of the consular service chosen by a civil-service examination, to have it wholly taken out of political influence, that change can be made to-morrow by Executive order, and any President can follow it so long as he sees fit; but not for one single day is he bound to follow such a system, though Congress should pass laws from now until the end of this session upon the subject.

Now, Mr. Chairman, what I desired to say about the effects of the civil service was a little different. We have had very many Members of this House complaining in reference to the effects of the civil-service system. I am not here either to attack or to defend that system. I recognize the fact that there are many persons in the service of this Government who have attained their positions by the system now in force who have become inert from age, who are useless from indolence, who show their only signs of activity when they demand shorter hours of work or larger rates of pay. I recognize the fact, also, that in former days there were many persons appointed to the civil service whose activity displayed in carrying caucuses did not show in them any fitness to copy records of the Treasury Department.

But what I want to suggest is not the effect of our civil-service system upon the civil service itself, but its effect upon the tenure of office of Members of the House of Representatives.

I assume that in desiring the possession of patronage and the power of appointment no one of us is entirely altruistic. I assume that we gentlemen do not desire the possession of patronage solely to do good to somebody else without any thought of whether it will do good to ourselves; I assume, and it is neither a violent nor an improper assumption, that the desire of Members of this House is, as it properly may be, for such reasonable continuation of their own service in the House as they can properly obtain. And as bearing upon that I desire to submit to the Committee of the Whole some figures which I owe to my friend and colleague [Mr. ALEXANDER], whom I do not now see here, but whose valuable book upon the political history of the State of New York will soon appear, and will, I am certain, furnish both interest and profit to all who may read it.

It appears that the State of New York from the time of its organization down to the year 1860 was represented by about 600 Members of Congress in all. How many do the members of this committee suppose of those 600 Members of Congress served only one term? Four hundred Members, two-thirds of the entire number of Representatives from the State of New York from 1789 to 1860, served only one term in Congress. How many were able to stay in two terms? One hundred and fifty only. One hundred and fifty, one-quarter of the membership, were enabled to keep themselves in Congress for two Congressional terms. Of that whole 600 Members there were only 50, only one-twelfth, that were allowed to remain in Congress more than two terms, and there was only one out of the 600 during a period of seventy years that was elected by his constituents for ten terms in Congress. The name of that gentleman, whose career is so unique in our early history, I am sorry to say I have forgotten. [Laughter.]

Now, Mr. Chairman, during all that period Members of Congress had to the fullest extent the possession of political patronage; there was no civil service to rob them of their rights. Every man who got a position in Washington, and every man who got a position out of Washington, had to obtain the sign manual, the recommendation of the Member from his district. What does it show, Mr. Chairman, when 400 Members of Congress, although possessed of this political patronage, were cut off at the end of their first term of Congress? Does it show that political patronage is, as is supposed by some, a means to lengthen political life, or does it show, Mr. Chairman, that it is a means of hastening political death?

Similar figures are shown for the next period of twenty years, and then we come down to what may be called "the present time," to the period when patronage has been so largely cut off that you might almost say that it is nonexistent. What has been the effect of this change upon the terms of Members of Congress? For the purpose of this argument, I do not care what has been the effect upon the character of the men that have been appointed. The House of Representatives is a part of the Government; some think not an important part, but still it remains a part. We have a right to consider the effect upon the service, upon the House of Representatives of any change made in our political system.

Now, Mr. Chairman, let us take the present House of Representatives; and many changes have been made, because four years ago the size of the membership was increased, and, as a result, nearly 10 per cent of new members were added. Yet more than one-half of the present House of Representatives have served more than two terms. Of the 600 men sent by the State of New York during seventy years, two-thirds only got a chance to sit in Congress for two years. Their political lives were brought to an end, not in their political manhood, but in their political babyhood. They possessed all the powers of patronage, and yet they come to an early and untimely end. In this House of Representatives only one man in six or seven is now serving his first term, whereas in New York formerly two-thirds were first-term men. Take the delegation from the State of New York, and over one-half of them, nearly three-quarters, have served more than two terms. Formerly only one-third of the membership were allowed to serve two terms. In other words, the average length of service of Members of Congress either from New York or elsewhere has nearly doubled.

Let us take another figure. In the New York delegation, formerly only 1 man out of 600 served ten terms, and only 1 man out of 12 served more than two terms. Now one-twelfth of the House of Representatives have served seven terms or more. In the New York delegation, where for seventy long years we find only one man that could keep in Congress for ten terms, we have now three Members that have served more than ten terms, one Member who has served nine terms, and two-thirds have served three terms.

Now, Mr. Chairman, what is the explanation of this? Take the delegation of the State of New York. That delegation—I say it without any undue modesty—I do not believe that the delegation from the State of New York, on an average, is any better or is any wiser than the representation which that State had during those seventy long years. I am free to say, Mr. Chairman, that I do not think it is, on an average, any worse delegation. We hear talk about the superiority, the greater wisdom, and greater patriotism of the earlier Congresses, but I confess that in that I do not believe. I imagine that on an average we are just about as good as our predecessors were, and we are no better. So it is evident, Mr. Chairman, that our longer tenure of office is not to any large extent due to any superiority in wisdom or any superiority in virtue.

It will be said that there is a greater tendency in the country to continue the same men in Congress. That is undoubtedly the fact, Mr. Chairman, but the question is, What is the explanation of the fact? If you find any change in public opinion, you may be certain that there are reasons back of the change. It seems to me that the reasons are perfectly apparent. Our predecessors had unlimited patronage. Where they appointed one man they necessarily disappointed ten men. Those men at once formed a coherent body, who said, "If we can get out the man who is in, the man who is out will get us in." There was, when a new man came up for nomination to defeat the sitting Member, a coherent body of workers who were actuated by the hope—by the belief—that if they could get their man in there was a $1,200 job down in Washington waiting for them. Well, there is no use of promising those jobs now, because even the boys in the wards know there are no such jobs to give, and it results that instead of the constant presence of a coherent body working to get out the sitting Member in hopes of furthering their own personal interests, the sitting Member is left undisturbed unless he has given dissatisfaction to the community as a whole. Mr. Chairman, that is the explanation, it seems to me. It must be the chief and almost the only explanation of the notable fact of the gradually increasing tenure of office in the House of Representatives during the last twenty years.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman who is giving us such valuable information whether he has made any investigation as to how many of these Members were defeated because they were not renominated or how many were defeated because of the changeable politics of New York State.

Mr. PERKINS. Mr. Chairman, I say, in answer to that, the politics of New York State were changeable then, and they are changeable now. In our present delegation of thirty-seven Members there were seven or eight changes due to political changes, not due to defeats in nominations, but to defeats in elections. And that is always true in the State of New York. I do not think that there were any more changes due to changes in elections in the State of New York during the first seventy years than there have been during the last twenty-five years. The percentage of change is always larger in New York than it is in many other States, and it is for this reason that I have taken comparative statistics from the State of New York, where the same conditions still exist.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. Certainly.

Mr. FITZGERALD. Is it not a fact that there has been a growing tendency in the State of New York to continue Members in the House from the State of New York because it has become apparent that States that have retained Members here continuously for a long time have had in proportion to the number of their delegation a much larger influence and domination in legislation in Congress; and was not that notably the fact in the case of the State of Maine a few years ago, and in the case of the State of Iowa? There are a number of other States that can be mentioned with a comparatively small number of representatives, who, by reason of their long service and power acquired by committee positions, have a much greater influence than a much larger delegation from a larger State.

Mr. PERKINS. Mr. Chairman, I would say in answer that the States of Maine and Iowa have always been represented with great ability undoubtedly, and yet no more so on an average than the State of New York. I do not think the explanation of the gentleman is an explanation of the problem. If there were 500 men in the gentleman's district who thought they could get some position in Washington if they could get him out and get somebody else in, they would not be hampered by any considerations of whether the good of the State at large would be benefited, because his longer service might make him more useful.

Mr. FITZGERALD. But the gentleman does not think that 500 men in any one district would believe that they could get one position or that there would be 500 positions that could be obtained by any one Member?

Mr. PERKINS. In answer to that I will say that in what are called the "good old days" it was a poor Congressman who did not have at least fifty positions he could give, and it was a poor candidate for Congress who could not promise each one of those to ten men. [Laughter.]

Mr. FITZGERALD. That would not be true of a Representative from a large city. It might be in the rural districts, where they have the post-office patronage.

Mr. PERKINS. But apart from that, let me suggest to my friend, it is not the patronage in the city itself. I have heard the incident told of one gentleman, from, I think, the State of Indiana, who came down here twenty-five years ago and in the Departments in Washington obtained from fifty to sixty positions, but who was defeated for his renomination because the

man in the next district, as was said, had obtained for his constituents between seventy and eighty positions. I will ask the gentleman from New York [Mr. FITZGERALD] to think for a moment of these great Departments in the city of Washington, with their thousands of employees, and of how many my friend would be entitled to under a Democratic administration, if he had the fair quota of his district, out of the thousands and thousands and thousands of employees in those different Departments here in the city of Washington.

Mr. FITZGERALD. Well, with sixteen Representatives from my city, my quota would be pretty small.

Mr. PERKINS. It might make his constituents so greedy with desire that even with his abilities they might make it impossible for him to retain his seat so long as I hope he may.

Mr. DRISCOLL. I have been very much interested in these figures, and I would like to ask the gentleman if he has any data as to the length of service of Members of the House from New York between 1860—the time that his data seems to close, according to his statement—and in 1882, when the civil-service law was first inaugurated?

Mr. PERKINS. I can only say in reference to that, I was informed by my friend, Colonel Alexander, that he had not the precise figures, but he thought that they did not vary largely. He thought, if I remember correctly, that they did not vary materially from the figures he had down to 1860. I must give you his answer just as he gave it to me. I would say, from my knowledge of the politics of western New York, which I have and as I remember as a boy and by reading, I do not think the gentleman would find much difference between 1860 and 1880 and 1790 and 1860.

Mr. DRISCOLL. May I ask another question? Is it not further true that terms of office in New York State, in the assembly and the senate and other official places, have been extended during this late period longer than they were years ago?

Mr. PERKINS. I do not know how that is.

Mr. DRISCOLL. Is not that the general tendency in New York State, to give officials longer periods in public office?

Mr. PERKINS. Well, I could not say they are materially longer in members of the lower house of the legislature. In western New York the term is still two years for about nine-tenths, and about one-tenth get a longer tenure up where we are and in Syracuse. You will not find many members of the assembly who get over two terms.

Mr. DRISCOLL. Some of them get five or six.

Mr. PERKINS. Yes; some.

Mr. FITZGERALD. Is not that because members are of such capacity that after two terms in the assembly they are candidates for what they term "higher places?"

Mr. PERKINS. Oh, no; I think not. I do not know what they are candidates for, but nine-tenths of them are retired without getting it.

Mr. FITZGERALD. A great many of the gentleman's party, I am sure, do advance to higher places, and that is one reason why they do not continue in the assembly.

Mr. PERKINS. Yes, sir; some of them do.

Mr. DRISCOLL. Does not the gentleman think at present there are other avenues of ambition, so that less men in New York care to go to Congress now than formerly?

Mr. PERKINS. No; I think the proportion is just the same. Formerly there was only one Member for every fifty or sixty thousand population; now there is one for 225,000. I can assure my friend that he would find among the people whom he represents so well just as many who would be glad to get his place, if they could, as was the case forty years ago.

Now, Mr. Chairman, I have already talked longer than I proposed. I only wish to suggest this to the gentlemen of the committee in closing. It seems to me that a man who desires to subject himself to all the annoyances and all the vexations of having to make political appointments, with a very good chance that he will get turned out of Congress as a reward for his pains, requires a high degree of political unselfishness. Whatever may be said of civil-service reform, to Members of Congress it has been an unmixed blessing. It has made our lives happier; it has made our term of service longer. If there is anybody who wants to overthrow that system in order that he may get a job for some ungrateful constituent, he may be a very philanthropic man for the interest of others, but if he considers his own interest, it seems to me that he is a good deal of a fool. [Applause.] Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman has thirteen minutes remaining.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 18439. An act to authorize the construction of a bridge across Tallahatchie River, in Tallahatchie County, Miss.;

H. R. 18026. An act permitting the building of a dam across the Mississippi River near the city of Bemidji, Beltrami County, Minn.; and

H. R. 17507. An act to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory.

The message also 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. 18537. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907;

H. R. 12064. An act to amend section 7 of an act entitled "An act to provide for a permanent Census Office," approved March 6, 1902; and

H. R. 15266. An act to amend existing laws relating to fortification of pure sweet wines.

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

S. 6243. An act to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands;"

S. 4716. An act authorizing the procuring of additional lands for the enlargement of the site and for necessary improvements for the public building at Butte, Mont.; and

S. 4400. An act to grant certain lands to the town of Fruita, Colo.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The committee resumed its session.

Mr. FLOOD. I yield one hour to the gentleman from Florida [Mr. LAMAR].

Mr. LAMAR. Mr. Chairman, I desire to address the Members during the time allotted to me upon a much-discussed, long-protracted, and debated question—the railroad rate question. One would think that the Members here and the public had heard that subject almost ad nauseam, to say nothing of ad infinitum, but when the Hepburn bill finally passes, even with the remedial amendments impressed upon it by the Senate, it will still leave the shippers of Florida and the consumers and producers of that State largely defenseless against railway extortion and railway exactions, and for that defenseless position the American Congress is responsible, Democrats and Republicans alike.

This question has been treated in the debates upon it as nonpartisan, and I am glad of it. It enables me to speak with freedom as to my own party's action upon railway rate legislation without having the hypocritical pretense made that it disturbs party harmony or in any way breaks in on the line of party allegiance. What the people of Florida want, what the people of the Third Congressional district in that State want, is for the American Congress to write into the laws of this land provisions that will entirely guard them against unreasonable and unjust railway rate charges and against every device known to railway cunning and railway ingenuity to accomplish that result. Unless the Congress yields that much, then the people of Florida have not obtained on the statute books of the United States that which they in part, at least, demand. It is with the voice and sentiment of my people, so far as I represent them upon this important occasion, that I propose to submit some reflections upon a yet unsettled problem. And I desire to say to my party colleagues, in all candor and in all sincerity, coming from a loyal Democratic constituency, that our people would have more pleasure in the criticisms, coming from my party side, of a Republican President upon the railway rate question if their official action on the floor of this House had one year ago measured up to the length of his recommendations to the Fifty-eighth Congress.

I say frankly that I speak in protest here against any shortcomings on the part of the Democracy of the House of Representatives, as well as upon the part of the Republicans, upon this great national nonpartisan question.

Mr. Chairman, it appears, out of a long-continued debate, that there are two questions of primary importance in the consideration of this great question. The controversy will never be ended, the subject of this debate will never be concluded, until these two questions are settled properly. As long as the American Congress leaves in the hands of the railroads the fundamental right of rate making, as long as the people of this country, through their legislative body, leave in the hands of the railroads the power to fix their own valuations of their own property, upon which just and reasonable rates are sought to be levied—as long as these two great powers are left in the hands

of the railroads, then I pronounce the Hepburn bill, with all the remedial amendments impressed upon it by the Senate, as a mere delusion and a snare.

It is not creditable to the American Congress that they failed to write into the laws of the land those wise and just provisions which their own expert governmental agencies advised them to do. And I say the American Congress for ten years has been wisely and properly advised by their own Interstate Commerce Commission, and by the Industrial Commission, which was composed of members of the House of Representatives and of the Senate and of ten prominent business men of the country. The members of this House and of the Senate have been properly advised by those voluminous and long-extended reports for years past of the great evils done to the shippers of this country and to the producers and the consumers by railway extortion. And the American Congress has flouted those reports—and I use the word advisedly. Whose opinion is to control in framing legislation upon this subject? Not mine, particularly; not yours, particularly; not the opinions of Democrats, particularly; not the opinions of Republicans, particularly. If this Congress does properly it will go to those reports and find out from them exactly wherein the shippers and producers and consumers in this country are injured by railway extortion. Now, Mr. Chairman, I propose to take up, first, the great subject of classification. When the Hepburn bill becomes a law without granting to the Interstate Commerce Commission full power and control over the great classification of freight, a great wrong and a great injury will have been done to the American producers, the American shippers, and the American consumers.

In not giving this power in the Hepburn bill to the Interstate Commerce Commission the members of Congress have thrown aside the report of the Industrial Commission made to the Fifty-seventh Congress, and have flouted and turned down the reports made to the Senate and the House of Representatives by their own governmental expert agents, the Interstate Commerce Commission.

I will discuss, first, the classification of freight rates. The classification of freight rates is the true rate-making power itself in another form. The House of Representatives is about to pass a bill which leaves this potent weapon of harm still unsheathed in the hands of the railroad companies. Mr. Chairman, if the American public fully understood these wise recommendations of the Interstate Commerce Commission and the report of the Industrial Commission upon this subject of classification, and if they believed them, there are not many men on the floor of this House who could secure their election to the Sixtieth Congress unless they would put themselves in accord with them. I wish, first, to read a letter that I addressed to the railroad commission in the State of Nebraska. A similar letter, exact in terms, was addressed by me to the railroad commissions in every other State.

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 2, 1906.

PRESIDENT RAILROAD COMMISSION,
Lincoln, Nebr.

DEAR SIR: Can you send me a copy of your State railroad commission law? If so, I would be greatly pleased if you would send same to me at once. I thank you in advance now for your courtesy.

Will you also write me a short letter stating whether your commission has the power to make a change in classification of freight rates, and to what extent? Also your opinion as to the value of this power lodged in your State commission and in the National Commission.

I am very anxious, indeed, speaking for the shippers in the Third Congressional district of Florida, to see the Interstate Commerce Commission have this power over classification, at least over items and groups, as recommended by the Industrial Commission to the Fifty-seventh Congress. It seems to me that the Hepburn bill is very defective in not having this power lodged in the Commission.

It leaves it in the power of railroad companies to raise their rates at will through the medium of change of classification of rates. Your prompt reply, with a copy of your State railroad commission law, and your opinion in this matter will be greatly appreciated by me.

Very sincerely, yours,

W. B. LAMAR,
Member of Congress, Third District, Florida.

In reply, written on the back of my letter which was returned to me are the words, "No railroad commission in this State."

I am not astonished that William Jennings Bryan was beaten in his own State in the election for President of the United States when the Republican party had left in the hands of the railroads the power to control the business there without a State railroad commission. A great producing, a great consuming, and a great shipping State, without any protection from railway discrimination and railway extortion inside the borders of that State. It is almost impossible to beat the Republican party and its allies—the railroads.

Mr. Chairman, before reading the replies I received from some of the railroad commissioners, or their secretaries, let me very briefly call the attention of this House to the danger of leaving in the hands of the railroads this vital power to them for raising rates, this injurious power to ourselves and our constituents, this power over classification of freight. I shall quote in part from the report of the Industrial Commission made to the Fifty-seventh Congress five years ago:

FREIGHT CLASSIFICATION.

Attention has been directed to the significance and importance of freight classification of late, by reason of the use made of it in the recent notable advances of freight rates throughout the country. Shippers have awakened to the fact that classification is a factor of primary importance in the making of freight rates. From a public point of view, the topic is important because the supervision or control of classification apparently was not contemplated by the original act to regulate commerce. The anomalous situation is presented, therefore, of a grant of power intended to prevent discrimination in freight rates, while at the same time provision for control over an important element in such rate making was entirely omitted.

And again:

Without recommending arbitrarily the necessity for a uniform classification of freight in the United States, it seems that under the complicated system which exists at the present time there ought to be some public supervision and control. There is absolutely none at present, as will be shown in detail in a subsequent chapter dealing with the powers of the Interstate Commerce Commission. The mere adoption of a uniform classification, as proposed in the Cullom bill, can accomplish very little, unless with this there be coupled the proper legislation for the enlargement of the powers of the Interstate Commerce Commission in respect to the control of rates.

To show how railroads use the device of "classification" to raise rates I submit this further extract from the report of the Industrial Commission:

THE GENERAL FREIGHT RATE ADVANCES BY MEANS OF CLASSIFICATION CHANGES.

The long-continued and steady decline of freight rates since the civil war has given way in 1900 to a marked advance in the published rates. No similar attempt, with the exception, perhaps, of the year 1894, has been made to arrest, by concerted action of all the roads of the country, this progressive decline, due to a considerable degree, as it has appeared, to competition between the railroads themselves. The peculiarity of these advances of 1900 is that they have been made, not by direct changes of tariffs, but by modification of the freight classifications. Merchandise, as is well known, is thrown into various classes according to its value, bulk, risk, etc., and the charges are graded accordingly. Consequently the transfer of a particular commodity from one class to another may operate materially to increase the rate of freight charge. Thus, for instance, the freight rate from New York to Atlanta by any all-rail line is fixed by common agreement at $1.14 per 100 pounds.

The rate on second class is 98, on third class 86, on fourth class 73, etc. It is apparent that if goods—axes, for example—which were formerly fourth class are by a change in classification made third class, this operates to increase the rates between these points specified from 73 to 86 cents. Moreover, since these classifications, as will be shown later in this report, are agreed upon by all railroads operating within each specified territory, a change of classification operates simultaneously to increase rates throughout the entire section. The same result may be attained also by changing classification according as the goods are shipped in carloads or less than carload lots. Thus, if a commodity was formerly classified as fourth class when shipped in carloads and as third when in less than carload lots, if the distinction between these two classes of shipment be removed and all are classified as third, whether in large or small quantity, this likewise results in an increase of the freight rate to the large shipper by the difference in the rate between third and fourth class. Or, again, as will be shown, certain commodities are sometimes exempted from classification by a special or "commodity" rate, as it is called. This commodity rate is usually very much below the rate for classified merchandise. Thus corn by the Official Classification is sixth class, and the rate from Chicago to New York for that class is 25 cents. If, however, corn actually moves under a commodity rate of 17½ cents per 100 pounds, the cancellation of the commodity rate immediately operates to put corn in class 6, thereby raising the rate to 25 cents.

Among the general recommendations of the Industrial Commission was the following one:

(*f*) For a specific grant of power to the Interstate Commerce Commission over classification, both as to items and grouping.

Coupled with this, however, we dissent from the section of the so-called "Cullom bill" requiring the Interstate Commerce Commission within a certain period to promulgate a uniform classification for the United States. This is not intended to detract from the importance or desirability of greater uniformity in classification, but action to this end should be taken by the carriers on their own initiative.

In aid of this contention I offer an extract of a letter from Hon. R. Hudson Burr, a member of the Florida State railroad commission, with reference to the pending bill:

I see that it gives no supervision whatever over the classification. While this bill may prevent the railroads from raising or lowering a rate or freight tariff, it will amount to very little if the railroads are to be the sole judges of classification, for that has always been the favorite instrument in their hands for tampering with rates. It is possible to change whole tariffs almost by use of the classification, and it is done.

For instance, the Florida railroad commission when it first organized adopted what was known as "Southern Classification No. 25" as the Florida classification. In about two years' time the southern classification had been changed until something like 500 articles in classification No. 25 had been raised, and at that time the railroad commission revised the Florida classification, placing back the articles thus raised by the railroads, and adopted what was known as the "Florida Classification No. 1," and now we find that again each year, when the traffic managers have met for the purpose of going over these matters, they have raised items in the southern classification until it differs materially from our classification. If they used the Florida classification on interstate shipments into Florida, it would not affect us so badly; but where the southern classification is higher they use it, and if in a remote case an item should be higher in the Florida classification they would use that. In other words, they use that which results in the highest rate.

It seems to me that it would be a farce to pass a bill enlarging the

powers of the Interstate Commerce Commission in which they were given the right, where complaint is made of the unreasonableness of a rate, and after hearing, etc., to substitute in lieu thereof a just and reasonable rate to leave the classification entirely in the hands of the railroad people. The Commission should have supervision of the classification to the same extent that they are given supervision over the rate; that is, where an article is classed in a manner to make it unreasonable and unjust that upon complaint, investigation, and hearing the Commission should have the right, if found to be as complained of, to substitute in lieu thereof a reasonable and just classification of the article or articles complained of.

When the Hepburn rate bill was being considered in this House some weeks ago I used the following language:

I shall offer an amendment at the proper time giving the Interstate Commerce Commission the authority and power over items and grouping, in order that the Commission shall have some disposition over classifications of freight, in this bill, as follows:

"On page 10, section 4, line 15, after the word 'regulations,' insert the words 'or classifications;' and after the word 'regulation,' in line 23, insert the words 'or classification;' and on page 11, line 5, after the word 'regulation,' insert the words 'or classification.'"

I did offer that amendment to the Hepburn rate bill on this floor, and Democrats and Republicans united to vote it down.

Mr. BARTLETT. May I make a suggestion to the gentleman?

Mr. LAMAR. I yield to the gentleman.

Mr. BARTLETT. The gentleman will recollect that less than a week ago the Supreme Court of the United States decided what is known as the "Hay case," in which they decided that the railroad, by a mere change of classification, could immensely increase the rate of freight on hay; and the Supreme Court affirmed the decision of the lower court, saying that the Commission had no such power to fix the rate and that the railroads could do it at will.

Mr. LAMAR. Mr. Chairman, I make this address with a view of calling the attention of this House, without regard to party, to what I regard as the laches of this House and the laches of the body at the north end of this Capitol.

Mr. BARTLETT. I want to call the attention of the gentleman to the fact that there has been introduced into this House a bill by the gentleman from Louisiana, who represented the views, and it was drawn by him and other minority Members united expressly to give the Commission power to change the classification on rates.

Mr. LAMAR. I am making my remarks perfectly impersonal and addressing them to the Members of this body without regard to party. I am asking the attention of the committee to the fact that in legislating against railroad extortion we have left one of the most vital powers to extort still in the hands of the railroads, and flatter ourselves that we have taken this power from them in passing the Hepburn bill. The Hepburn bill permits the Interstate Commerce Commission to reduce only one unjust and unreasonable railroad rate at a time, and that can not be done by the Commission except when some one makes a complaint. It leaves the railroads with the power still to raise a thousand rates in a night by the covert and fraudulent device of a change in classification of freight. Commissioner Burr, of Florida, is correct when he characterizes the Hepburn rate bill as a "farce" in this respect.

I protest in advance against the passage of that bill, although I shall vote for it as the best that I can get at this session. I protest against it upon the very ground that it does not embrace in its terms the elimination of this dangerous and potent power for harm, the power of classification enjoyed by the railroads at the present time, and which will be enjoyed after the passage of the Hepburn bill, and I say it is not creditable to the American Congress that they leave the railroads in possession of that power.

I am not attempting to inflict my individual opinions upon this House. No Member will be able to rise and say, "You are quite vain in suggesting to me that I vote your way." Ah, no; I do not propose to do that. I propose to face the Members of this House, regardless of party, with those high recommendations from expert governmental agents, which they are bound to take or bound to reject, and the country will conclude that when they reject them the rejection must have proceeded with the idea that the governmental experts were wrong, and the country will never indorse that position—the position that has already been taken by this House.

I desire now to call attention to the fact that at the very time the Hepburn rate bill was being debated, there met in this city on April 2, 1906, the National Association of Railway Commissioners, composed of representatives from the different State railroad commissions, to consider this great railroad rate question. And upon this very point of classification I call attention to the resolutions adopted by that association:

Resolved, That it is the sense of this convention that Congress enact a law requiring the railroads engaged in interstate commerce throughout the United States to, within two years after the passage of such act, prepare and adopt a uniform classification of freight articles; and in case they failed to do so within the time required that the Interstate Commerce Commission at once proceed to make such classification and when so made by such Commission the same shall be the legal classification for interstate shipments.

That the secretary forward a copy of this report to the Senate and House of Representatives, and call their attention to the former reports of this association on this subject.

Mr. Chairman, I thank the railroad commissioners for those words, "former reports." This House of Representatives should reflect upon those words, and, more than all else, should profit by them.

Now, sir, let me call the attention of the House to some of the letters that I received in reply to my letters. I have selected the letters which I am about to read because they come from the States which are represented by members of the Interstate and Foreign Commerce Committee of this House. I have letters from other States, but I desire to quote from these letters at present, so that at the next session the Committee on Interstate and Foreign Commerce may not fail to report an amendment to the Hepburn bill upon this subject. First, I quote from a letter from the State of Louisiana, represented on that committee by Mr. DAVEY:

This commission has and exercises the power to make and change classifications and rates whenever it may appear necessary. The opinion of this commission is that the power to fix reasonable rates is absolutely essential to the usefulness of a State commission and that this is also true of the Interstate Commerce Commission.

But Mr. DAVEY is a member of the committee that did not report a provision covering "classification" in the Hepburn bill.

I have mislaid the report from the State of Alabama, and I have forgotten exactly the terms used by the Alabama commission, but I have their letter, and I say to my friend from Alabama [Mr. RICHARDSON], who is a member of that committee, that a great and important political election is now proceeding in the State of Alabama, turning upon the very question as to whether the railroads in that State shall be radically controlled, if anybody likes that term; and it is a known and conceded fact that the president of the present State railroad commission will be the governor of Alabama, and I predict that the legislature elected in accordance with his views on this subject will pass a statute not only giving original rate-making power to the commission, but will include also this power over classification.

From the State of Georgia, the State of my friend Mr. BARTLETT, I have the following:

With reference to the power of this commission in making changes in classification of freight rates, I beg to advise that the board has the power so to do, and in the opinion of the commission this authority is very essential to the regulation of railroads and should be vested in the national Commission as well as the State.

That is from the State of Georgia. Now, from the great State of Texas, represented on the same committee having charge of railway rate legislation:

I do not care to enter into a general discussion of the rate bill now pending in Congress. I think the general public sorely needs some relief from the power which the railroads now exercise in the matter of fixing rates. They can lower or raise them, and by manipulations discriminate in favor of persons and places. I must say, however, that if the Hepburn bill does not contemplate some protection to the public from an increase in rates by change in classification, that it falls short of what the public needs.

That is from the great State of Texas. Here is a letter from the State of Iowa, the home of the distinguished chairman of that committee [Mr. HEPBURN]:

Under this law this board is empowered to fix classification as well as rates.

Here is a letter from the State of Ohio, represented by another member of the Interstate and Foreign Commerce Committee [Mr. KENNEDY]:

Section 4, paragraph A, provides: "No change shall hereafter be made in any schedule, including schedule of joint rates, or in any classification, except upon ten days' notice to the commission." Section 7: "The classification of freight in the State shall be uniform on all railroads." It is my opinion that the sections above referred to bind the question of classification in such a manner that it will be almost impossible for the railroads to raise their rates through that medium.

Mr. Chairman, here is a letter from the State of Minnesota, which is represented by another member on the Interstate and Foreign Commerce Committee:

All rates can be raised or lowered, as the case may be, by changes in these classifications, and our commission is of the opinion that by lodging the power with the State or national commission, the abuse of indiscriminately raising or lowering the rate by this manner could be obviated.

Now, sir, here is a letter from the Washington railroad commission, which State has another member on that committee:

This commission has full authority in the matter of the classification and establishment of freight rates. The Washington law, in fact, is one of the most comprehensive commission laws enacted in any of the States, and clothes the commission with practically all the authority that could be desired, especially on the rate question.

Here, sir, is a letter from the secretary of the commission in

the State of South Dakota, which has another member on the Interstate and Foreign Commerce Committee:

This latter power is—

He is writing about the classification of freight—

I assume, as necessary as the power to fix rates; indeed, the one is so intimately associated with the other that the power to fix rates without the power of classification would, in many instances, be a dead letter.

Mr. Chairman, here is a letter from the State of Illinois, represented on the same committee by the Hon. JAMES R. MANN, whom I sincerely hope will be returned to this House (if we must have a Republican from his district), for I have been on the committee with him and can bear testimony to his faithfulness to his duty and earnestness and zeal in behalf of legislation; but, sir, I can not agree with him upon this question and some others. It is an honest difference between us, and it is a difference that must be fought out on the floor of the House without regard to party by individual views of what the law should be. The letter is as follows:

Answering your inquiry, this commission have authority under the statute to make a "reasonable maximum rate of charges for the transportation of passengers and freights and cars upon all of the railroads operating in the State of Illinois." This has been taken by the commission to include authority for a classification of freights, which, as a classification materially affects the rate, they have done and have issued a classification and schedule of rates for all classes of freight and cars.

I have not read the Hepburn bill in full, and do not know just exactly what power it proposes to confer upon the Interstate Commerce Commission. However, if they are to have the power to make a rate it would seem to me logical that they should also have the power to make a classification also.

Here is a letter from the State of Pennsylvania. Listen. I started to say, "The Lord have mercy on the State of Pennsylvania," but it is a great State, and it may be that it can take care of itself. This letter says:

The law governing railroads in this State is very meager, and the secretary of internal affairs has no control in regard to the fixing of railroad rates, etc.

Now, just a word of advice to the Members from Pennsylvania. Pass, as soon as possible, a law controlling your State rates. Lend me your votes and voices to enact this classification power into a future bill, and if we can not forgive the horrible railroad disclosures now occurring in your State, we will promise to forget them as soon as it is possible to do so. [Laughter.]

Here is a letter from the State of Wisconsin. It has a Member on the same committee:

Our commission has power to change either rates or classification on complaint of any shipper, and also has power to investigate any particular rate on its own motion and make an order reducing the same if found to be unreasonable.

Mr. KEIFER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Florida yield to the gentleman from Ohio?

Mr. LAMAR. Yes.

Mr. KEIFER. I have the curiosity to know why it has not been proposed to regulate through the Hepburn bill this classification. I would like to ask whether the gentleman or any of his colleagues on the Democratic side of the House have advocated this heretofore when the bill was under the control of the House?

Mr. LAMAR. That is a proper question. The distinguished gentleman from Ohio rises in his place and proposes a proper inquiry. It is an inquiry that is a proper one to address to me when I am addressing the House. Let me say in reply that when I had the honor to be a member of that committee a year ago I reported in an informal manner to this House—the best I could do at that time—the Hearst bill, a bill that carried far more remedial legislation in its terms than the Hepburn bill does of this date, and it carried the power over classification of freight rates. Lately in this House I offered an amendment to the Hepburn bill, giving this power to the Interstate Commerce Commission, and Democrats and Republicans voted it down.

I am glad the gentleman from Ohio asked the question for another reason.

This question is a nonpartisan one. We may meet it in this forum as legislators, be we right or be we wrong. I have the CONGRESSIONAL RECORD of a late date before me in which I addressed an inquiry to the gentleman from Alabama [Mr. RICHARDSON] upon certain points of agreement or difference in his committee. In the discussion that ensued upon my question and that of other Members he used this language:

Mr. RICHARDSON of Alabama. Now, Mr. Chairman, I would like just a few moments to refer to the question of classification. I am quite sure I am correct when I say that the Interstate and Foreign Commerce Committee were practically agreed that at this time it was best to leave out of the bill the power and jurisdiction of the Commission regulating classification.

Again:

It appears to me, Mr. Chairman, far best to let that for the present stand as it is, leaving out classification.

Again:

We all agree on that question; that is my recollection.

Again:

There is no great complaint about classification, as I am informed. Indeed, the committee has heard very little of it, and I pass it, Mr. Chairman, as a fit subject for other and future legislation.

Why, Mr. Chairman, where have been the ears of the gentleman from Alabama [Mr. RICHARDSON]? Has he ever heard the reports, figuratively speaking, rendered for years past by the governmental experts in this country, appointed by the Government itself, to take this very testimony as to what legislation Congress shall enact? I refer to the Interstate Commerce Commission reports. Has he ever read the report I quoted from above, the report of the Industrial Commission, made up of Senators and Members of this House and of representatives of great business interests of this country, who for a long period of time sat patiently, learnedly, honestly, and took testimony on this great transportation question? Has he ever read that report—he a member of one of the highest committees in this body, charged with the duty of framing legislation on this great subject that has occupied the minds of the American people for a year and a half, almost to the exclusion of any other great question? And then he, in the RECORD here at this session of Congress, says that the committee has heard very little complaint about classification.

Why, Mr. Chairman, the gentleman has not informed himself. That is all. In addition to all this, the Interstate Commerce Commission has repeatedly recommended that authority be given it by law over this subject of classification of freight. As far back as 1897 the Commission discusses this important subject on pages 62 to 71, inclusive, in their eleventh annual report. I quote the conclusion of their remarks:

These considerations of the necessity for reform in this regard, the universal demand for a uniform classification, the ten years of appeal to the carriers, by the Commission and by Congress, to adopt a consolidated and single system for the whole country, the "representations" by the carriers themselves, their former efforts to that end, the energy at one time displayed by them, and the apparent apathy that marks their attitude toward the subject to-day, all lead the Commission to the renewed recommendation that Congress provide for such uniformity by prompt and appropriate legislation. Carriers subject to the act should be required within a specified time, not longer than one year, to prepare, publish, and file with the Commission a uniform classification of freight as the basis of rates for the transportation of property in the United States; and the Commission should be authorized and directed, upon investigation from time to time, to make such amendments as may appear to be reasonable and necessary. In case the railroads refuse or neglect within the time specified to comply with this direction, the Commission should be authorized and required to prepare such classification, the adoption of which by all carriers subject to regulation shall be made compulsory by suitable penalty. In view of the continued nonaction of the carriers, and the action already had in Congress, it might be the wiser course to pass the bill now pending in the Senate.

And the bill drawn lately, at the request of the Senate committee by the Interstate Commerce Commission, contemplated this power over classification to be vested in it, as in section 6 in the printed bill, at the bottom of page 10, occurs this language:

The Commission may determine and prescribe the form, subjects to be contained in, and arrangement of the tariffs required to be published and filed, as aforesaid, and may change such form, subjects, or arrangement thereof from time to time as shall be found expedient.

But the Senate failed to impress that feature of classification upon the Hepburn bill. Other States besides those from which I read letters have vested their State railroad commissions with power over classification of freight. Virginia, Arkansas, North Carolina, Missouri, and Mississippi have each conferred this power upon their State railroad commissions. The letter from the president of the Mississippi railroad commission is as follows:

JACKSON, MISS., *April 9, 1906.*

Hon W. B. LAMAR, M. C.,
Washington, D. C.

DEAR SIR: Replying to your favor April 2, beg to advise that I am sending you, under separate cover, copy of Mississippi railroad commissioners' tenth biennial report, which will give you the information you ask for as to our rates and classification.

My observation is that the power lodged in the commission (and the Mississippi railroad commission is vested with such power under the laws of the State) to change or alter classification of freight rates between all points in said State is a wise provision. I agree with you that the Hepburn bill is defective in not having the power lodged in the Interstate Commission, for, as suggested by you, it leaves it in the power of the railroad company (without this provision) to raise rates at will through the medium of change of classification.

Yours, very truly,

S. D. MCNAIR, *President.*

These letters from these States show that the very States represented by these gentlemen on the Interstate and Foreign Commerce Committee, and other States also, have this power

over classification, and the writers almost unanimously concur that it is a just, a wise power, and a great many of them give expression to the view that not only should it be in State legislation, but also in national legislation. Mr. Chairman, I ask why the members of that committee and the Members of this House have not cooperated in putting this vast power for harm out of the possession of the railways of this country? I say that, regardless of party, there is a line of cleavage in this House, broad and deep and strong; and, without impugning the honesty of any man, I say that this House, regardless of party, is divided upon this great question upon the lines of "conservatism" and "radicalism." Many gentlemen have educated themselves to believe in the years past, many of them have read newspapers that taught the doctrine, many of them have had friendships of public men who did not believe that way, that to take out of the hands of railways any control over their property was radical, unjust, socialistic, and almost anarchistic legislation. That fundamental misleading thought in the American mind to-day operates upon Members of this House and of the Senate of the United States to restrain them from going up to the point where their own paid, highly expert governmental agents urge them to go by reports, and repeated reports, covering a long term of years. That is the reason. I quote now from the remarks lately made by the gentleman from Alabama [Mr. RICHARDSON] to illustrate the conservative and radical tendencies in opinion in this House. In answer to a question put by the gentleman from Texas [Mr. SHEPPARD], who asked him why the imprisonment penalty did not get into the Hepburn law, he replied:

All I can say to the gentleman from Texas [Mr. SHEPPARD] is that I am not advocating excessive fines or penalties.

The House of Representatives failed to put this feature in the Hepburn bill, a feature one would think that everybody was in favor of. Now, I will do the gentleman from Alabama [Mr. RICHARDSON] the justice to say that further on in his speech he said he was sorry and regretted the elimination of the penalty clause in the act passed some years ago and known as the Elkins law, but I say that that language is plain, palpable, and not to be misunderstood, that at the moment when he joined in reporting the Hepburn bill to this House he did not believe in excessive fines and penalties and classed among such the imprisonment feature. In other words, he did not believe in the feature of criminal punishment to reach the railway officers if they break the law, which has been put in that bill, remedially put there by the Senate of the United States. Judge RICHARDSON is now a member of the conferees appointed by the Speaker of this House to confer with those of the Senate, and he will have to take that amendment or reject it. Which will he do? That, Mr. Chairman, illustrates again the cleavage and divergence between Members on the floor of this House on this important subject.

A year ago I had the honor to report informally to this House a bill which I still believe is the best bill that ever appeared in the American Congress on this subject, a bill that contained this imprisonment feature, and that bill was introduced into this House by the distinguished Representative from New York, WILLIAM R. HEARST, in February, 1904. It is a tribute to that great bill, it is a tribute to its wise provisions, it is a tribute to Mr. HEARST, that this House finally, in enacting the Hepburn bill, and the United States Senate in impressing remedial amendments upon it, have largely followed either the recommendations of the Interstate Commerce Commission or the Industrial Commission, or they have gotten a great many of their ideas bodily out of the Hearst bill. It is very probable that Mr. HEARST got his knowledge of the law and his remedial measures out of those two great sources of information, and very justly so, but he is entitled to the highest credit before the American people. Two years ago, eight months before the President of the United States sent his memorable message to Congress, in December, 1904, Mr. HEARST proposed in his bill nearly all of the remedial features that are now being enacted into law by the joint wisdom of this House and the Senate.

Mr. Chairman, I now pass to another question: This House and the Senate must limit the right of railways to raise their rates at will, or the Hepburn bill, with all due respect to the name impressed upon it, with all due respect to the law body that adopted it, will still be a delusion and a snare to the American consumer, the American producer, and the American shipper. They must amend that bill not only as to classification, which is largely a fraudulent device to raise rates, they must not only put the power of classification in that bill, but they must, further, enact into that bill another amendment, viz, that no railroad company shall raise *an existing rate of charge* without that *proposed increase of rate* being submitted *in advance* to the judgment of the Interstate Commission, *with the power to approve or reject it.*

That amendment is vital. Without it this legislation, this Hepburn bill, is in a large degree a mockery. The weakness of the bill in leaving this amendment out is demonstrated by the action of the railroads in my State—Florida—twelve or fifteen years ago. The railroads had been carrying oranges from Florida to New York at 30 cents per box. But the railroads could not restrain their itching palms to get hold of more than they were warranted in getting, and in a night, without giving anybody notice, they raised the rate of carrying that fruit to market from 30 cents to 40 cents a box, an unjust, unreasonable, extortionate raise in price of 33⅓ per cent. I quote again from the report of the Industrial Commission, which treats of this iniquity and suggests the remedy that I stated above, and which I have taken from their report and from the Hearst bill, that also contained it:

The entire inadequacy of making rate regulation dependent upon the mere determination of rates as applied in the past without reference to the rates which shall prevail in the future is apparent on all sides. More than this, all remedy for the parties who have borne the burden of an unreasonable rate would seem to have been removed. This has been clearly described in the report of the Commission for 1897. It may be illustrated by the example of rates upon oranges. In 1890 there was a sudden advance on rates from Florida to New York from 30 to 40 cents. The Commission after an investigation ordered that the rate be reduced to 35 cents. As a matter of fact, how could this action redress grievances of those who had already paid 40 cents per box?

It was difficult, in the first place, to discover who bore the burden of the unreasonable charge; and, in the second place, it was certain that some of those who suffered could not legally sue in court. The actual shipper, who alone could sue for repayment of unreasonable charges, was a middleman, who recouped himself in any event, either from the grower, the consumer, or both. He lost nothing by reason of the unreasonable rate. As a matter of fact, not any single individual, but the locality had been mulcted by 5 cents per 100 pounds, supposing that a rate of 40 cents was unreasonable. Experience shows that almost no shippers or other parties injured actually attempt to secure the restitution of moneys already paid for unreasonable charges. In only 5 out of 225 cases down to 1897 was a rebate actually sought, and in those cases $100 was the maximum sought to be recovered. As a matter of fact, the damage inflicted by the existence of such an unreasonable rate could not be measured by hundreds or perhaps by hundreds of thousands of dollars. The bearing of this citation is to show that any effectual protection to the shipper must proceed from adjudication of the reasonableness of rates *before*, and not *after*, they have been paid—that is to say, in advance of their exaction by the carrier. *Power to pass upon the reasonableness of such rates prior to their enforcement, as a consequence, constitutes practically the only safeguard which the shipping public may enjoy.*

The Congress must protect the shippers, the consumers, and the producers against two outrageous forms of robbery, one being the direct raise of the rate, without any limitation upon it except the right to sue and have it cut down. The other is, you must not leave in the hands of the railroads the power to swindle the people under the devious, evasive, and fraudulent device of classification. The Congress will not do it, unless it desires to make itself a party to the extortion.

I offered the following amendment to the Hepburn rate bill recently, to prevent this evil, and Democrats united with Republicans to vote it down. The amendment is as follows:

That when any notice of advance in rates, fares, or charges shall be filed with the Commission, the said Commission shall have authority to inquire into the lawfulness of such advance and make orders in respect thereof to the same effect as if such advanced rate, fare, or charge were actually in force. The provisions of this section shall also apply to notice of any change in classification of freight or other regulations affecting rates.

I shall address myself, in conclusion, to the fraudulent overcapitalization of the railroads in the United States, and I will endeavor to show the essential relation between the earnings of the railroads and their capitalization. The higher the capitalization, then, the higher the rates. The total value of all railroads in the United States is estimated by the highest authorities to be $12,599,990,258, more than $12,000,000,000; and the testimony of the best informed writers and statisticians estimate that more than one-half of this great sum is mere "wind and water." They estimate that $7,000,000,000 of this gigantic value is a pure cheat and fraud, on which the American people pay annually in extortion, under the guise of railway rate charges, the great sum of $350,000,000.

I shall quote from the report of the Industrial Commission, made to the Fifty-seventh Congress, and will now give the testimony, contained in that report, of Professor Parsons, an expert judge in this matter, viz:

The prevalence of water in the railroad system is so well known that it is not necessary to do more than touch upon the matter. Vanderbilt set the pace in consolidating the eleven roads between Albany and Buffalo and increased the capitalization by nearly $9,000,000 in doing it, then added 50 per cent to the stock capitalization of the Hudson road, of which he was president; then extending his control over the Central and adopting the same tactics there he added 80 per cent to the New York Central; then he consolidated the two roads, and in doing it inflated the Central 27 per cent more and the Hudson 85 per cent; so that in the four years from 1866 to 1870 he brought the capitalization

up from $54,000,000, which was a little more than the total cost on the books of the company—about $4,000,000 more—to $103,000,000. The total cost on the books in 1870 was under $70,000 per mile, while under his capitalization it was $122,000 per mile.

That example has been followed to a great extent all over the country, so that our railroad capitalization is now about half water, or water and wind. The figures of construction and equipment cost given in Poor's Manual from time to time indicate that the railroads of the United States are capitalized at about double what they could be built and equipped for at the present time.

Mr. Parsons further stated that the total capitalization was a little over $60,000 a mile, and that the actual value, according to Poor's figures as to the cost of reproduction, would be under $30,000 a mile. (See Report of Industrial Commission, Vol. IX, pp. 154 and 155.)

On pages 405–407 of Volume XIX of the Industrial Commission's report the following appears:

Methods of inflating capitalization are various. Formerly sheer fraud was often practiced in issuing stock for speculative purposes. Between 1868 and 1872, for example, the share capital of the Erie road was increased from $17,000,000 to $78,000,000 for the purpose of manipulating the market. This action led the board of the New York Stock Exchange in 1869 to refuse to quote the Erie shares. Another fraudulent device consisted in paying excessive sums to dummy construction companies composed of members of the railroad company and their friends. For instance, the original Southern Pacific road cost actually only $6,500,000; altogether it is a matter of record that $15,000,000 was paid a construction company, and the bankers' syndicate which financed the road received $40,000,000 in securities, or an average of $6 in bonds and stock for each dollar of actual cost. The same thing happened in connection with the Pacific roads. It was also not uncommon for directors of railroad companies to purchase other railroad properties and then sell them to their own company at excessive prices. Again, stock has in many instances been given away by railroad companies simply as a bonus to bait purchasers of the bonds which the concerns were trying to float. It is well known that the New York Central, Erie, Reading, St. Paul, Chicago and Northwestern gave away in this manner a portion of their earlier stock issues. These flagrant methods of stock watering have been largely discontinued during recent years.

The principal methods of stock watering still employed are the following:

1. The commonest is the payment of so-called "stock dividends" to shareholders. These consist either of an outright bonus of new shares of stocks or bonds or, in a mitigated form, of stocks sold below par or at less than market quotations. Examples are the 80 per cent stock dividend of the New York Central, in 1868; the Reading scrip dividends, between the years 1871 and 1876; the Chicago, Burlington and Quincy and Atchison stock dividends of 20 per cent and 50 per cent, respectively, in 1880 and 1881, and the famous Boston and Albany distribution of State stock in 1882.

2. Consolidation of railroad properties offers opportunities to increase capital surreptitiously in various ways: (*a*) One is through the issue of new stock to defray the entire expenses of betterment of the operating plant. (*b*) Sometimes, again, the constituent companies are gerrymandered so that the successful concerns with surplus earnings are combined with roads less favorably situated, thus making it possible to distribute earnings at a comparatively low dividend rate. (*c*) The third device connected with consolidation consists in substituting a high-grade for a low-grade security. A weak company, whose stock is quoted, say, at 50, may be merged in a second corporation whose stock stands at 100. The latter may then issue new stock worth $100 in exchange for the $50 stock, share for share.

3. A third method is the substitution of stock issues for funded debt. It has the advantage of giving great elasticity to future dividend possibilities. The substitution of 8 per cent stock for 4 per cent bonds facilitates the absorption of increasing earnings in the future. The stocks also permit of cessation of dividends during periods of depression. The substitution of stock for bonds in this way is not, however, so harmful to the public interest, provided the stock issues are subject to control by State commissions.

4. Another expedient for increasing capitalization is the funding of contingent liabilities. Large amounts of such liabilities, in the form of bills payable, wages and salaries due, and the like, may be covered by issues of interest-bearing scrip. This is unquestionably bad financiering, as floating debts should, in general, be provided for out of earnings.

An excellent illustration of inflation of capitalization is furnished by the recent reorganization of the Chicago and Alton Railway Company. The old Alton management was extremely conservative. The stock had never been watered, and represented, before the recent deal, less than the probable cost of duplication. The company was capitalized at about $30,000,000, including $22,000,000 of stock and about $8,000,000 of bonds. It had a net earning capacity of $2,900,000 a year, paying regular dividends of 7 or 8 per cent on its common stock. In 1899 the road was bought by a syndicate, which paid $175 a share for the common stock and $200 a share for the preferred stock, making a total cost to the purchaser of $40,000,000 for the $22,000,000 of stock. The road was recapitalized at $94,000,000, or $54,000,000 of bonds and $40,000,000 of stock. The new bonds were floated at 3½ per cent. The fixed charges of the road as reorganized amount to $1,963,000 per year. On the basis of the former earning capacity of the road, which averaged considerably more than $3,000 net per mile, it is estimated that the company will have no difficulty in earning its fixed charges and paying a dividend on the preferred stock. The increase of capitalization in this case is defended on the ground that the road will not have to earn any more than formerly in order to pay interest and dividends on the new capital. It seems clear, however, that the doubling of the capital stock and the increasing of the bonded debt nearly sevenfold must impose a burden upon the rates that will tend to prevent any reduction which might otherwise naturally take place and afford a convenient reason for refusing to advance wages.

In the recent case, Northern Securities Company *v.* United States (193 U. S., 197), Mr. Justice Harlan, in delivering the opinion of the court, stated that the capital stock of the Northern Securities Company, $400,000,000, which was to be issued to purchase the capital stock of the Northern Pacific and Great Northern companies, was about $122,000,000 greater than the combined capital stock of the latter two companies.

The obvious purpose of increasing fraudulently railroad values, called "overcapitalization," is to sell on the market this fraudulent stock and bonds to purchasers, and then by increasing railway rates to earn sufficient money to pay dividends and interest on this fraudulent stock and bonds.

I append to my remarks a letter of Mr. William D. Marks, a high authority upon this subject, to show that $7,000,000,000 of the $12,599,990,258 railway values in the United States is an absolute and a palpable fraud. At 5 per cent interest this fraudulent $7,000,000,000 takes out of the pockets of the American people $350,000,000 each year, unjustly, wrongfully, and fraudulently. Will the Congress always continue to allow the railways to so unjustly tax the people, and do so under the apparent forms of law at that? Senator LA FOLLETTE lately proposed an amendment in the United States Senate to correct this great evil, and it was voted down, all the Democrats, I believe, voting for the amendment. I append his amendment in full at the conclusion of my remarks as a part thereof.

If the fraudulent value of railway property could be ascertained and fixed by law, then railway rates of charges could be fixed upon the honest value of such property, and it is obvious that such rates so based would be much lower than existing railway rates.

What does the Congress intend to do about this great question? What does the Congress want to do? Are we here to make party capital? Are we here to deploy and march forward and back again, in flank and side movements, merely to trip up somebody? That, sir, will do on some subjects. I am willing, sir, to join hands with the Democrats whenever they want to do a little filibustering in this House, whenever they want to take tactical advantage and put "our friends the enemy" in a hole, as it were, upon some subject of party dispute; but upon this vital question of rate making, upon this great question of transportation taxation, I say that my party and the other party must submit to the criticism that will fall upon them if they do not come out in the open and advocate this legislation, which has almost been forced upon them by the reports of the Interstate Commerce Commission and by the report of the Industrial Commission. Either those highly expert Governmental agencies are right or this House is right. I believe, sir, that those great bodies are correct, and that the Senate and this House are wrong.

Mr. Chairman, there is nothing that I enjoy more than a legitimate criticism of a Republican. If there is anything in the world I am opposed to in my whole political life, speaking in a party sense, it is Republicans and the Republican party. It would do me more good than I can express to see them beaten at the polls next November. I would like to see them routed, horse, foot, and dragoons, at the polls in 1908, but I warn my party colleagues that they will never defeat the Republican party in this nation and hold them defeated except by convincing the country that upon these great remedial questions legislation can be more safely turned over to them than to the Republicans. No factious party criticism on the floor of this House will avail with the 80,000,000 intelligent American citizens. There will be no responsive echo from the States that control the destinies of this country by majorities in the electoral colleges except in response to the Democratic showing made on the floor of these two Houses that the Democratic party, by virtue of honesty, intelligence, and of courage, can be more safely intrusted with political power than the Republican party. The election two years ago ought to be a warning to the Democratic party in this country. Bryan, the radical, defeated twice at the polls by about a half million votes each time; Parker, "the sane and safe" Democrat, was beaten by more than two million plurality and a million and a half majority. It would take four disastrous Bryan defeats to equal the one made by that representative of "safe and sane Democracy." I know not how it is in other States, but, sir, I can name the "safe and sane" Democrats in Florida. Show me one on this railroad rate question and I will show you a high railway lawyer, Democratic in politics, hired by the railways in Florida, whose head offices are centered in the city of New York, in Wall street, and composed alike of Democrats and Republicans. Show me the newspaper in Florida of the greatest circulation which condemns this railroad rate legislation and condemns the views of the men here who support it and I will show you a paper in part owned and controlled by Mr. Henry M. Flagler, a Republican Standard Oil millionaire, and whose bonds are in part the property of the Seaboard Air Line

Railway Company. This railroad company is controlled, I am informed, by men Democratic in politics. I say that without reflecting upon the personnel of the men who manage that paper. As far as I know, they are high-minded, reputable men. But all of this discloses that wide difference of views, inherent in my party and in the Republican party, between the "conservatives" and the "radicals" upon this railroad rate question.

How long will it be before the Congress, the representatives of the people, will amend the Hepburn railroad rate bill, soon to become a law, and place in the hands of the Interstate Commerce Commission the power over (1) classification; (2) to prohibit a railroad from increasing an existing rate, without its justness and reasonableness being first passed upon by the Interstate Commerce Commission; (3) to fix, by competent inquiry, the real value of railway property in the United States, that railway rates may be based upon this real value and not upon a fraudulent value, mere "wind and water." In the State of Florida many of the railroads have had large grants of land to aid in their construction. It is not thought that it would cost more than $15,000 per mile to build and equip the best built railroads in that State. But most of the railroads in Florida are capitalized at, I believe, from $25,000 per mile to $40,000 per mile.

Mr. Chairman, President Roosevelt deals with this very question of overcapitalization in his last message to Congress. Speaking of corporate abuses, he says:

> Of these abuses, perhaps the chief, although by no means the only one, is overcapitalization—generally itself the result of dishonest promotion—because of the myriad evils it brings in its train; for such overcapitalization often means an inflation that invites business panic; it always conceals the true relation of the profit earned to the capital actually invested, and it creates a burden of interest payments which is a fertile cause of improper reduction in or limitation of wages; it damages the small investor, discourages thrift, and encourages gambling and speculation; while perhaps worst of all is the trickiness and dishonesty which it implies—for harm to morals is worse than any possible harm to material interests, and the debauchery of politics and business by great dishonest corporations is far worse than any actual material evil they do the public. Until the National Government obtains, in some manner which the wisdom of the Congress may suggest, proper control over the big corporations engaged in interstate commerce—that is, over the great majority of the big corporations—it will be impossible to deal adequately with these evils.

The President did not in express terms name railroads, but if these reports I have quoted be true, if this information from the expert engineers that I shall place in the RECORD be true, then the President covered railroad overcapitalization as much as any industrial organization; and if this be true, that seven billions of this fourteen billions of capital is false and wrong and fraudulent, and that the American public for twenty-five years and longer has been paying tribute upon a falsehood, then the American Congress should come to the rescue of the President and enforce by adequate legislation his wise suggestion.

Now, sir, I have my party differences with the President. I saw him elected with the greatest reluctance. I wish he could have been defeated by the same majority that overwhelmed my own candidate; but I recognize the great obligations that the shippers of Florida owe to the President for recommending nearly two years ago to the Fifty-eighth Congress that the Interstate Commerce Commission have the power to substitute a just and reasonable rate on interstate freight for and in lieu of an unjust and unreasonable rate, and for his further recommendation that private car lines, with their icing charges, be put under the control of said Commission. It is remarkable to state that neither the Democratic caucus bill nor the Republican caucus bill in the Fifty-eighth Congress made any provision for controlling the outrageous and extortionate icing charges of the private car lines. High interstate freight rates and extortionate icing charges have broken down and driven out of business many growers of truck—early vegetables, melons, cantaloupes—in the State of Florida. The Supreme Court of the United States, in the "Maximum Rate case," decided in 1897, declared that the Interstate Commerce Commission did not have the rate-making power. Since that time the Congresses have known full well the public needs in reform railway rate legislation, but with a conservatism truly wonderful they have failed to give the public any relief against railway rate extortions in their varied forms. It took the writings of William J. Bryan—of the national Democratic plaforms—the bill of WILLIAM R. HEARST, and the message of the President to the Fifty-eighth Congress, thrown on its floors like a bombshell, to wake up the American Congress to a realization of the fact that the American people, regardless of political affiliations, desired immediate legislation against the railway wrongs from which they had so long suffered. How much longer will the people, the shippers, the producers, and consumers in this country have to wait for other and further relief against other and further railway wrongs? [Loud applause.]

[Senate Document No. 168, Fifty-ninth Congress, first session.]

Letter from William D. Marks, consulting engineer and statistician, of Philadelphia, Pa., regarding the overcapitalization of the steam-railway corporations of the United States.

DECEMBER 11, 1905.

Hon. WHARTON BARKER,
Philadelphia, Pa.

DEAR SIR: Referring to our verbal interviews regarding the overcapitalization of the steam-railway corporations of the United States, and more particularly in reply to your query of the 5th, current, "Let me know what you think a fair capitalization of the railroads or capitalization the public should pay for," I would say that in my experience of late years as a consulting engineer I have been struck by the deplorable and almost universal "watering" of securities in railway corporations practiced by our promoters of these enterprises.

Not only are our railways often wastefully built wholly upon the proceeds of the sale of bonds at figures far below par, but the promoters frequently add to the burden of the earnings of their enterprises by issuing as a bonus (to go with the bonds or appropriated by themselves) an equal or greater amount of stock representing a speculative profit in the future.

So invariably have I found this to be the case that I felt justified, after numerous individual experiences, in saying to you that more than one-half of the railway securities issued represented no real property or investment of cash.

Besides the "water" injected into securities by the original builders of a new railway, other and often larger percentages of it are poured in by financiers who have found their profit in combining a number of individual railways into a "system" by means of a holding and operating corporation.

As a result we frequently find stratum of securities piled upon stratum of securities, until a chart of the securities of a system of some railway systems very closely resembles a geological section.

There can (if my statement is correct) be but one of two results of these manipulations.

Either the public is robbed by overcharging to render these watered securities valuable to their owners, or innocent purchasers of them lose all or a portion of their investments if they have been led to believe that their securities represent real property.

Tersely, either the traveler and shipper is robbed or the purchaser of securities is swindled if he buys believing them to have been honestly issued.

The purchaser of "water" securities is either helping thieves to rob the public or is himself the victim of thieves.

But probably my general experience and feeling in these matters will not serve to convince you or others, and I will ask your careful attention to an analysis of the Massachusetts railroad commissioner's report, 1904:

Returns of year ending June 30, 1903.

Massachusetts railways:	Miles owned.
Total length of line	3,794
Total length of single track	7,601

The cost of construction of these lines, excluding equipment, land and buildings, securities of other companies, cash, and miscellaneous assets, is given as $293,236,332. In round figures, $73,800 per mile of roadbed; $38,600 per mile of single track.

This single track valuation is the important item, for it includes every foot of track, wherever or however used.

Omitting long bridges, tunnels, heavy rock cuts, extraordinary excavations, allowing 10,000 cubic yards excavation per mile, the cash cost of the average standard-gauge railway to the top of the rail head is from many instances about as follows, when prudently constructed:

Preliminary legal papers and rights of way	$700
Civil engineering construction to top of rail	11,000
Arch, stations, shops, and houses	1,500
Total	13,200

Of course we have excepted long bridges (say over 60-foot span) and other unusual features, but throughout Massachusetts and the United States there are very few railways requiring 10,000 cubic yards excavation ($3,500) per mile.

There are notable individual instances of costly and unavoidable engineering expense, but these will be balanced by the average savings from $13,200 allowance per mile for construction.

We see that the average book cost ($38,600) of construction is nearly three times the necessary cost ($13,200) of steam railways to the rail top.

The cost of equipment of the Massachusetts railways is given as $32,957,122. By this is principally meant the rolling stock. For the purpose of this comparison I will place very high figures upon it, though much of it is old and largely depreciated in value.

Locomotives, 2,277, at $10,000 each	$22,770,000
Passenger cars, 3,338, at $5,000 each	16,690,000
Baggage and mail cars, 650, at $3,000 each	1,950,000
Freight cars, 34,825, at $500 each	17,412,500
Gravel and construction cars, 1,865, at $400 each	746,000
Total	59,568,500

Many of these locomotives and cars are leased, but for the purpose of our discussion they should be valued, and so we had better fix their total cost at, say, $76,000,000 instead of $33,000,000, book value given.

There are 7,601 miles of single track owned, and with sufficient accuracy for our purposes we can put the first cost of equipment with rolling stock at $10,000 per mile, a very liberal estimate for the Massachusetts railways, which serve a denser population than exists in any other portion of the United States, and which, being a manufacturing community, must use its railways largely.

We have omitted occasional extraordinary expenditures, say, for the tunnels and long bridges over rivers and also for rock cuts and deep excavations.

We are perfectly safe, however, in allowing an average of $2,000 per mile of track, or $15,202,000 to cover the cash cost of these extras.

Recapitulating for the average honest cash cost of Massachusetts railways we have for each mile of single track owned:

Preliminary legal papers and right of way	$700
Civil engineering and construction to top of rail	11,000
Minor stations, machine shops, and houses	1,500
Equipment of locomotives and cars	10,000
Extraordinary expenditures	2,000
Estimated cost of construction and equipment per mile	25,200

Massachusetts has been selected because its railroad commissioners have largely reduced the usual amount of corporate dishonesty by their most careful examinations and enforced publicity of corporate accounts.

Its dense population requires a larger equipment than the average of the rest of the United States. Its costs of construction are increased, by reason of its rocky soil and hilly topography, far above the average of many other sections.

I have increased the stated book value of equipment from $33,000,000 to $76,000,000; I have added $15,000,000 to well-known standard average costs of construction; I have allowed $11,400,000 for architectural work, and as a result I have obtained an average cash cost per mile of $25,200, which I have no doubt substantially exceeds the true cost of railways.

In education, frugality, industry, and honesty Massachusetts's population stands in the first rank of these United States, and yet we have the following capitalization of the Massachusetts railways:

Funded debt	$133,435,355
Mortgages, etc	25,007,318
Capital stock	235,834,466
Total capitalization	394,277,139

Dividing this by 7,601 miles of single track we obtain about $52,000 capitalization per mile—51½ per cent of water, probably more.

Referring to gross assets of companies given on page 9 of Massachusetts railroad commission's report, June 30, 1903, we find as book accounts, but probably not the practical truth:

Construction	$293,236,332
Equipment	32,957,122
Land and buildings	1,497,218
Cash	40,880,067
Total	368,570,739
Stocks, bonds, and other property	64,210,110
Gross assets	432,780,849

The item of $64,000,000 probably represents "strategic purchases," having no proper relation to expenditures required to operate the roads for the convenience of the public and the profit of the stockholders.

The Interstate Commerce Commission, June 30, 1903, reports total miles of single track 283,821.52 (this is not the length of roadbed, which is less; it is the total length of all the tracks, wherever placed). Outside of Massachusetts, with a few exceptions, in the Eastern and Middle States the equipment rarely costs as much as $5,000 per mile, and we are liberal in putting the cash cost of construction and equipment of all at an average of $20,000 per mile, or $5,676,420,000. The total railway capital June 30, 1903, was (Interstate Commerce Commission report) $12,599,990,258, or about $7,000,000,000 watered securities and $5,600,000,000 actual value.

Experienced engineers (I mean those who have been through the mill) will tell you the same as I do as to actual costs of constructions and equipment, if not (as in most cases) prevented by personal fear of consequences from disclosing the truth.

You may, and probably will, have many instances of extraordinary cost of construction brought to prove to you the higher cost of our railways. Many of these instances are both unwise and unnecessary expenditures.

Do not forget that for every such case there are hundreds of miles of railway which honestly have not cost $17,500 per mile to construct and equip; on the contrary, very much less.

The fairest index of the proper cost of a railway is not its length of roadbed, but its length of single track.

Twenty thousand dollars per mile is an overestimate of the average cost of most railways crossing the vast prairies of the West.

You will note that I have not brought forward the many individual instances which have come to my notice upon which I based my former statements to you, but have delayed long enough to enable me to verify them, generally by a consideration of all the railways of Massachusetts.

For thirty-four years, beginning on the Delaware, Lackawanna and Western Road, as a civil engineer, in the days of the crimes of Fisk and Gould, of the Erie, I have watched the growth of this criminal method called "watering" securities, and to-day we find that their success has led to the perpetration by their imitators of a colossal fraud reaching $7,000,000,000 upon the citizens of this United States.

I wish you godspeed in trying to put a stop to it. If you succeed you will earn the gratitude of every honest man.

I return to you the bill, which could be much improved, and I also hand you Engineering News, November 2, 1905, containing a brief article of mine on "Railway rates for an electric railway," and the following papers: "What are the facts?" by Slason Thompson; "Facts about railroad rates," by H. T. Newcomb; "Solution transportation problem," by P. S. Grosscup; "Mass. R. R. I. Comm. Rept., June 30, 1903."

After you have read my article in the Engineering News I wish you would refer to Census Bulletins Nos. 3 and 21 just to see how carefully they have avoided giving the required data enabling the fixing of the cost of construction, equipment, and operation of the railways they pretend to deal with.

To the engineer's lot it falls to deal with the concrete and tangible, and when he seeks help from these expensive publications by our Government he finds that because no one compiling the data in them appears to have power to demand replies, or practical experience and grasp, all our Government statisticians have fallen victims to the conspiracy of secrecy among railway promoters and operators, who above all things fear honest publicity for their deeds.

Very truly, yours,

WM. D. MARKS.

Amendment intended to be proposed by Mr. LA FOLLETTE 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, viz: After line 2, page 20, insert a new section, to be known as section 6a, to read as follows:

SEC. 6a. That section 19 of said act be amended by adding thereto a new section, to be known as section 19a, and to read as follows:

"SEC. 19a. That the Commission shall investigate and ascertain the fair value of the property of every railroad engaged in interstate commerce, as defined in this act, and used by it for the convenience of the public. For the purpose of such investigation the Commission is authorized to employ such engineers, experts, and other assistants as may be necessary. Such investigation shall be commenced as soon as may be after July 1, 1906, and shall be prosecuted with diligence and thoroughness and the results thereof and of additions and corrections thereto reported to Congress at the beginning of each regular session. Such valuation shall show the value of the property of every railroad as a whole, and the value of its property in each of the several States or Territories or the District of Columbia. Every such railroad shall furnish to the Commission, from time to time, and as the Commission may require, maps, profiles, contracts, reports of engineers, and other documents, records, and papers, or copies of any or all of the same, in aid of such investigation and determination of the value of the property of said railroad, and every such railroad is required to cooperate with the Commission in the work of the valuation of its property in such further particulars and to such extent as the Commission may direct.

"The Commission shall thereafter, in like manner, keep itself informed of all extensions and improvements or other changes in the conditions of the property of the said railroads, and ascertain the fair value thereof, and from time to time, as may be required for the regulation of railways, under the provisions of this act, revise and correct its valuation of railway property. To enable the Commission to make such changes and corrections in its valuation, every railroad engaged in interstate commerce, as defined in this act, is required to report currently to the Commission, and as the Commission may require, all improvements and changes in its property, and to file with the Commission copies of all contracts for such improvements at the time the same are executed.

"Whenever the Commission shall have completed the valuation of the property of any railroad, and before said valuation shall be recorded as finally determined by said Commission, the Commission shall give notice by registered letter to the company or companies owning or operating said railroad, stating the valuation placed upon the several lines of road and classes of property of the said company used by it for the convenience of the public, and shall allow the company or companies twenty days in which to file a protest of the same with the Commission. If no protest is filed within twenty days, such valuation shall be made a matter of record by the Commission.

"If notice of contest is filed by any railroad the Commission shall fix a time for hearing the same, and shall proceed as promptly as may be to hear and consider any matter relative and material thereto presented by such railroad in support of its protest so filed as aforesaid. If after hearing any contest of such valuation under the provisions of this act, the Commission is of the opinion that its valuation is incorrect, it shall correct the same and determine the fair valuation of such property, and shall make such determination a matter of record in the office of the Commission. All such valuations by the Commission shall be prima facie evidence of the fair value of the railroad property in all proceedings under this act."

Mr. PERKINS. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan [Mr. SAMUEL W. SMITH].

Mr. FOSTER of Vermont. I yield to the gentleman from Michigan thirty minutes.

Mr. SAMUEL W. SMITH. Mr. Chairman, in these days of rate making and State making, I would like to invite your candid and careful consideration to the subject of postal telegraph and to the arbitrary and exorbitant telegraph rates that we are paying in this country.

I maintain that it is the duty of the Government, under the Constitution, to establish a postal telegraph system.

The Constitution has placed the Post-Office in the hands of the Government and conferred upon it exclusive operations. (See Article I, section 8 of the Constitution, which empowers Congress to declare war, coin money, regulate commerce, etc., and this same provision contains the words "to establish post-offices and post-roads.")

As all these powers are conferred by the same clause of the Constitution, it must be admitted that the Government has exclusive power as to the post-offices the same as to the other provisions.

In 1836 Hon. John C. Calhoun, in a report made by him as chairman of a committee in the United States Senate, said:

"It must be borne in mind that the power of Congress over the post-office and the mails is an exclusive power."

This language has been approved by the Supreme Court of the United States.

Gardner G. Hubbard, than whom there was no higher authority on the subject of telegraph and its relation to the Government, used these words, "that Congress had no more right to delegate the power of transmitting intelligence than the power to coin money or declare war."

The Senate Committee on Post-Offices and Post-Roads of 1874, which numbered among its members such men as Hannibal Hamlin and Alexander Ramsey, said, in its report on the telegraph, "The Constitution devolves upon Congress the duty of transmitting all correspondence, including that by telegraph as well as that by mail;" and for a further careful and convincing statement on this point I refer you to the report of the House Committee on Ways and Means of 1845. The Government had already built the first telegraph line, and the question of extending the service under Government ownership was before the committee.

On this principle the first telegraph line was built between Washington and Baltimore by a Congressional appropriation of $30,000, and the telegraph belonged to the Government from 1844 to 1847, when, under mistaken notions of economy, it was turned over to private ownership. Of the public men who earnestly protested against this course were Henry Clay, the great Whig leader, and Cave Johnson, the Democratic Postmaster-General.

If the words in the report referred to and the prophecies of Professor Morse and the appeals of such men as Clay and others had been heeded, the people of this country would be enjoying the telegraph even to a greater degree than the people of the Old World and millions would have been saved instead of going into the coffers of an odious monopoly.

Indeed, the Supreme Court of the United States (Pensacola Telegraph Co. *v.* West, etc., Telegraph Co., 96 U. S. Reports, p. 9) has held that the telegraph came within the grant of power to establish the post-office. The opinion was delivered by Chief Justice Waite:

"The powers thus granted are not confined to the instrumentalities of the postal service known or in use when the Constitution was adopted, but they keep pace with the progress of the country and adapt themselves to the new developments of time and circumstances. They extend from the horse with its rider to the stagecoach; from the sailing vessel to the steamboat; from the coach and steamboat to the railroad, and from the railroad to the telegraph, as these new agencies are successively brought into use to meet the demands of increasing population and wealth."

And Justice H. B. Brown, of the United States Supreme Court, has said:

"If the Government may be safely intrusted with the transmission of our letters and papers, I see no reason why it may not also be intrusted with the transmission of our telegrams, as is almost universally the case in Europe."

We provide for carrying the mails by the swiftest known methods—steam, electric railways, and pneumatic tubes. Why deny the right to use the telegraph? We carry the mails at a loss. Why not use the telegraph, not only as a convenience and blessing to all our people, but in order to help wipe out the annual postal deficit?

Who, in this intelligent and progressive age, doubts that the telegraph is an essential part of an efficient postal service?

The postal telegraph is in use in most of the principal nations of the world. Honduras, Cyprus, Bolivia, Hawaii, Cuba, and the United States are among the number that do not use this system.

We should have a first-class postal telegraph in the United States in connection with our splendid postal facilities, and the rates can be reduced at least one-half, leaving a sufficient amount to dispose of the deficit, and have money left to extend the rural service to practically every home and pay the city and rural carriers a compensation fitting their services and expenses. In fact the surplus could be used in many ways to the great advantage of the general public.

I will not speak of Belgium, which is about three-quarters as large as the State of New York, nor of Switzerland, which is still smaller than Belgium, for if I should refer to them in this connection the claim would at once be made that they are small countries and would not be considered as fair comparisons in area, population, or distances with the United States, although an investigation of this subject in these countries is both interesting and profitable. I shall not attempt at this time to discuss in detail any other phase of this most interesting question, except the subject of rates. Wherever the postal telegraph has been adopted it has been at once followed by a reduction in price and by an increase in the number and kinds of messages, and notably has this been the case in what is known as "social messages."

The effect produced by high and low rates is forcibly illustrated in France, where the rate was reduced 35 per cent; it was followed by an increase of 64 per cent in messages. In Prussia a reduction of 33 per cent in the rate was followed the first month after the change by an increase of 70 per cent in messages. In Switzerland the rate was reduced 50 per cent, and in the first three months there was an increase of 90 per cent in the inland messages over the corresponding months in the preceding year. In England a reduction of 33 per cent on three-tenths of the messages and 50 per cent on the remainder caused an increase of 100 per cent in two years. In Belgium when the rates were high 13 per cent of the messages were on social matters; at low rates, 59 per cent. A reduction of 66 per cent in the rates increased the inland messages 800 per cent in five years and reduced the expenses on each message nearly 50 per cent. "The Belgian director writes that the reduction in rates has been a great boon to the people."

I might cite other countries to the same purpose, and I have no doubt that like or even better results would be produced in the United States.

The Western Union Telegraph Company has repeatedly asserted that rates is a matter of distance, and that the distances are greater here than in England, France, Belgium, and Switzerland, and tables of distances and charges have been presented from time to time for the purpose of proving this assertion, but I will be glad to know what reply they have to make in this connection when rates, distances, and population in Australia are compared with rates, distances, and population in America.

Through the kindness of the publishers of the North American Review I am permitted to use an article on "the Australian Telegraph System," by Hugh A. Lusk, barrister, which appeared in that popular magazine in the November number of 1904:

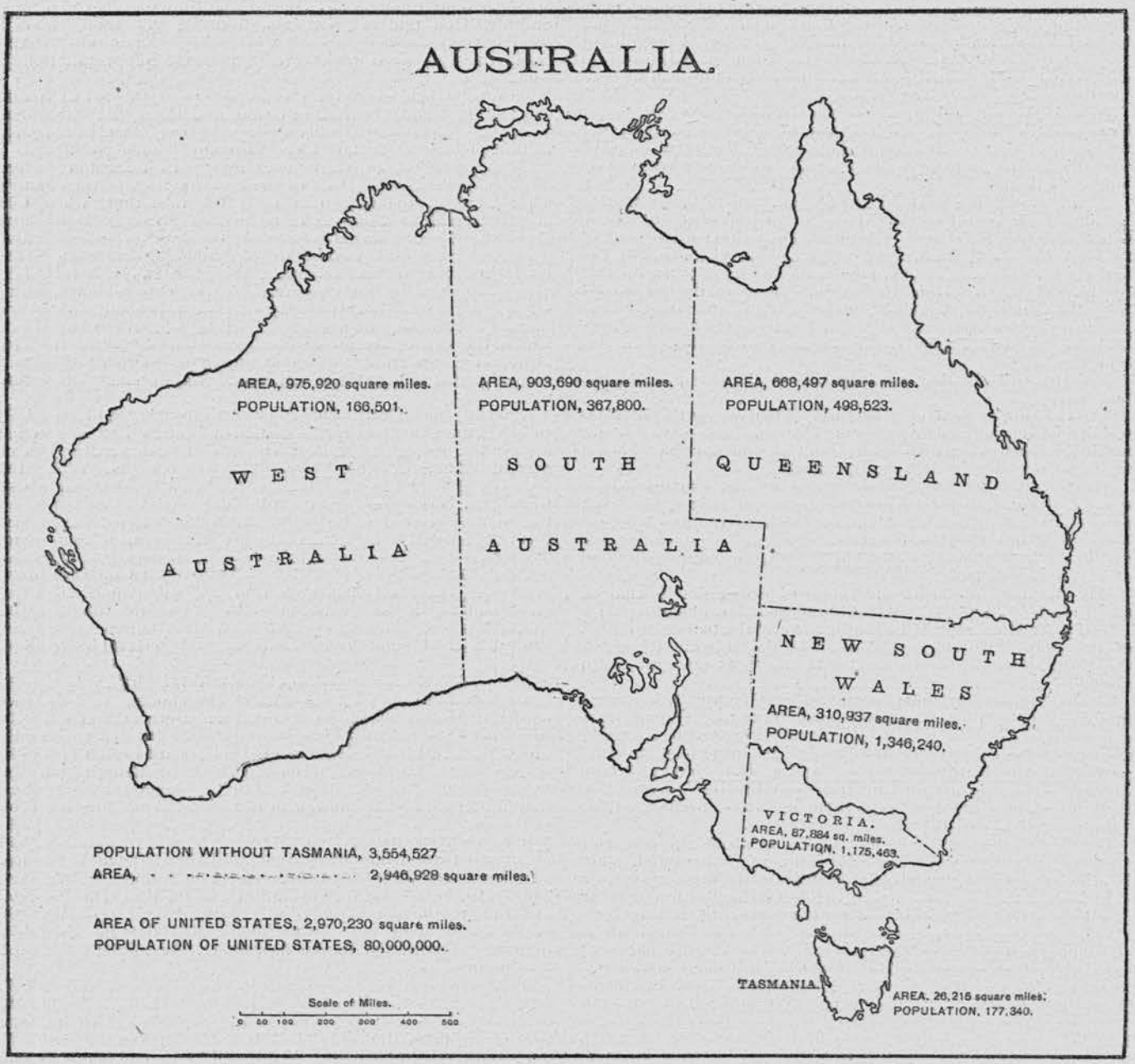
"The people of Australia own their own telegraph system, and it is managed as a part of the postal system of the country. This arose in the beginning from the fact that, when telegraphs were first constructed, no private company would have taken the risk of making telegraphic communication pay a dividend on the capital required to construct and work the lines. As in the case of the railroads, the choice lay between telegraphs constructed and managed by the Government and no telegraphs at all, and the people of Australia adopted a system of government ownership. Each of the five colonies into which the great island-continent was divided began the construction of telegraph lines, and pushed them forward as fast as the spread of population appeared likely to make any return on the outlay.

Australia has always been a wealthy country and especially so since the gold discoveries of half a century ago, and it has always had a tendency to be lavish rather than niggardly in all matters of public expenditure. This tendency has been illustrated in its telegraph system as much perhaps as anywhere. Lines were made, and afterwards extended, in districts where the demand seemed to be small, and where the population was certainly scanty, to an extent which would not have commended itself to the business instincts of a great corporation, and could not have been expected to yield a large return on the capital invested. The result has been that Australia, more than any other country in the world, presents a field for investigating the effects may be expected to flow from the public ownership of a great public convenience like the telegraph system of to-day.

"The whole question was brought into prominence by the debates that took place in the Federal Parliament in connection with the passage of the new postal act of the Commonwealth. In each of the colonies—now the States of the federation—the telegraph had always been treated as a part of the post-office system; and, therefore, when the Federal Constitution was framed it was agreed, as a matter of course, that the lines should go to the Commonwealth instead of remaining the property of the States, like the railroads. The fact that the colonies had been wholly distinct had led to considerable differences, both in administration and in charges, and the purpose of the new postal act was to establish uniform rates throughout the Commonwealth on a scale that should at once be liberal to the users and fair to the revenue. It was natural, therefore, that the whole question of cost, management, and charges should be thoroughly ventilated in the debates on the measure before it became law.

"The circumstances of Australia and the conditions of its settlement have had the effect of making both its railroads and its telegraphs unusually extensive in comparison with the numbers of its population, and this is markedly the case with its mileage of telegraph lines. At present the great island is only settled on a strip of country bordering on the coast, and even that strip does not include the more northern shores either on the east or west, and takes in no part of the north side at all. The consequence is that a line of telegraph which connects the settlements of Queensland, on the northeast of Australia, with those of West Australia, on the west coast—a distance, in a direct line, of about 2,500 miles—covers fully double that distance from the necessity of keeping in touch with the settled districts. There is, indeed, one line of telegraph which of necessity ignores this rule and passes for nearly its whole length of about 1,700 miles, from the south to the northwestern corner of the island, through an unsettled country. The purpose of this line is to connect settled Australia with the rest of the world by way of Java and India, and it passes through great districts of the interior, which were first explored for the purpose of its construction. Under the circumstances it was not possible that telegraph facilities could be supplied in Australia on a small scale or at a trifling cost.

"The telegraph lines now owned and operated by the Federal Government for the people of Australia have a length of fully 48,000 miles, while the length of the wires is considerably more than a hundred thousand miles. Thus it will be seen the people of Australia and their government have a considerable experience of the cost both of constructing and operating a telegraph system. The mileage of their lines is actually greater than that



of any European country, with the exception of Russia, Germany, and France, while in proportion to the number of inhabitants it is, probably, nearly six times as great as that of any other country in the world, with the single exception of its near neighbor, New Zealand. There are upward of 3,000 telegraph stations kept open for the convenience of a population which does not exceed 4,000,000, and the revenue derived from messages is shown to be sufficient to defray the cost of operating and maintaining the lines, as well as defraying the interest charges on the cost of construction at the annual rate of 3 per cent.

"Under the circumstances, it would be natural to suppose that the charges for telegraphic service in Australia must be very high, and it is here that the debates in the Commonwealth parliament and the schedule of rates finally appended to the act throw an unexpected light on the question. It appears that in no part of Australia has the cost of telegraphy *ever been high*, and the rates now adopted as those which will secure the revenue from loss under the three heads of operating, maintaining, and paying interest on the money invested are remarkably moderate when compared with those in force in most parts of the world, and not least in America. The rates finally settled were these: For town and suburban messages—suburban meaning practically a radius of 10 miles beyond the city limits—the rate fixed is 12 cents for a message not exceeding sixteen words, which includes the address and signature. For messages to any point within the same State from which they are sent the charge is fixed at 18 cents for the same number of words. For messages to any other State within the Commonwealth the charge for a message of similar length is 24 cents. In all cases the charge for extra words beyond the sixteen is a uniform rate of 2 cents a word. Delivery is made within a radius of 1 mile from the receiving office, and for this there is no extra charge.

"It will be seen at once that these charges are remarkable for their moderation, in comparison with any experience the people of America have yet had. They are, in fact, lower for the service rendered and the distances traversed than the rates established in any other country except New Zealand, but they are fully justified by the experience of the three principal States of the Commonwealth—New South Wales, Victoria, and Queensland—the tariffs of which have practically been adopted. When it is remembered that Australia, as a whole, is a country of the same area as the United States and that the distances actually traversed are very much greater than those between any points of telegraph communication in America, it will be seen that the charge of 24 cents for a sixteen-word message is very much less than one-half, and would probably work out at about one-third, the amount charged in America. The great area of the five

States occupying the mainland—three of the five being each more than two and a half times as large as Texas and a fourth four-fifths of its size—renders the State rate of 18 cents for similar messages equally cheap compared with American rates, while the city and suburban tariff of 12 cents has no parallel in American experience.

"The question which naturally arises at once is, How is it done? We have here a population of four millions of white men, scattered along a coastal belt of country some 5,000 miles in length, with widely separated centers of population, enjoying the most modern facilities of communication to an extent far greater in proportion to their numbers and at less than half the cost at which the same facilities are supplied to a population nearly twenty times as great and far less widely scattered. At the first glance there seems to be no reasonable way of accounting for the difference. To the advocates of public ownership and management of the great necessaries of modern civilized life it would seem that the problem is by no means so serious. In the course of the debate in the Australian Federal Parliament the postmaster-general of the Commonwealth stated boldly that not only was the Australian telegraph system as efficient as any in the world, and, with the single exception of that of New Zealand, by far the cheapest, but that it was so owing to its public ownership and to the economies naturally attending the system. A very brief examination of the facts will show that this claim is at any rate very largely founded on facts.

"The three branches of expenditure dealt with by the Australian minister for postal services were the interest on the cost of constructing the lines, the cost of maintaining the lines in good order when constructed, and the working expenses of the service, including, of course, salaries of officials and workmen of all grades, office expenses and rentals, and the supply of electricity. Every telegraph system must provide for all these in some form or other, but a government system, if honestly worked in the public interests, as the postal system is in this and other civilized countries, has great advantages in the direction of economy in two out of the three branches of expenditure. In the first place, the credit of a whole people is always better than the credit of any part of it, and therefore loans required by nations with a stable government and a reasonable character for honesty can always be obtained on the most favorable terms. Australia is a young though a wealthy community, and as a rule the value of money is somewhat higher there than in older countries; but the $18,000,000 of borrowed money spent by its various colonial governments on the construction of telegraph lines costs to-day in interest only a small fraction beyond 3 per cent. It need hardly be pointed out that such a return as this would not meet the views of any great mercantile corporation. It may fairly be said that the expenses coming under the second head of telegraph expenditure—that is to say, the actual cost of producing the necessary supply of electricity—would be quite as little in private hands as it could be made in the hands of a government department. This, of course, is true; but there is no reason why it should be any less, except the foolish and shameful one that intelligence and honesty are not to be obtained for the service of the public. It is in the third class of the expenditure requisite for conducting a telegraph system, however—the department of salaries and office expenses—where, it is claimed, the advantage of public ownership becomes an element of startling magnitude.

"In Australia the telegraph and telephone services are both incorporated with the post-office, and as such they require few, if any, separate offices. There are fully 3,000 telegraph stations in the country for the convenience of the public, and nearly every one of these is also the district post-office. There are in the United States about 27,000 telegraph stations, but there are not less than 77,000 post-offices for the use of the people; that is to say, there is a post-office for every thousand, but a telegraph station for every three thousand. In the newer, poorer, and far less thickly settled country of Australia there are fully 6,000 post-offices to meet the requirements of 4,000,000 people, or 1 to every 666 people; and more than 3,000 of these are also telegraph stations, being 1 to about 1,300 persons. The contrast is suggestive, but it is most suggestive of all in its financial aspect. If every second post-office in this country were also a telegraph station, the public would be nearly as well supplied with the means of rapid communication as the settlers in Australia now are, instead of one-third as well, and they would also be saved a great deal of money. In America it would then be, as it now is in the commonwealth of the South Pacific, each telegraph station would be at the natural center of population, where it would require no separate offices and no separate staff of clerks and operators, except in cities of considerable size. Every country postmaster or clerk would in that case be required also to be a competent telegraph operator, and thus an endless duplication, both of offices and officials, would be avoided.

"It is in this way that the Australian postmaster-general accounts for the cheapness of his telegraph system when compared with the cost in other and older countries; but this is not all. The cost of production is low and the machinery for carrying on the service is economical indeed, but these things alone would not enable him to make both ends meet. The secret of its success is not only that it is economically conducted; not only that it is not loaded with heavy interest and big dividends, but, more than either, because it is appreciated and made use of by the people to an extent unknown where charges are higher and conveniences are less. Of European nations, Great Britain makes most use of the telegraph, but her population is concentrated within a small area and therefore is easily reached. Her people use the telegraph to the extent of rather more than two messages a year for every inhabitant of the country. In the United States the population is more scattered and therefore more difficult to reach. Three years ago the American people sent, as nearly as possible, one message over the telegraph wires for each inhabitant. In Australia population is more widely scattered than in America and vastly more so than in England, yet three years ago two and a half messages for every inhabitant of the country passed over the telegraph wires of the Government. There is, it appears from the statement of the Australian postmaster-general, only one country in the world that has supplied greater telegraphic facilities for its people, and has charged even lower rates than those of Australia, and that is in the neighboring country of New Zealand. There, he admits, the Government supplies a post-office for every 500 people and a telegraph station for every 800, and there, too, the rates are somewhat lower than even in Australia. He also adds, and the addition is a significant one, that there the people three years ago sent four telegrams for each inhabitant, and the revenue from the telegraphs was even more satisfactory than in Australia.

"The lesson taught by the experience of Australia and enforced by the official head of its postal department is by no means a new one. It is, after all, neither more nor less than the stock argument in favor of the system of trusts, which are advocated as a practical necessity in these days of competition, because, owing to the greatness of the scale on which they operate, they can save immensely on the cost of working, and therefore can, presumably, afford to give the public a better article at a lower price. This is exactly what, the Australian postmaster-general asserts (and apparently beyond the reach of contradiction), the system of government telegraphy does for the people of Australia. Only by the operation of this great public trust, managed for the people by the people, would it be possible in a new country of wide extent and thinly populated to supply the facilities for speedy and reliable communication, except at a cost so enormous as to be prohibitory. Only by giving the public the facilities which such a public trust alone can give can they be induced to use the convenience on a scale so large as to make it pay. Such would seem to be the experience of Australia, and to even a greater extent of New Zealand."

When one knows the results of the postal telegraph in Australia and then claims that it would cost our Government more to run the telegraph under Government than under private enterprise, it simply reflects upon the intelligence and honesty of our own people.

Here, then, are the Australian rates:

(*a*) For town and suburban messages—suburban meaning, practically, a radius of 10 miles beyond the city limits—the rate fixed is 12 cents for a message not exceeding sixteen words, which includes the address and signature.

There are in this body 225 Members from cities, to say nothing of those from towns of various sizes. What excuse can we give that equal, if not better, privileges are not accorded those whom we directly represent?

(*b*) For messages to any point within the same State from which they are sent the charge is fixed at 18 cents for the same number of words.

Suppose the Members from New York, Pennsylvania, Texas, or Illinois were to caucus upon this proposition and decide that the people of their respective States were justly entitled to as good, or even better, rates than the people of the respective States in Australia, who doubts what the result would be?

(*c*) For messages to any other States within the Commonwealth the charge for a similar message is 24 cents.

Think of it. Compare these rates with rates from one point to another in the United States. I beg to call your attention to rates from Washington—viz, the cheapest rate to some point in

every State in the Union by either the Western Union or the Postal Telegraph.

(A) Telegraphic rates from Washington, D. C., to—	No. 1.	No. 2.	No. 3.
Birmingham, Ala	50-3		22½-2
Prescott, Ariz	100-7		30 -2
Hot Springs, Ark	50-3	60-4	30 -2
San Francisco, Cal	100-7		30 -2
Denver, Colo	75-5		30 -2
Hartford, Conn	30-2	40-3	22½-2
Dover, Del	25-3		22½-2
Jacksonville, Fla	50-3		22½-2
Atlanta, Ga	50-3		22½-2
All Idaho	1 3-7		30 -2
Chicago, Ill	40-3	50-3	22½-2
Indianapolis, Ind	40-3	50-3	22½-2
Des Moines, Iowa	50-3	60-4	22½-2
Kansas City, Kans	50-3	60-4	30 -2
Lexington, Ky	40-3	50-3	22½-2
New Orleans, La	50-3	60-4	22½-2
Portland, Me	35-2	50-4	22½-2
Baltimore, Md	20-1	25-2	22½-2
Springfield, Mass	35-2	40-3	22½-2
Detroit, Mich	40-3	50-3	22½-2
St. Paul, Minn	50-3	60-4	22½-2
Jackson, Miss	50-3		22½-2
St. Louis, Mo	40-3	60-4	22½-2
Butte, Mont	75-5		30 -2
Omaha, Nebr	50-3	60-4	30 -2
Carson City, Nev	100-7		30 -2
Nashua, N. H	35-2	40-3	22½-2
Jersey City, N. J	25-2		22½-2
Santa Fe, N. Mex	75-5		30 -2
New York City, N. Y	25-2	40-3	22½-2
Raleigh, N. C	40-3		22½-2
Bismarck, N. Dak	75-5		30 -2
Cincinnati, Ohio	40-3		22½-2
Oklahoma City, Okla	75-5		30 -2
Portland, Oreg	100-7		30 -2
Philadelphia, Pa	25-2		22½-2
Providence, R. I	35-2	40-3	22½-2
Charleston, S. C	40-3		22½-2
Aberdeen, S. Dak	75-5		30 -2
Chattanooga, Tenn	25-2	50-3	22½-2
Fort Worth, Tex	75-5		30 -2
Salt Lake City, Utah	75-5		30 -2
Burlington, Vt	35-2	40-3	22½-2
Richmond, Va	25-2		22½-2
Seattle, Wash	100-7		30 -2
Wheeling, W. Va	25-2		22½-2
Madison, Wis	50-3		22½-2
Cheyenne, Wyo	75-5		30 -2

NOTE.—No. 1 shows the lowest day rate at place in given State. No. 2 shows highest day rate at different places in given State.

No. 3 shows Australian rate for twenty-word messages, including address and signature, to places named in column A, and you will note that we are giving the telegraph companies a decided advantage in this computation, for former President Green, of the Western Union Telegraph Company has testified that the average address and signature contains seven words, and in this computation we have allowed ten in addition to a ten-word message.

The uniform rate for each additional word in Australia is 2 cents. In the United States it is from 2 to 7 cents.

Behold an empire in itself stretching from the Mississippi to the Atlantic Ocean. South Australia has a greater area than all the twenty-six States east of the Mississippi River. (Population of twenty-six States, 54,744,795; area, 881,655 square miles.)

West Australia has an area even greater than all of these twenty-six States with either of the States Minnesota, Iowa, Arkansas, or Louisiana added. (Area of Minnesota, 83,365 square miles.)

West Australia is more than one and one-half times larger than North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. (Population of this group, 6,704,552.)

Larger than Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Washington, and Oregon. (Population of this group, 2,563,961.)

Three and one-half times larger than Texas. (Population, 3,048,710.)

Six times larger than California. (Population, 1,485,053.)

Nine times larger than Colorado.

Ten times larger than either Idaho, Utah, or Oregon.

Fourteen times larger than either Washington or Missouri. (Population of Missouri, 3,106,665.)

Sixteen times larger than either Michigan, Illinois, Iowa, Arkansas, North Carolina, Louisiana, Mississippi, Alabama, Georgia, or Florida. (Population of Illinois, 4,821,550.)

Almost twenty times larger than New York. (Population, 7,268,894.)

Twenty-one and one-half times larger than either Pennsylvania, Virginia, Ohio, Kentucky, Indiana, Tennessee, or South Carolina. (Population of Pennsylvania, 6,302,115.)

Twenty-nine and one-half times larger than Maine. (Population, 694,466.)

When you consider the population of these several States and groups of States, which is many times more than the population of West Australia, you must be further convinced that we are paying exorbitant rates for telegraphing.

For example, in New York the population is thirty-nine times that of West Australia, yet in area it is not one-twentieth as large. Why should not the people in the State of New York enjoy even cheaper rates than they do in West Australia?

What would happen if two or three Members from each State would take an active interest in this question? What would happen if we all, who claim we are here in the interests of the people, became thoroughly aroused? Why, we would have postal telegraph and rates much less reduced from what we are now receiving. When you think of it and compare the distances and area of Australia and its population of three and one-half millions with distances and a like area in the United States and a population of eighty million, what can we say for ourselves and to our constituency except that telegraph rates ought, in right and justice, to be reduced, even though we might conclude that we would prefer some other method than by government ownership.

The Western Union Telegraph Company was incorporated under act of Wisconsin, March 4, 1856, and act of New York, April 4, 1856, through consolidation of "Erie and Michigan" and "New York and Mississippi Valley Printing Telegraph" companies, with a united capital of $500,000.

Its present capitalization is $97,370,000, having increased its capitalization almost $97,000,000 in fifty years.

Let us see how this has been done.

The following statement of Western Union transactions will give a good idea of their methods:

TABLE I.

Original investment	$150,000
Original capital (1852)	240,000
Capital stock (1858)	385,700
Brownsville line, worth $75,000, bought by issuing stock	2,000,000
1863, Western Union plant, worth $500,000, stock	3,000,000
Stock dividends (1863)	3,000,000
Total stock (1863)	6,000,000
Stock to buy other lines	3,322,000
Stock dividends	1,678,000
Total (1864)	11,000,000
Stock dividends	11,000,000
Total (January, 1866)	22,000,000
Stock to buy United States Telegraph Company, worth $1,443,000	7,216,300
Stock for American Telegraph Company, worth perhaps $1,500,000	11,833,100
Total (1866)	41,049,400
Stock dividends	5,060,000
Stock for American Union and Atlantic and Pacific companies (worth, together, about $3,232,000, aside from the franchises), over $23,000,000, but as Western Union already owned over $4,000,000 of Atlantic and Pacific the new issue was only	19,080,000
Stock dividends	15,000,000
Total (1884)	80,000,000
Stock for Mutual Union, worth about $3,000,000	15,000,000
Total stock (1895)	95,000,000

The National Board of Trade (by report of executive committee November 15, 1882) says: "In 1858 the Western Union had a capital of $385,700. Eight years later the stock had expanded to $22,000,000, of which $3,322,000 was issued in purchase of competing lines, while nearly $18,000,000 was issued as stock dividends. This was the first attempt to spread out an increased paper capital which should hereafter afford a plausible pretext for imposing on the public an oppressive tariff of charges. The next step was the purchase of the United States Telegraph Company, for which purpose $7,216,300 of stock was issued, an amount alleged to be five times the true value of the property. Next came the absorption of the American Telegraph Company. The stock of that company was almost as much inflated as that of the Western Union and amounted, water and all, to $3,833,100, yet $11,833,100 of Western Union stock was issued to get possession of that line."

"These are not the words of theorists or of enthusiastic reformers, but of hard-headed business men who are thoroughly familiar with corporation methods and know whereof they speak."

I quote from Senator Hill, from the Committee on Post-Offices and Post-Roads, for the year 1884:

"In respect to the stock capital of the Western Union Company, amounting to $80,000,000, nearly the whole of it has arisen from stock dividends and from purchases made of the lines of other companies which were paid for by issues of stock. In 1863 its stock capital was only $3,000,000, and even of that amount, small as it seems in comparison with the present stock capital of $80,000,000, it is quite certain that at least five-sixths consisted of what is known in stock manipulations as

'water.' The original line of the Western Union was from New York to Louisville, via Buffalo, Cleveland, and Cincinnati, and was constructed at a cost of about $150,000. It early acquired by purchase at very low rates the property of embarrassed western telegraph companies owning lines from Buffalo to Milwaukee and from Cleveland to Cincinnati, and built a line from Pittsburg to Philadelphia; but even then its actual cash investment is affirmed by those who have carefully investigated the subject not to have exceeded $300,000.

"In 1863 the stock property of $3,000,000 was doubled by a stock dividend, and during 1863 and 1864 $5,000,000 was added to represent extensions and purchases of new lines paid for in stock. The capital being thus swollen to $11,000,000, was, in 1864, doubled by a stock dividend, and thereby made $22,000,000.

"Eighteen hundred and sixty-six was a year memorable for new consolidations, the stock capital having then been increased to $41,000,000 by the issue of $19,000,000 of new stock. Since 1866 the stock capital has been carried up to its present amount of $80,000,000, partly by the issue of stock for the purchase of new lines, but mainly by the three following stock dividends: In 1879, $5,960,600; in 1881, $15,526,590 and $4,320,000; total, $25,807,190."

This nation will ever owe a debt of gratitude to Postmaster-General Wanamaker for his efforts in trying to secure postal telegraph while he was a member of President Harrison's Cabinet, during which time he made the following statement; and, so far as I know, it remains unchallenged:

"According to uncontroverted statements made before your honorable committee the capital stock of the Western Union Telegraph Company in 1858 was $385,700. The stock dividends declared between 1858 and 1866 amounted to $17,810,146, and the stock issued for new lines was $1,937,950, so that the capital stock on July 1, 1866, was $20,133,800. In 1866 new stock was created to the amount of $20,450,500, so that the total capital of the Western Union on the 1st of July, 1867, was $40,568,300. The largest dividend declared by the company up to 1874 was 414 per cent. The largest amount of stock ever divided at one time was $10,000,000, and for a period of seven years the dividends were about 100 per cent a year on its average capital. It was by adding dividends to dividends and by piling the one up on top of the other that this tremendous amount of $46,000,000 of capital and debt was created. The history of the company shows no change of policy.

"In 1874 the company bought up its own stock and the stock of other telegraph companies and accumulated a fund of over $15,000,000, which was held in one shape or another in the treasury of the company. An investment of $1,000 in 1858 in Western Union stock would have received up to the present time (1890) stock dividends of more than $50,000 and cash dividends equal to $100,000, or 300 per cent of dividends a year. These have been some of the dividends declared: In 1862, 27 per cent; in 1863, 100 per cent; in 1864, 100 per cent; in 1878, $6,000,000; in 1881, one of $15,000,000 and another of $4,300,000; in 1886, 25 per cent. The Western Union plant, exclusive of its contracts with railroads, could be duplicated for $35,000,000. Its present capital (1890) is $85,960,000. It has realized $100,000,000 of net profits in twenty-five years by its high charges."

Congressman RAYNER (now Senator) used this language:

"Of all the monopolies I submit that the telegraph system of this country, substantially owned and controlled by one man, is the worst and most dangerous of them all. It is no longer safe or expedient to intrust into the hands of one overpowering monopoly the telegraph business of this country. It is a power that not only can be used, but has been perverted, for purposes hostile to the best interests of the people. The markets of the country, its finances, and its commercial interests to so large an extent depend upon the honest and honorable administration of the business of this company that the people are not in a mood to repose a trust of this character any longer without competition in the hands of a stock-jobbing corporation."

Zachariah Chandler, from the Committee on Commerce, in the Senate of the United States, in 1872, said:

"The policy of the Western Union Telegraph Company from the beginning of its existence to the present time has been of a uniform character.

"It has been to ridicule, belittle, cripple, destroy, acquire, consolidate, and absorb all rival lines, until now it virtually controls the telegraph business of the whole country. The statements made in the report containing the history of this company, its unparalleled growth, and future possibilities are eloquent with meaning beyond that expressed in the words. With its network of wires covering the face of the land it holds the incalculable commercial interests of the people of this nation in its grasp as securely as the spider holds the struggling prey in the meshes of its web.

"There is no power but in Congress to grapple with this monster monopoly and afford adequate relief to the heavily taxed commercial interests of the country. Under the present telegraphic management, with its excessive rates and arbitrary restrictions, commerce has fastened upon it the most burdensome tax arising from any source, and the duty of Congress is clearly to devise and put in operation some measure whereby relief may be obtained, by unbinding the fetters and unloosening the chains by which she is now dragged helplessly bound to the victorious car of this grievous monopoly."

Senator Chandler was made of the right kind of stuff. He was one of the heroic men of Michigan who was admired for his rugged qualities of sincerity, honesty, and the courage of his convictions. What better can we, the Members from Michigan, do, who have been permitted to follow him into the halls of Congress, than to imitate his example and seek, so far as is within our power, to right the wrongs of the people.

I submit a list of the board of directors of the Western Union Telegraph Company:

Board of directors.—Thomas T. Eckert (chairman), Robert C. Clowry, John T. Terry, Russell Sage, George J. Gould, Samuel Sloan, Edwin Gould, Frank J. Gould, Jacob H. Schiff, James H. Hyde, William L. Bull, Louis Fitzgerald, J. Pierpont Morgan, Charles Lanier, Chauncey M. Depew, Henry M. Flagler, John Jacob Astor, Oliver Ames, C. Sidney Shepard, J. B. Van Every, James Stillman, Thomas F. Clark, Morris K. Jesup, E. H. Harriman, Samuel Spencer, Howard Gould, John J. Mitchell, Henry A. Bishop, Harris C. Fahnestock, Thomas H. Hubbard.

A glance at their names will be sufficient to satisfy anyone that it is not a case of dire necessity to continue to give these gentlemen the almost exclusive control of this monopoly to the great detriment and injury of millions of our people.

Every name represents some great interest. "They are among the richest, best, and most influential in the financial world." There are 12,932 registered holders of Western Union stock, but no doubt these gentlemen own and control the bulk of the stock.

The Postal Telegraph and Cable Company is only a side show—and I say it respectfully—to the main performance, to wit, the Western Union Telegraph Company, for in the main, where they have offices in the same locality, rates are identical.

A comparison of rates from Washington to points all over this broad Union shows but few slight differences in the rates charged by these two companies, leading one to believe and understand that this is not purely accidental, but that there must be some common understanding between these two great corporations, and if these conditions exist elsewhere, as they doubtless do, you will at once see that we are not enjoying any advantages by reason of competition, but we are led to the certain conclusion that these two great corporations are in collusion for the purpose of extracting from the people every dollar which they possibly can in order to add to their dividends.

The last dividend of the Western Union was 5 per cent annual, payable quarterly, on a capitalization nearly three times, if not quite, its true valuation, besides putting to the reserve fund $1,092,780.97, making a total surplus, June 30, 1905, of $15,974,209.25, equal to almost one-sixth of their present capitalization.

In the last annual report of the Western Union Company they give as the operating and general expenses, including taxes, $16,165,198.73. Who can tell how much of this was for salaries, and if you do not know, are you able to say where the information can be obtained? I have most respectfully asked for this information from the presidents of both the Western Union and Postal Telegraph companies, and have been unable to receive it. Can you conceive any reason why they should decline to give this information, except that it would demonstrate that a large portion of the receipts are being used for salaries in excess of what a fair and just compensation would be, which, added to the 5 per cent annual dividend upon a capitalization of nearly three times its true value, which added to the amount that is annually put to the reserve fund, would clearly demonstrate that instead of a 5 per cent dividend they are probably receiving nearly 25 or 30 per cent? I think there should be some power lodged in the Interstate Commerce Commission so that we may be able to get reliable information upon this subject.

Why are rates higher here than in Europe? Because the companies are seeking, in the main, for dividends, while public enterprise is usually satisfied to serve the people as near at cost as is possible. The Baltimore and Ohio Company had a 10-cent rate for a long time on nineteen routes and made a profit on their

business—for example, from New York to Portland, Me., and intermediate points, 10 cents; New York to Philadelphia, Baltimore, and Washington, 10 cents; New York to Chicago, 15 cents; New York to St. Louis, 20 cents; New York to New Orleans, 50 cents; from New York to Galveston, Tex., 75 cents. The average charge on all messages was 16½ cents; and at one time the Western Union carried from New York to Bradford, between the oil exchanges, a distance of four or five hundred miles, at the rate of 10 cents a message.

I know some one is waiting to ask if the Baltimore and Ohio Company did not lose money at the rates which I have quoted. D. H. Bates, manager of the Baltimore and Ohio Telegraph Company, testified that the company made a profit in spite of its low rates, and that the Western Union succeeded in buying up the Baltimore and Ohio lines, not because they proved unprofitable, but because disaster overtook the road in other departments, and it sold its telegraph business as the most available source of realizing the funds necessary to right itself.

I am indebted to my friend Mr. S. H. Bell, formerly of the International Union Telegraph committee, for many valuable suggestions, and especially for the following information:

"At one of the meetings of the National Board of Trade, held in the city of Washington a few years ago, reference was made to a line of telegraph connecting Chicago with Milwaukee, which line had been constructed by a number of business men of the two cities. Their patience had been exhausted by the inordinate greed of the Western Union, and rather than tamely submit to a continuance of the robbery they wisely concluded that it would be much better and cheaper to build, own, and operate a line of their own. This they proceeded to do, and the results were surprising.

Among the interesting speakers on that debate was Hon. R. W. Dunham, then a Member of Congress from Illinois and one of the delegates from the Chicago Board of Trade, who said:

"My friend Mr. Pope has alluded to a telegraph line running between Chicago and Milwaukee. I happen to have had some stock in that company from its commencement to this time. I know what it has been doing. That line between Chicago and Milwaukee—85 miles—cost about $14,000. As Mr. Pope has stated, it was built upon the highway. We were refused permission to run along the railroad lines. Within two years after commencing the business there was paid back to the stockholders 90 per cent of the money they had paid in. The business had been done for 10 cents a message, or 1 cent a word. After that time the company decided to be a little more liberal with their patrons than they had been at the start. They said to their patrons that from that time on they would do their business in this way—for instance, a party sending a message to Chicago or Milwaukee, containing an order to transact business, should pay a cent a word. A party in Chicago or Milwaukee desiring to telegraph simply the market to a friend at the other end of the line, that business could be done for 5 cents a message. We went further than that. At the end of each month we figured up the cost of doing the business, deducted 7 per cent per annum for the stockholders, and then paid all the balance back to the patrons. In my own business over the lines—and the same has been true of others—I have had as high as 40 per cent back at the end of the month after having paid only 5 cents a message. [Applause.] Business went on in that way for about two years. Then the stockholders concluded that as something might happen sometime in the way of unusual expense they would water the stock [laughter], and we doubled our stock, from $14,000 to $28,000. Still the result is about the same. From 25 to 40 per cent is still paid back on the 5 cents a message paid by the patrons, and we are getting our 14 per cent on nothing." [Applause.]

Mr. Bell says:

"A more convincing exhibit of the value of the telegraph as a money-maker can not very readily be produced. If a little line of only 85 miles, established by a few disgusted business men, mainly for their own convenience, has been able to show such surprising results, what may not reasonably be anticipated when we have a governmental system connecting every post-office in the land? With the above statement before us, it is not very much to be wondered at that the Western Union octopus in one year declared dividends which reached the astounding figures of 414 per cent. How much longer will the people of this country submit to such high-handed and barefaced robbery in connection with a business which is in every way as much of a public function as the transmission of letters, newspapers, and parcels, so satisfactorily and cheaply performed by the post-office?"

I do not believe any valid excuse can be given why there should not be a uniformity of rates in this country, as in Australia and in other countries. The claim is made by the telegraph companies that the country is divided into squares of 50 miles each, and in this respect that the rates are uniform; but this is not true, for I can telegraph by either the Western Union or the Postal Telegraph to Saginaw or Bay City, respectively, 60 and 70 miles beyond my home city, Pontiac, Mich., for 40 cents, while it costs 50 cents by either of these companies from Washington to Pontiac, and I assume this condition exists in many other portions of the country.

While I am a sincere believer in the Government ownership of the telegraph, I have introduced a bill for limited postal telegraph; but I am not a stickler for this particular legislation. I earnestly feel that we ought to have a reduction of telegraph rates, and believing that we can sooner and best accomplish these results in behalf of the people, I have introduced a bill which will avoid many complications which might longer delay this much-needed reform if we were to insist upon getting this relief only through the medium of Government ownership.

Here are a few of the leading objections: "A public telegraph will paternalize the Government," "It will put the Government into the field of private enterprise," "It is not the Government's business," "It is out of the Government's sphere," "The increase of patronage will be dangerous," "The Government could not be sued," "The secrecy of messages will be violated," "It will injure innocent purchasers" (for example, like the present officers of the Western Union). To all of these most satisfactory answers can be given, if time permitted. Here is perhaps the most serious objection: "It will cost too much." It need not cost the people one dollar of taxes to establish the postal telegraph. Capital has been ready to build the lines for the Government, introduce low rates, and agree to turn the plant over to the nation for actual value at the end of a period of years to be agreed upon, or allow the service to pay for the plant gradually. In this way the people will have a clear title in a few years, even at rates much lower than those now in force.

Here is still one further objection that has been often urged: "The postal telegraph may be all right in Europe, but not in America. We don't want to imitate the monarchial system and institutions of the Old World."

I hope the time has gone by when such silly and foolish objections will have any weight with our people. Let us seek for the best whenever and wherever we can find it, always bearing in mind that what is for the public good should be the supreme law.

The Western Union and the Postal Telegraph will be found to be the only visible opponents in this effort to secure for the people their just rights.

It is an undeniable fact that the present telegraph companies are honeycombed with rust and inefficiency, loaded with immense amounts of watered stock, and hampered by the most stupid exhibitions of nonprogressiveness to be seen in this enlightened age. It is literally true that in this electrical age, in this electrical country, telegraphy is the only thing touched by electricity that is still in the ox-cart condition.

"Telegraphy is still pounding along with hand labor, very much as Morse devised it nearly seventy-five years ago. It can never be cheap or fast until machinery is used to prepare the messages and to hurl them at higher speed over the wires."

I have no hesitancy in saying that, notwithstanding for many years over the doors of the telegraph companies has been written the legend, "No inventors or scientific men wanted," inventive genius has perfected, tried, and approved machines for telegraphing, which, if put into use, would revolutionize present conditions, and the fact that these modern inventions are not utilized by the telegraph companies is evidence to me that if they were used it would be apparent to all that telegraphy could be greatly cheapened.

It is sixty-two years since lightning was harnessed to language and literature, yet we are still practically in the hands of Russel Sage, the Goulds, and John T. Terry, for I have recently received from a most reliable source the information that the stock of the Western Union is almost wholly in the possession or control of these people.

I repeat, in substance, what I said in part in connection with the rate bill. It is my judgment that the people will never come into the full possession of all their rights and privileges until the legislative, judicial, and executive branches of our Government, both in the nation and State, shall be denied the right to use free passes and free transportation upon the railroads and telegraph and express franks, and I have felt that it would be bettter if these privileges were denied to all who are in either the national or State service in whatever capacity.

Here are a few of the papers, representing every phase of political opinion, that have advocated the measure: Chicago Tribune, New York Herald, Washington Post, Boston Globe, Washington Star, Omaha Bee, Denver Republican, Cincinnati

Enquirer, Atlanta Constitution, Buffalo Express, Galveston News, Harper's Weekly, New Haven Journal and Courier, New Haven Palladium, New Haven News, Hartford Times, Vicksburg Herald, Memphis Appeal, St. Paul Pioneer-Press, New York Evening Post, Reading Times, Mobile Register, New York Star, Boston Traveller, Boston Journal, Rome Sentinel, Detroit Free Press, Salt Lake Tribune, Wheeling Register, Springfield Republican, Trenton Times, Denver News, Sacramento Record-Union, San Francisco Examiner, Albany Express, Philadelphia Press, New Bedford Mercury, Erie Dispatch, Waterbury American, Rochester Herald, San Francisco Post, Adrian Times, New Orleans Times-Democrat, Pittsburg Dispatch, Richmond Dispatch, Macon Telegraph, and many more.

I appeal to the press throughout the land, to the national, State, and local; commercial, manufacturing, agricultural, and labor associations, and to all the people to use their influence and best efforts to encourage and help this movement to the end that we may have cheaper rates of telegraph, and if this question is not adjusted in the meantime—and I trust it may be—I hope the Republican, Democratic, and all other political parties will write a plank in their next national platform demanding that the Government adjust this matter in some satisfactory way to accomplish this purpose.

No one, however humble or distinguished, should fail to unite his efforts with those of President Grant, Senators Clay, Sumner, Hamlin, Edmunds, Dawes, Chandler, Ramsey, Hill, Sherman, and Platt; Representatives Palmer, C. C. Washburn, Butler, E. B. Washburn; Postmasters-General Johnson, Randall, Maynard, Howe, Cresswell, and Wanamaker; Professor Morse, the inventor of the telegraph; Cyrus W. Field, the founder of the Atlantic cable; James Gordon Bennett; Professors Parsons and Ely; Lyman Abbott, Judge Clark, B. O. Flower, T. V. Powderly, Samuel Gompers, and a host of other eminent men in every walk of life who have championed the cause of the people.

It was the late lamented Senator Platt who used this language, "The telegraph is the rich man's mail."

Let us hasten to give to the people, rich and poor, learned and unlearned, in all the walks of life a blessing commensurate and coextensive with that which was given to the farmers of the nation by the free delivery of the mails, the greatest boon that has come to them since the birth of the Republic.

I hope I have said something to enlist every lover of mankind, justice, and fair play for lower telegraph rates. [Loud applause.]

Mr. FOSTER of Vermont. Mr. Chairman, I have a very good speech prepared for this occasion, but there is another one prepared by my good friend the gentleman from Missouri [Mr. RHODES], and so I am going to yield to him twenty-five minutes.

Mr. RHODES. Mr. Chairman, I ask the indulgence of the House not that I have anything new to offer, either on the pending bill, or on any of the many interesting subjects that have occupied the attention of Congress thus far during the session; but I desire to call the attention of the House in a general way to a very old subject, one which is not only older than the Republic itself, but which is a well-defined and well-fixed policy of government, viz, to the subject of pension legislation. Particularly I desire to call the attention of the House to a bill in which many of the citizens of my State are interested, and in which the entire Missouri delegation in Congress is interested. This bill was introduced early in the session and has not yet been reported. It seeks to extend the provisions of the pension act of June 27, 1890, to certain militia organizations of the State of Missouri actually engaged in the military service of the United States under command of Regular Army officers of the military Department of the West, or the Department of the Missouri, in the suppression of the war of the rebellion. These organizations having been called into the service of the United States by virtue of a special agreement entered into between Abraham Lincoln, President of the United States, and Governor Gamble, of the State of Missouri, made necessary by certain local conditions existing in Missouri at that time, were not technically mustered into the United States service. These organizations are known in the official war records, or rebellion records, as militia of Missouri, and of this militia force there were several different organizations. These war records were compiled and published in 1902, under the direction of Hon. Elihu Root, Secretary of War, and are unquestionably authentic. It shall be my purpose in this discussion to show that these militia forces provided for in this bill were under command of regular United States Army officers, that their services were accepted by the United States, that they rendered substantial service to the United States in suppressing the rebellion as a part of the great Union Army. However, before entering into a discussion of the subject proper, I desire to address myself briefly to the history of pension legislation in the United States relating to the militia soldier. I wish to do this because I shall be able to show we are committed to a policy favoring liberal pensions to our loyal soldiers, which is so old that the memory of man runneth not to the contrary. I wish to show also our Government is committed to a policy which has recognized by general law the service of the militia soldier of every war through which our country has ever gone, except the war of the rebellion, and if I can but arrest the attention of Congress long enough to be heard on this question, I feel sure it will be decided the militia soldier of the great civil war should be no exception to the well-fixed rule.

Doctor Glasson, in his work on Military Pension Legislation, defines a military pension to be "A regular allowance made by a government to one who has been in its military service, or to his widow or dependent relatives." It occurs to me this definition is so comprehensive that no further proof ought to be required of the soldier claiming the right to participate in the benefits of pension laws than to prove he was in the military service of the United States. Since the Government has the right to demand the service of its citizen in time of war, it is but proper that the soldier be cared for by the Government in old age or in adversity. I believe the paying of a pension not only to be a proper act of gratuity, which the world concedes to be right, but the discharge of an equitable obligation. Pensions in our country by various acts of Congress have been classified as "invalid pensions" and "service pensions."

An invalid pension is one granted the soldier on account of wounds or injury received or disease contracted in the military service. A service pension is one granted the soldier who has been in the service a specified length of time, without regard to the question whether he has incurred injury or disability in the service. Our country at various times has granted both invalid and service pensions to its loyal soldiers. The act of June 27, 1890, partakes of both the invalid and service pension features. I say the policy of our Governemnt to grant liberal pensions to its loyal soldiers is older than the Republic. The first national pension law written upon the statute books in the United States was enacted August 26, 1776. This law was consistent with the colonial system of pension legislation which had been practiced in the New World for more than a century. It provided half pay for life or during disability to every officer, soldier, or sailor who lost a limb in any engagement, or being so disabled in the service of the United States as to render him incapable of earning a livelihood. The first colonial pension law was enacted by the Pilgrim fathers at Plymouth, in 1636, and was the first pension law enacted in America. Its provisions were very similar to the provisions of the act last mentioned, and contained these words: "Every man who shall be sent forth as a soldier and returned maimed shall be maintained competently during his life." You will observe the right of the government to demand the service of its citizen in time of war is clearly set out in this language, as well as the duty of the government to maintain its dependent loyal soldier. Washington was a strong advocate of pensions and advocated a policy so broad and liberal as to bring within its provisions all regulars, volunteers, and militia forces. The only requirement being that the soldier must have fought against the common enemy in defense of his country.

Formerly pension laws were more liberal than now. March 23, 1792, a law was enacted providing that judges of courts of record—State, Territorial, and Federal—were authorized to take testimony supporting the claim of a soldier for pension. The judge thus taking the testimony was then required to transmit the same to the Secretary of War, whose duty it was to enter the name of the applicant upon the pension rolls if found worthy. The effect of this law caused much friction between the legislative and judicial branches of the Government.

John Jay, then Chief Justice of the Supreme Court, in passing upon an application for a writ of mandamus relating to a certain claim for pension under the act of 1792, in refusing the writ, declared, with great boldness, the independence of the judiciary as a distinct and coordinate branch of Government. Congress soon repealed this act and created other methods by which proof was to be made.

April 10, 1806, Congress enacted its first general and most liberal invalid-pension law. This act provided pension for all volunteers, State troops, and militia forces who served against the common enemy in the Revolutionary war. To this act I invite your special attention for two particular reasons: First, it provided specifically a pensionable status for the militia soldier, and established the precedent for recognizing his services along with other loyal soldiers. In the second place, the result of this act was that regulations were established for the first

time in the history of our country providing that an increase of pension might be granted by Congress in cases where justice demanded—in other words, that Congress might grant special pension bills—and, I am advised, this practice has been followed even down to the first session of the Fifty-ninth Congress.

The important point I wish to make in this connection is, the militia soldier of the Revolutionary war was placed upon the same plane with the volunteer and the regular and with them given a pensionable status. By act of Congress approved April 24, 1816, Congress enacted an invalid-pension law providing pensions for the militia soldiers who served in the United States Army in the war of 1812.

Many acts were passed recognizing the militiaman, and by general law approved February 13, 1871, which was a service-pension act, the militia soldier of the war of 1812 was given a pensionable status. This act contained the following provision: "All surviving officers and enlisted and drafted men, including militia and volunteers, who served sixty days in the United States service in the second war with Great Britain" (war of 1812) were given a pensionable status. By act of March 9, 1878, the act of February 13, 1871, was amended by reducing the minimum service from sixty to fourteen days, but in other respects was left as in the original act—that is to say, a militiaman who fought in the war of 1812 against the common enemy for fourteen days was given a pensionable status. By act of Congress approved January 29, 1887, a pensionable status was granted the militia soldier of the war with Mexico, and contains the following provision: "All surviving officers and enlisted men, including marines, militia, and volunteers, who served sixty days in the Army or Navy of the United States in the war with Mexico shall be entitled to pensions."

Now, Mr. Chairman, I have cited a few of the many instances which show the militia soldier of every war through which our country has ever gone, except the great civil war, has been recognized and given a pensionable status. The period of time, however, from the close of each war to the date of the various acts having varied from twenty-three to fifty-six years.

One hundred and six years ago on the 12th day of last month Congress passed the first specific act placing the militia soldier upon the same basis with the volunteer and the regular. I believe in the philosophy of cycles and epicycles, and therefore am of the opinion the one hundredth anniversary of this act is the proper cycle in which this part of American history should repeat itself.

From the close of the Revolutionary war to the enactment of the first general militia pension law was twenty-three years. From the close of the war of 1812 to the enactment of the first general law which gave a pensionable status to the militia soldier of this war was fifty-six years, and from the close of the Mexican war to the enactment of the general law giving a pensionable status to the militia soldier of this war was thirty-nine years. It has now been forty-one years since the gallant Lee surrendered himself and what remained of his once proud army, on the 9th day of April, 1865, at Appomattox Court House, to the invincible Grant.

The fact is, Mr. Chairman, thirty-nine years is the mean average time between the close of our various wars, except the civil war, and the date when the Congress of the United States has, by legislative act, recognized the loyal militia soldier and given him a pensionable status with the regular and the volunteer. According to the figures just submitted, which can not lie, we have passed the average time by more than two years, and I hope we are not longer to defer this matter of simple justice. Has not the time fully come when we should recognize the service of the militiaman of the civil war? There are no good reasons why we should longer wait. To the many great and beneficent acts of the United States thus far achieved in the early part of the present century let us add the recognition of our worthy loyal militia soldiers. The time must surely come when this will be done.

But, Mr. Chairman, I must take no more of your time in this general discussion, and now ask permission to read the bill. Omitting the caption, the provisions of the bill are as follows:

Be it enacted, etc., That the provisions of the act of June 27, 1890, be, and are hereby, extended to include the officers and enlisted men of the Enrolled Missouri Militia organized under General Orders, No. 19, issued by Brig. Gen. John M. Schofield, of the United States Army, dated July 22, 1862; the six months' militia, organized under proclamation of August 24, 1861, issued by Governor Gamble, of the State of Missouri; the Provisional Enrolled Militia, organized under General Orders, No. 107, issued by General Rosecrans, of the United States Army, dated June 28, 1864; the Missouri Militia, organized under General Orders, No. 3, dated January 30, 1865, and each and every other company and militia organization, by whatsoever name known, organized for the defense of the Union in the State of Missouri during the war of the rebellion and cooperating with the military or naval forces of the United States in suppressing the war of the rebellion, who served ninety days or more in any of said military organizations in said war and were honorably discharged therefrom, or relieved from duty by orders of a military officer of the United States, or by legislative act of the State of Missouri, and that such certificate of discharge from said service from either the authority of the State of Missouri or the United States authority shall be conclusive evidence of such service, and to the widows and minor children of such persons: *Provided*, That no person, his widow, or minor children shall be entitled to benefits of said act unless the company or organization in which he served was organized under the orders of some commanding officer of the United States Army or served under the authority of an officer of the United States, or cooperated with the United States forces, or was paid or maintained by or performed service for the United States during his service in said militia, or was paid by or maintained by the State of Missouri, and such State reimbursed for same by the United States Government.

You will observe the bill seeks to extend the provisions of the pension act of June 27, 1890, to the Enrolled Missouri Militia and other military organizations of the State of Missouri actually engaged in the military service of the United States in the suppression of the rebellion whose services were accepted by the military Department of the West or the Department of the Missouri, as was done in the case of the Missouri Home Guards by act of Congress approved March 25, 1862, which extended the provisions of existing pension laws by providing pay, bounty, and pensions for them.

It should be remembered in this connection the act of March 25, 1862, extended the then existing pension laws to the Missouri Home Guards, who were not mustered into the United States service, and, of course, did not and could not have discharges from the United States service. This bill, I say, seeks to extend the provisions of the pension act of June 27, 1890, to the Enrolled Missouri Militia, and other military organizations of the State of Missouri, not only as was done in the case of the Missouri Home Guards by act of March 25, 1862, but as was also done in the case of the Missouri State Militia and the Provisional Missouri Militia by act of February 15, 1895.

Now, Mr. Chairman, in these acts, which were special acts, the provisions of all existing pension laws of the United States to-day have been extended to the Missouri Home Guards, the Missouri State Militia, and the Provisional Missouri Militia, but the provisions of existing laws have not been extended to the Enrolled Missouri Militia and the other organizations named in this bill. The truth is, however, the Enrolled Missouri Militia and the other organizations provided for in my bill, rendered the same substantial service to the Federal Government in suppressing the rebellion as did the Missouri Home Guards, the Missouri State Militia, and the Provisional Missouri Militia, and not one good reason exists why the pension laws should not be extended to include them. In other words, they stood absolutely upon the same plane with these organizations, and to them we ask that the act of June 27, 1890, be extended. When I say they stood upon the same plane, I mean they were called into the United States service by virtue of the same agreement entered into between Abraham Lincoln, President of the United States, and Governor Gamble, of Missouri, and rendered the same substantial service, under command of regular United States Army officers, and were subject to the same military orders emanating from the War Department of the United States.

I wish to say, Mr. Chairman, in all seriousness, I have studied this question earnestly and diligently for a year. I have waded patiently through those voluminous war records, and I must say it takes patience to do so, because there are 130 large volumes of them, and through various acts of Congress touching upon the subject, and I am fully convinced the time has come when the services of these soldiers should be recognized. First let me call your attention to the agreement entered into between President Lincoln and Governor Gamble, and some of the reasons which made it necessary. To begin with, Missouri did not occupy the same position with respect to the Federal Government as did most of the other States of the Union, because Missouri was the very border land between the North and the South, and party lines were so tensely drawn every citizen of the State either allied himself with the North or with the South, or fled the country. It will be remembered the southern boundary line of Missouri is not only a geographical line which separates Missouri from Arkansas, but is a line which was of historic consequence for more than a quarter of a century prior to the great civil war, and is recognized by historians as one of the pivotal points on which the peace of the nation rested for forty years.

The President realizing the necessity for holding Missouri in the Union (the reasons for which are unnecessary to state) was prompted to deviate from the well-fixed rules of military law and practice in dealing with the Missouri situation. President Lincoln, as Commander in Chief of the Army of the United States, had a right to make such executive orders affecting the Army as the exigencies required. I now submit a copy of this agreement entered into between President Lincoln and

Governor Gamble, of Missouri, which is recorded in volume 1, series 3, pages 618–619, inclusive, of the Official Records of the Union and Confederate Armies.

EXECUTIVE MANSION,
Washington, November 5, 1861.

The governor of the State of Missouri, acting under the direction of the convention of that State, proposes to the Government of the United States that he will raise a militia force to serve within the State as State militia during the war there, to cooperate with the troops in the service of the United States in repelling the invasion of the State and suppressing rebellion therein, the said State militia to be embodied and to be held in the camp and in the field, drilled, disciplined, and governed according to the Army Regulations and subject to the Articles of War; the said State militia not to be ordered out of the State, except for the immediate defense of the State of Missouri, but to cooperate with the troops in the service of the United States in military operations within the State or necessary to its defense, and when officers of the State militia act with officers in the service of the United States of the same grade the officers of the United States service shall command the combined force; the State militia to be armed, equipped, clothed, subsisted, transported, and paid by the United States during such time as they shall be actually engaged as an embodied military force in service, in accordance with regulations of the United States Army or general orders as issued from time to time. In order that the Treasury of the United States may not be burdened with the pay of unnecessary officers, the governor proposes that although the State law requires him to appoint upon the general staff an adjutant-general, a commissary-general, an inspector-general, a quartermaster-general, a paymaster-general, and a surgeon-general, each with the rank of colonel of cavalry, yet he proposes that the Government of the United States pay only the adjutant-general, the quartermaster-general, and inspector-general, their services being necessary in the relation which would exist between the State militia and the United States. The governor further proposes that while he is allowed by the State law to appoint aids-de-camp to the governor at his discretion, with the rank of colonel, three only shall be reported to the United States for payment.

He also proposes that the State militia shall be commanded by a single major-general and by such number of brigadier-generals as shall allow one for a brigade of not less than four regiments, and that no greater number of staff officers shall be appointed for regimental, brigade, and division duties than as provided for in the act of Congress of the 22d of July, 1861, and that whatever be the rank of such officers, as fixed by the law of the State, the compensation that they shall receive from the United States shall only be that which belongs to the rank given by said act of Congress to officers in the United States service performing the same duties. The field officers of a regiment in the State militia are one colonel, one lieutenant-colonel, and one major, and the company officers are a captain, a first lieutenant, and a second lieutenant.

The governor proposes that, as the money to be disbursed is the money of the United States, such staff officers in the services of the United States as may be necessary to act as disbursing officers of the State militia shall be assigned by the War Department for that duty; or, if such can not be spared from their present duty, he will appoint such persons disbursing officers for the State militia as the President of the United States may designate. Such regulations as may be required, in the judgment of the President, to insure regularity of returns and to protect the United States from any fraudulent practices shall be observed and obeyed by all in office in the State militia.

The above propositions are accepted on the part of the United States, and the Secretary of War is directed to make the necessary orders upon the Ordnance, Quartermaster, Commissary, Pay, and Medical departments to carry this agreement into effect. He will cause the necessary staff officers in the United States service to be detailed for duty in connection with the Missouri State Militia, and will order them to make the necessary provisions in their respective offices for fulfilling their agreement. All requisitions upon different officers of the United States, under this agreement, to be made in substance in the same mode of the Missouri State Militia as similar requisitions are made for troops in the service of the United States; and the Secretary of War will cause any additional regulations that may be necessary to insure regularity and economy in carrying this agreement into effect to be adopted and communicated to the governor of Missouri for the government of the Missouri State Militia.

[Indorsement.]

NOVEMBER 6, 1861.

This plan approved with the modification that the governor stipulates that when he commissions a major-general of militia it shall be the same person at the time in command of the United States Department of the West; and in case the United States shall change such commander of the department, he (the governor) will revoke the State commission given to the person relieved and give one to the person substituted to the United States command of said department.

A. LINCOLN.

As a result of this agreement General Orders, No. 96, was issued by the War Department of the United States, which legalized the agreement so far as the Federal Government was concerned and reduced it to the form of military law, by which these forces were to be enrolled, armed, equipped, and governed. General Orders, No. 96, is of record in series 1, volume 3, pages 565–566, inclusive, Official Records of the Union and Confederate Armies. The order reads as follows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, November 7, 1861.

General Orders, No. 96.]

Authority to raise a force of State militia to serve during the war is granted, by direction of the President, to the governor of Missouri. This force is to cooperate with the troops in the service of the United States in repelling the invasion of the State of Missouri and in supressing rebellion therein. It is to be held in camp and in the field, drilled, disciplined, and governed, according to the regulations of the United States Army, and subject to the Articles of War. But it is not to be ordered out of the State of Missouri except for the immediate defense of the said State. The State forces thus authorized will be, during such time as they shall be actually engaged as an embodied military force in active service, armed, equipped, clothed, subsisted, transported, and paid by the United States, in accordance with the regulations of the United States Army and such orders as may from time to time be issued from the War Department, and in no other manner; and they shall be considered as disbanded from the service of the United States whenever the President may so direct.

In connection with this force the governor is authorized to appoint the following officers, who will be recognized and paid by the United States, to wit: One major-general, to command the whole of the State forces brought into service, who shall be the same person appointed by the President to command the United States Military Department of the West, and shall retain his commission as major-general of the State forces only during his command of said department; one adjutant-general, one inspector-general, and one quartermaster-general, each with the rank and pay of a colonel of cavalry; three aides-de-camp to the governor, each with the rank and pay of a colonel of infantry; brigadier-generals at the rate of one to a brigade of not less than four regiments; and division, brigade, and regimental staff officers not to exceed in numbers those provided for in the organization prescribed by the act approved July 22, 1861, "for the employment of volunteers," nor to be more highly compensated by the United States, whatever their normal rank in the State service, than officers performing the same duties under that act.

The field officers of a regiment to be one colonel, one lieutenant-colonel, and one major; and the officers of the company to be one captain, one first, and one second lieutenant. When officers of the said State forces shall act in conjunction with officers of the United States Army of the same grade the latter shall command the combined force. All disbursements of money made to these troops, or in consequence of their employment by the United States, shall be made by disbursing officers of the United States Army, assigned by the War Department or especially appointed by the President for that purpose, who will make their requisitions upon the different supply departments in the same manner for the Missouri State forces as similar requisitions are made for other volunteer troops in the service of the United States. The Secretary of War will cause any additional regulations that may be necessary for the purpose of promoting economy, insuring regularity of returns, and protecting the United States from fraudulent practices to be adopted and published for the government of the said State forces, and the same will be obeyed and observed by all in office under the authority of the State of Missouri.

By order:

JULIUS P. GARESCHE,
Assistant Adjutant-General.

November 25, 1861, General Orders, No. 1, was issued by the governor of the State of Missouri, in which he published the agreement entered into between the State and the United States authorities, thus giving official sanction to the agreement on the part of the State of Missouri. The order reads as follows:

General Orders, No. 1.] HDQRS. MISSOURI STATE MILITIA,
St. Louis, November 25, 1861.

This arrangement has been made in order to secure to the troops raised for the purpose of suppressing insurrection in and repelling invasion of the State of Missouri the same compensation as that received by the United States Volunteers. To the end that the State militia may be placed as nearly as possible upon the same footing with the United States Volunteers, the organization will be made the same, as follows, viz: Each regiment shall have one colonel, one lieutenant-colonel, one major, one adjutant (a lieutenant), one quartermaster (a lieutenant), one surgeon, and one assistant surgeon, one sergeant-major, one quartermaster-surgeon, one commissary-sergeant, and two principal musicians, and shall be composed of ten companies, each company to consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, four sergeants, eight corporals, two musicians, one wagoner, and from sixty-four to eighty-two privates. This force to be organized into brigades of not less than four regiments each; each brigade to have one brigadier-general, two aides-de-camp, one assistant adjutant-general, with the rank of captain; one surgeon, one assistant quartermaster, and one commissary of subsistence (captains). The company officers are to be elected by their respective companies, and the field and staff officers appointed by the governor. The troops already organized under the call of the executive of the State can have the benefits of the arrangement made with the Government of the United States by increasing the numbers in the companies and regiments to the requirements of the arrangement and being mustered into service for the war according to its terms, their officers having the rank they now hold.

Maj. Gen. Henry W. Halleck, of the United States Army, has been appointed and commissioned major-general of the Missouri State Militia.

H. R. GAMBLE,
Governor of Missouri.

(Senate Document 412, Fifty-ninth Congress, first session, page 23.)

The next step in carrying out the agreement was the appointment by the governor of Missouri of a brigadier-general of the Missouri State Militia, which he did within two days, viz, November 27, 1861, by appointing Brig. Gen. John M. Schofield, of the United States Army, who at once assumed command of all the militia of the State by virtue of the following order:

General Orders, No. 1.] HDQRS. MISSOURI STATE MILITIA,
St. Louis, November 27, 1861.

Brig. Gen. John M. Schofield, of the United States Volunteers, having been appointed and commissioned brigadier-general of the Missouri State Militia, is hereby placed in command of all the militia of the State.

H. W. HALLECK,
Major-General Missouri State Militia.

(Senate Document 412, Fifty-ninth Congress, first session, page 24.)

You will observe this order was from Major-General Halleck to General Schofield. The next general order is as follows:

General Orders, No. 1.] HDQRS. MISSOURI STATE MILITIA,
St. Louis, November 29, 1861.

In compliance with orders from Major-General Halleck, of the Missouri State Militia, dated St. Louis, November 27, 1861, I hereby assume command of all the militia of the State.

JOHN M. SCHOFIELD,
Brigadier-General Missouri State Militia.

(Ibid.)

This was the final step under which all the loyal militia of the State were placed under the control of General Schofield, thus bringing them practically in the United States service. I should not only say bringing them de facto in the United States service, but brought them de jure in the United States service, and were so continued under General Schofield until he was relieved by General Rosecrans January 30, 1864. Immediately on General Rosecrans assuming command of the Department of the Missouri, Governor Gamble issued General Orders, No. 4, dated February 2, 1864, which placed all the militia of the State under him, who continued in command of the militia of the State until relieved by Major-General Dodge December 9, 1864. See page 76, Senate document 412. The term of service of the various militia organizations of the State having expired in the early part of 1865, and General Dodge having succeeded General Rosecrans, and Governor Fletcher having been inaugurated governor of Missouri to succeed Governor Gamble, it was found necessary to revive the old agreement that was made in 1861 between President Lincoln and Governor Gamble, which was done by General Orders, No. 3, dated January 30, 1865, and General Orders, No. 28, dated February 1, 1865, which I shall not take the time to read, as I shall again refer to them. Suffice it to say, these orders were based upon an agreement entered into between Abraham Lincoln and General Dodge, of the United States Army, on the one hand, and Governor Fletcher on the other, and was in substance the same as the agreement between Governor Gamble and Lincoln in 1861, and based absolutely upon the same conditions. It occurs to me that no further proof should be required to establish the fact that these forces were in the United States service than to show they actually fought against the common enemy.

July 22, 1862, General Schofield issued General Orders, No. 19, which brought into existence the Enrolled Missouri Militia. This force remained in active service and subject to duty until March 12, 1865, thus serving two years and eight months, and many of them furnishing their own horses and horse equipment. It is now forty-one years since the close of the great civil war, and these gallant Missouri soldiers have not even been recognized as having been in the United States service, much less paid for the loss of a horse or for the value of the services of their horses. No, Congress has not taken the time to look into this matter since the act of March 25, 1862, which created the Hawkins Taylor Commission, whose business it was to audit the claims and fix the status of the Home Guards of 1861. I have just referred to the fact that the Enrolled Missouri Militia was called into service July 22, 1862, and served until March 12, 1865.

It will be remembered they were placed at once under command of General Schofield, as is shown in paragraphs 5 and 9 of General Order No. 19, which are as follows:

Paragraph 5: The militia thus organized (the Enrolled Missouri Militia) will be governed by the Articles of War and Army Regulations, and will be subject to do duty under orders of commanding officers of the posts where enrolled, or such other officers of the United States troops or Missouri Militia regularly mustered into service as may be assigned to their command.

Paragraph 9: The same strict discipline and obedience to orders will be enforced among the militia in service under this order as among other troops, and commanding officers will be held strictly responsible for all unauthorized acts of the men.

(Senate Document 412, Fifty-ninth Congress, first session, page 48.)

I have only quoted two paragraphs of this order, because it is quite long. Subsequent orders were issued from time to time by General Schofield and his successors relating to the organization, equipment, and discipline of the Enrolled Missouri Militia. For example, General Order No. 4, dated January 9, 1863, and issued by General Curtis, reads as follows:

Pursuant to authority of the Secretary of War, the Enrolled Missouri Militia will be entitled to draw forage and subsistence, and to be furnished transportation, when in actual service, upon requisitions properly approved by the United States officer commanding the district in which they may be serving. But such militia will in no case be considered in actual service except when called out by the governor of the State or a commander of a district, and only while they are retained in service by such commander.

By command of Major-General Curtis:

H. Z. CURTIS,
Assistant Adjutant-General.

(Senate Document 412, Fifty-ninth Congress, first session, page 59.)

This order shows that the Enrolled Missouri Militia was provided forage, subsistence, and transportation when in actual service by the United States, and of course means they were preparing the entire force for the United States service. I now wish to submit a copy of the order which shows these forces were armed and equipped by the United States. I shall only recite paragraph 1 of General Order No. 47, as this is also quite long:

HEADQUARTERS DEPARTMENT OF THE MISSOURI MILITIA,
June 7, 1863.

Authority having been given by the War Department to furnish clothing, camp and garrison equipage, and medical supplies to the Enrolled Missouri Militia in continuous active service under the command of the commanding-general of the department, requisitions will be made in due form by the proper officers for such of the above-named supplies as are required by the eight provisional regiments now in service.

(Senate Document 412, Fifty-ninth Congress, first session, page 60.)

By way of explanation, I wish to call attention to the provisional regiments which were in active service at this time. These provisional regiments were of the same class of militia as were the Enrolled Missouri Militia, the only difference being they were put into active service earlier than the other companies and regiments. I have just quoted Mr. Root in his comment on this subject on page 85, Senate Document 412. I should also say Congress opened its heart in 1873, and gave a pensionable status to these provisional regiments, and again by act of February 15, 1895, as I said before, extended to them the provisions of the act of June 27, 1890.

Secretary Root, in response to a request by the United States Senate, made a compilation of the various military organizations of the State of Missouri. This document is known as "Senate Document No. 412," dated June 16, 1902, and in it Mr. Root states the provisional regiments were simply detailed from the regiments of the Enrolled Missouri Militia, and their military status was precisely the same as the original force. He says further on page 85:

They were Missouri militia, organized under the militia law of the State for State service, were paid by the State, and while on duty, under command of United States officers, were clothed and subsisted by the United States. Like the original force, they served in defense of the State of Missouri and incidentally in the defense of the United States.

Secretary Root might well have said in this connection, while these militia forces were paid by the State of Missouri, the State was reimbursed by the United States Government for the money thus expended by act of April 17, 1866, which is further recognition by the Federal Government that they were in the military service of the United States. But I promised to submit proof showing these forces were at least *de facto* in the United States service and so recognized by President Lincoln and by General Schofield and his successors. In a letter written by President Lincoln at the Executive Mansion, October 5, 1863, to Charles Drake et al., of Missouri, in a reply to a demand for the removal of General Schofield as commander of the Department of the West, or the Department of the Missouri, and the disbanding of the Enrolled Missouri Militia. Among other things, the President said:

As to the Enrolled Missouri Militia, I shall endeavor to ascertain better than I now know what is its exact value. Let me say, however, that your proposal to substitute national force for the enrolled militia implies, in your judgment, the latter is doing something which needs to be done; and if so, the proposition to throw that force away and to supply the place by bringing other forces from the field where they are equally needed seems to be very extraordinary. Whence shall they come? Shall they be withdrawn from Grant, or Banks, or Steel, or Rosecrans? Few things have been so gratifying to my anxious feelings as when in June last the local force in Missouri aided General Schofield to so promptly send so large a general force to the relief of General Grant, then investing Vicksburg and menaced from without by General Johnston. Was this all wrong? Should the enrolled militia then have been broken up and General Herron detached from Grant to police Missouri? So far from finding cause to object, I confess to a sympathy for whatever relieves our general force in Missouri and allows it to serve elsewhere. I therefore, as at present advised, can not attempt the destruction of the enrolled militia in Missouri. I may add that, the force being under the national military control, it is also within the proclamation in regard to the habeas corpus.

A. LINCOLN.

(See volume 22, series 1, part 2, page 604, Rebellion Records.)

You will observe President Lincoln, the great emancipator of human souls, states, over his own signature, the enrolled militia of Missouri was under the national military control and within the proclamation suspending the privilege of the writ of habeas corpus in cases of persons belonging to the land and naval forces of the United States. In other words, the President proclaimed these forces in the United States service; and I here wish to submit the official order in which it was held the proclamation of September 15, 1863, the proclamation to which I have just referred, issued by the President, applied to all Missouri militia:

General Orders, No. 96.] HDQRS. DEPARTMENT OF THE MISSOURI,
St. Louis, September 17, 1863.

The proclamation of the President, dated Washington, September 15, 1863, suspending the privilege of the writ of habeas corpus in the cases of persons belonging to the land and naval forces of the United States, and other persons therein described, will be held to apply to all Mis-

souri militia called into active service under the orders of the department commander. By command of Major-General Schofield.

J. A. CAMPBELL,
Assistant Adjutant-General.

(Senate Document 412, Fifty-ninth Congress, first session, page 75.)

Mr. Chairman, this letter from President Lincoln and the official promulgation of the proclamation of September 15, 1863, in my humble judgment brings these militia forces legally into the United States service for all purposes, and ought, forever and forever, settle this question. I say this recognition of the services of these men brings them into the service of the United States as much so as had they been formally mustered in, mustered out, and discharged from the United States service. In truth and in fact, by virtue of the agreement to which I have referred, the proclamation of the President and the fact that they fought under command of United States Army officers against the common enemy, they were in the United States service, and all decisions and rulings of the War Department and the Pension Office to the contrary notwithstanding do not and can not affect their equitable rights. This Congress, or rather the committee before which this bill is now pending, may fail to take cognizance of these official acts, but I am going on record now by making this prophecy, viz: A time will come in the near future when this proclamation of President Lincoln will be declared the law affecting the rights of these loyal soldiers for pensionable purposes. I feel nothing more ought to be said so far as the law and the equity of the case is concerned. What are the facts? These forces served two years and eight months in the United States Army. How did they serve? Were they kept in holiday attire at the expense of the nation, and on exhibition, as are the United States forces of to-day? No; they went through the heat of summer, the cold of winter; endured the hardships and privations of that awful war, many of them furnishing their own horses and horse equipment free of cost to the Government; faced shot and shell at the hands of rebels, guerrillas, and bushwhackers as a part of the great Union Army, to which our party, Mr. Chairman, has stood pledged for a quarter of a century, and stands pledged to-day, for just and liberal pensions to the Union soldiers of the civil war.

But where shall I go to produce substantial evidence that these men were in the United States service and that they actually rendered substantial service to the cause of the Union in the suppression of the rebellion? Can I go to the Army rolls in the War Department for this information? No; not there, because, technically speaking, these forces were not mustered into the service and their names are not written there. But, Mr. Chairman, there is a place to which I can go, and it is to what is known as the "Official Rebellion Records of the Union and Confederate Armies."

These militia forces were actively brought into service in 1863, when General Shelby invaded Missouri. They successfully resisted the advance of Shelby toward Springfield, and Britton says after fighting more than twenty skirmishes, or small battles, Shelby withdrew from southwest Missouri, having only captured 180 of the militia at Neosho and a small force of militia at Lamine and Warsaw. This fighting was all with militia. Captain McAfee, reporting the battle of Neosho, stated he surrendered his militia upon the condition that they were to be treated as prisoners of war, and after they had been paroled by General Shelby two of the Enrolled Missouri Militia were killed by General Coffee's men, one of them being Lieut. Elijah Waters. In fact, these militia forces fought in every engagement during the year 1863. In the early part of 1864 no particular movements of these forces are mentioned, but beginning with September, 1864, when General Price made his second invasion of Missouri with 15,000 troops, the very flower of his great army, with St. Louis and Jefferson City as the objective points, they were again called into active service. We find them fighting battles and winning victories all over the State, including the battles of Pilot Knob, Boomville, Jefferson City, Warrensburg, and a hundred other minor battles. In fact, it is stated a greater number of engagements were fought in Missouri than in any other State of the Union. Britton, in his history, in describing the battle of Boomville, speaks of Capt. H. Shoemaker and his company of Enrolled Missouri Militia that were captured by General Shelby, the terms of surrender being, of course, they were to be treated as prisoners of war, but were permitted to fall into the hands of southern men and, destitute of that chivalry for which the South is universally known, brutally murdered.

I shall now submit a few of the many official orders and some of the correspondence showing when and where these militia forces were in active service.

PEVELY, MO., *October 2, 1864.*

Major-General PLEASANTON: Two men left Richwoods Thursday and report 300 rebel troops in Old Mines, headquarters of rebel forces, near Potosi. The reported force of rebels is about 3,000. They intend to remain there until driven out. They are working all the mineral into lead mills and say they will burn up the lead mills as soon as they get through with them. Lieut. Col. I. K. Walker and six others, of the Enrolled Missouri Militia, were killed at Potosi. Captain Cook, of the Forty-seventh, and his men in the court-house in Potosi, all prisoners.

A. N. GRISSOM.

Special Orders, No. 211.] HDQRS. DISTRICT OF CENTRAL MISSOURI,
Jefferson City, Mo., October 2, 1864.

Col. R. Paser, commanding Thirty-fourth Enrolled Missouri Militia, will order four companies of his command to move to-morrow morning at 7 o'clock, 3d instant, by train and take post as follows: Two companies at the Osage bridge and two companies at the Gasconade bridge. The command will be provided with ten days' rations and 100 rounds of ammunition to each man.

J. H. STEGER,
Assistant Adjutant-General.

Special Orders, No. 181.] HDQRS. DEPARTMENT OF THE MISSOURI,
St. Louis, Mo., July 5, 1863.

* * * * * * *

8. The regiments of General Edwards's brigade, Enrolled Missouri Militia, to be designated by the brigade commander, will be sent by rail to Rolla, Mo., to report to Brigadier-General Davies, commanding District of Rolla. Each regiment will take with it all camp and garrison equipage.

9. One regiment of General Edwards's brigade will report to Brigadier-General Strong, commanding district of St. Louis, to relieve the Twenty-third Missouri Infantry, as provost of St. Louis.

10. The Ninth Wisconsin Infantry, Tenth Kansas Infantry, and First Kansas Battery will move immediately to St. Louis and prepare to embark. The regiments will take all their camp and garrison equipage and five six-mule teams each.

11. The Twenty-third Missouri Infantry and Twenty-ninth Illinois Infantry will be prepared and held in readiness to embark, with all their camp and garrison equipage, and transportation to the amount of five six-mule teams for the Twenty-third Missouri and Ninety-first Illinois Infantry and three six-mule teams for the Twenty-ninth Illinois Infantry.

By command of Major-General Schofield:

J. A. CAMPBELL,
Assistant Adjutant-General.

(See page 561, volume 53, series 1, Rebellion Records.)

I reproduce this order for the purpose of showing the Enrolled Missouri Militia were subject to the same orders to which the regulars were subject; that, as President Lincoln said, they took the place of regular soldiers and relieved the general force in Missouri when needed elsewhere. Hence it must be admitted they were actively in the United States service.

Special Orders, No. 189.] HDQRS. DEPARTMENT OF THE MISSOURI,
St. Louis, Mo., July 13, 1863.

* * * * * * *

2. The Twenty-third Missouri Infantry will move by rail to Rolla, Mo., on the 14th instant, and report for duty to Brigadier-General Davis. * * *

3. On the arrival of the Twenty-third Missouri Infantry at Rolla the Fourth and Sixth Regiments Enrolled Missouri Militia will move by rail to St. Louis and report to Brigadier-General Edwards.

* * * * * * *

4. The Ninth Wisconsin Infantry will relieve the regiments of Enrolled Missouri Militia now on duty as provost guard of St. Louis.

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General Edwards's brigade, Enrolled Missouri Militia, will be mustered out of service on the 15th instant.

* * * * * * *

By command of Major-General Schofield:

J. A. CAMPBELL,
Assistant Adjutant-General.

(See volume 53, series 1, page 563, Rebellion Records.)

HEADQUARTERS DISTRICT OF SOUTHWEST MISSOURI,
Springfield, Mo., July 20, 1864.

Maj. O. D. GREEN,
Assistant Adjutant-General,
Department of the Missouri.

MAJOR: I have the honor to report for the information of the major-general commanding, that the following regiments of cavalry now on duty in this district own their own horse equipments, viz: Sixth Cavalry Missouri State Militia, Seventh Cavalry Enrolled Missouri Militia, mustered and to be mustered into the twenty-months' service. The term of service of all these regiments expire on or about the 1st day of June, 1865. Nearly all the men comprising these regiments are farmers residing within the district or State, and have been and are able to keep themselves well supplied with horses. None of these troops desire to turn over their horses or equipments to the Government, and considering the short time these troops have to serve, the fact that they are serving near home, where they can supply their own horses constantly, I consider it to be to the best interest of the Government to allow them to retain and furnish their own horses in the same manner as heretofore. But if the law is construed as prohibiting any payment for the use of private horses, the troops would, of course, have to turn them in. I would respectfully request that special instruction and construction of the law by the War Department be communicated on the point, whether it is optional for the troops to turn in or otherwise dispose of their horses, or compulsory.

I have the honor to be,
Very respectfully,

JOHN B. SANBORN,
Brigadier-General Commanding.

(Vol. 41, series 1, serial No. 84, p. 293, Rebellion Records.)

I desire to say I have been unable to find any construction of the law by the War Department relieving the Government of

liability on account of the loss of horses by these forces, and infer the Government was considered liable, yet in many instances soldiers were not paid for the loss of horses, much less for the services of horses thus furnished. I am here reminded that Congress in 1818 provided pay of 40 cents per day to the militia soldier of the war of 1812 who furnished his own horse. I received a letter from John L. Cornue, now of Colfax, Kans., a few days ago, in which he gives his experience as a member of the Enrolled Missouri Militia.

By the way, I am unable to reproduce the letter, as it was the request of Mr. Cornue that I present it to the President, and believing Mr. Roosevelt would likely see fit to make a proper recommendation to Congress on this subject; I accordingly did so. As yet, I am advised, no recommendation has been received from the President by the House. The facts were as follows: Mr. Cornue was riding a horse belonging to a comrade, and in a certain engagement with rebels the horse was killed. He was required to pay the owner the sum of $80 for the animal. The salary of Mr. Cornue was $12 per month. He served six months, thus drawing $72; hence was required to pay $8 more than his six months' salary. The net result to Mr. Cornue being that he had the experience of having served his country six months for nothing and sustained the loss of $8 in cash. It is unnecessary to state Mr. Cornue did not reenlist on the expiration of his term of service.

FRANKLIN, MO., *October 29, 1864.*

Brigadier-General EWING: The work of bridges goes on well. The cars will cross first bridge in one week from to-day. Volunteers for thirty days can not be had from my command, but I think the Forty-fourth could be kept in service without any trouble. There is also at Herman part of the Thirty-fourth, who would remain without a murmur. My own men seem determined not to stay. There were only 170 of the Thirteenth left yesterday at Franklin, and one company First Battalion Cavalry, Enrolled Missouri Militia. At Franklin and bridges, for duty 440 men of the Enrolled Missouri Militia.

E. C. PIKE, *Brigadier-General.*

(See p. 312, vol. 41, pt. 4, ser. 1, serial 86, Rebellion Records.)

HEADQUARTERS ST. LOUIS DISTRICT,
St. Louis, Mo., October 29, 1864.

Brigadier-General PIKE, *Franklin:*

Please send by telegraph a list of Enrolled Missouri Militia regiments under your command at the present time, including those under General Myers. By order of Brigadier-General Ewing.

H. HANNOHS,
Acting Assistant Adjutant-General.

(Ibid.)

FRANKLIN, MO., *October 29, 1864.*

Brigadier-General EWING: At Herman five companies Enrolled Missouri Militia, Eleventh Regiment, for duty 146 men. Three companies First Battalion Cavalry, Enrolled Missouri Militia, for duty 78 men. At Washington one company Fifty-fourth Regiment Enrolled Missouri Militia, for duty 100 men. At Franklin Thirteenth Enrolled Missouri Militia, for duty 200 men, and General Wolf telegraphed the Third at Jefferson had refused to do any more.

E. C. PIKE, *Brigadier-General.*

(Ibid.)

HEADQUARTERS ST. LOUIS DISTRICT,
St. Louis, Mo., October 29, 1864.

Brig. Gen. PIKE, *Franklin, Mo.*

Where is the Tenth Regiment Enrolled Missouri Militia?

THOMAS EWING, Jr., *Brigadier-General.*

FRANKLIN, MO., *October 29, 1864.*

Brigadier-General EWING: The Tenth Regiment is at Jefferson City.

E. C. PIKE, *Brigadier-General.*

(See p. 313, vol. 41, pt. 4, ser. 1, serial 86, Rebellion Records.)

I shall now call your attention to the Provisional Enrolled Militia, which was an organization called into service by virtue of General Orders, No. 107, dated June 28, 1864, issued by General Rosecrans. I shall not take the time of the House or burden the RECORD with a reproduction of this order. Suffice it to say this organization was of close kin to the Enrolled Missouri Militia, and was based upon the same agreement with the President, heretofore mentioned, and designed to perform the same military service.

Secretary Root, in Senate Document 412, at page 88, states:

From data filed in the office of the Commissioner of Pensions, it is known some of the Provisional Enrolled Militia were brought into active service and sustained heavy losses.

But, like the Enrolled Militia, are not considered to have been regularly in the United States service; consequently do not have a pensionable status. Of this organization there were sixty-two companies, approximately 6,000 officers and men, but all of former enlistments in various militia organizations of the State.

The next organization to which I invite your attention is the Missouri Militia, organized under General Orders, No. 3, dated January 30, 1865. This organization was made necessary because the term of service of the Missouri State Militia, the Enrolled Missouri Militia, and the Provisional Enrolled Militia were about to be disbanded, and because peace had not been restored. It will be remembered I have shown the organizations heretofore mentioned were called into the service by virtue of general orders based upon an agreement entered into between Abraham Lincoln and Governor Gamble, of Missouri. Now, as Governor Gamble was succeeded by Governor Fletcher January 1, 1865, as governor of Missouri, and the agreement formerly made could not bind Governor Fletcher, it was found necessary for Governor Fletcher to renew the agreement with the President, which he did, with the assistance of General Dodge, who was in command of the Department of the West at that time. As this organization occupied the same position with respect to the Federal Government, as did the other organizations mentioned, I deem it unnecessary to reproduce either the special agreement or the military orders which brought them into the service.

Secretary Root, in Senate Document 412, at pages 95 and 96, says:

It will be observed these companies were organized for active service under United States officers and that they were to be clothed and subsisted by the General Government, and armed, equipped, and paid by the State. The State was reimbursed by the Federal Government by act of April 17, 1866.

As was done in the case of each of the other organizations. Secretary Root further states:

The status of these troops was that of the militia of the State of Missouri, which, though serving under United States officers, was not accepted into the military service of the United States.

The adjutant-general of the State reports that there were only fifty-eight companies of this organization placed in the field. It must be remembered these forces were organized by United States officers. Yet they are not considered to have been in the United States service for pensionable purposes. Secretary Root further says:

It is known these forces remained on duty from January, 1865, the date of their organization, until relieved from duty in June and July, 1865, by the department commander, and were engaged in doing escort duty, guarding posts and lines of communication, and hunting guerrillas and fighting bushwackers.

Mr. Chairman, here is a condition of things which has not a parallel in American history. Think of it! Soldiers called into active service by United States officers, held in service and commanded by United States officers, and relieved from duty by orders of United States officers. These soldiers were a part of the great Union Army, and are so recognized in the history of their country; and, Mr. Chairman, I am sorry our party, which has declared for just and liberal pensions for the Union soldier for more than twenty years, hesitates to make good its pledges. But, knowing the Republican party can always be trusted and that it is the friend of pensions and of the old soldier, I confidently expect to see my bill become a law.

There is one other organization specifically named in my bill to which I desire to call your attention, viz, the six months' militia, which was called into service by proclamation of Governor Gamble, dated August 24, 1861. This was an organization, while not called into the service by and placed under command of United States officers, as was done in the case of these other militia forces, yet they performed valuable service as an auxiliary force to the Regular Army by acting as scouts and guides to the various bodies of volunteers and scouring the country in search of rebels and guerrillas. These forces, like those just mentioned, are considered a part of the Union Army in the Rebellion Records. I should also add the State was reimbursed by the Federal Government for money expended in the organization and equipment of these forces by act of April 17, 1866. The records show about 6,000 soldiers enlisted under this call. However, as a matter of fact, there are very few of this organization but what enlisted in some one or more of the subsequent organizations. In fact, some of these militia of 1861 served in all subsequent organizations, therefore their names appear many times on the muster-in rolls, thus swelling the total enlistment, but, of course, could only be counted once for pensionable purposes. Now, to one other provision of the bill and I am done. The concluding provision of the bill is that the provisions of the act shall apply "to each and every other military organization of the State of Missouri organized for the defense of the Union and cooperating with the military or naval forces of the United States in suppressing the rebellion." Some question as to the necessity for this provision has been raised. This is a necessary provision for the reason there were a few independent companies in Missouri that were in the United States service by virtue of the same agreements and general orders as were in the other organizations mentioned. For instance, the records in the Auditor's office for the War Department here in Washington show John R. Cochran, of Bollinger County, Mo., commanded an independent company of six months' volunteers, Enrolled Missouri Militia, who were ordered into active service August 10, 1863, and not relieved from duty until February 24, 1865. The Official War Records show this organization was in active service, doing duty in

southeast Missouri and northeast Arkansas, from August 10, 1863, to February 24, 1865, making a continuous term of service of one year six months and twelve days. The records further show on the expiration of this service they reenlisted under Captain Cochran March 17, 1865, under General Order No. 3, and were under this enlistment termed "Missouri Militia," an organization heretofore mentioned, thus making a total term of service of practically two years.

This independent company of Captain Cochran appears on the rolls in the Auditor's office for the War Department as "Company C, Six Months Volunteers, Enrolled Missouri Militia," and is evidently the organization referred to on page 229, Senate Document No. 412, denominated "Bollinger County company (unattached), commanded by Capt. John R. Cochran," and is not the organization named on page 227 of same document as "Cochran's Independent Company C, Six Months Militia."

The Six Months Independent Company C, on page 227, was organized in 1861 under the proclamation of Governor Gamble and relieved from duty January 25, 1862, whereas the unattached company of Captain Cochran, named on page 229, under the title of "Enrolled Missouri Militia," must be the organization which appears of record in the office of the Auditor for the War Department as "John R. Cochran's Company C, Six Months Volunteers, Enrolled Missouri Militia." For proof to support this contention, I wish to give the substance of an official communication dated January 4, 1865, written by Col. J. B. Rodgers, of the United States Army, to Brig. Gen. Thomas Ewing. The communication is found on page 997, series 1, vol. 41, part 1, serial 83, War Records, and entitled "December 20, 1864, to January 4, 1865. Expeditions from Cape Girardeau and Dallas, Mo., to Cherokee Bay, Arkansas, and the St. Francis River, with skirmishes." The report states that Colonel Rodgers, stationed at Cape Girardeau, on the 20th of December, 1864, ordered Maj. Josephus Robbins, Second Cavalry, Missouri State Militia, with a detachment of 30 men of the Second Cavalry, Missouri State Militia, and Lieutenant Rinne, with a detachment of Battery C, Second Missouri Artillery, to move from Cape Girardeau to Bloomfield, with directions to search for the enemy (rebels and guerrillas) in the vicinity of Cherokee Bay, Arkansas. Major Robbins was also ordered to search Horse Island, which was near the Arkansas line, at once with his command of 50 men and 50 men from the Enrolled Missouri Militia. I desire to state Cherokee Bay is located in Randolph County, Ark., on the St. Francis River, showing the Government ordered these forces out of the State. Colonel Rodgers, in the meantime, ordered Captain Cochran, commanding a company of the "Six Months Volunteers, Enrolled Missouri Militia," to march from Dallas, now Marble Hill, to Poplar Bluff and to report to Major Robbins. Owing to swollen streams, Captain Cochran could not reach Major Robbins and was ordered to return to Dallas, thoroughly scouring the country for guerrillas. At Ash Mills he encountered the enemy and killed 4 of their number and captured a number of horses and quantity of arms. He routed other bands and killed a number of guerrillas. I mention this circumstance to show this independent company denominated "John R. Cochran's Company C, Six Months Volunteers, Enrolled Missouri Militia," was actively in the United States service. In fact, I could submit a great number of instances, not only showing there were other independent organizations in the United States service, but showing when and where they rendered particular service. I now wish to submit a letter written by the Auditor for the War Department to Oliver Masters, of Bessville, Mo. Mr. Masters has long since crossed the river and his good old wife has joined him on the other shore, and they could never be a source of expense to the country should my bill become a law.

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE WAR DEPARTMENT,
Washington, D. C., January 4, 1898.

OLIVER MASTERS, *Bessville, Mo.*

SIR: In reply to your letter of the 29th ultimo, you are informed that the name "Oliver Masters" is found borne as fifth sergeant on the rolls of Capt. John R. Cochran's company, C, Six Months Volunteers, Enrolled Missouri Militia, on file in this office.

The rolls show the soldier to have been enrolled at Dallas, Mo., July 30, 1863; ordered into active service August 10, 1863; relieved from further duty with the company February 24, 1865.

The soldier's name is also found borne as a corporal on the roll of Capt. John R. Cochran's company, Bollinger County Missouri Militia, enrolled at Dallas, Mo., March 17, 1865; ordered into active service April 8, 1865; relieved from further duty July 8, 1865.

Respectfully, yours,

W. W. BROWN, *Auditor,*
By M. J. H.

Here is a case, Mr. Chairman, in which the Government admits the soldier was in active service of the United States. A case where the soldier rendered faithful service for nearly two years, yet was denied a pension and permitted to live hard and die poor under a policy of Government favoring just and liberal pensions for the Union soldier. There are a few of the old comrades of Oliver Masters left behind who have not yet answered the last roll call. They, too, are old and most of them poor, like Oliver Masters, and need the little pension to which they are justly entitled that the wolf may be kept from the door in their declining years. The little pension which means so much to the old soldier and so little to our great Government ought not longer be withheld. I trust a case similar to the Oliver Masters case may never again occur in the history of our beloved country. Can not Congress stop long enough to listen to the facts in the case, or shall we go on doing big things and overlook important little things which directly affect a certain class of our humble citizens?

We have undertaken to cut the Western Hemisphere in two parts by the construction of the Panama Canal, to cost so much money no living man dares approximate the expense. Seventy million dollars spent to date and very little dirt moved. We have indulged in international expositions. We have exploited to the world our great achievements at the cost of millions and are now contemplating another international exhibition at Jamestown in 1907, yet the weak and puny excuse is offered there are too many of the loyal militia soldiers to undertake to pension, because it would cost too much.

Mr. Chairman, I for one will never vote another dollar out of the Public Treasury to hold a world's fair or international exhibition until a pensionable status is given these deserving Union soldiers. I do not wish to be understood as opposing the Panama Canal or any other laudable public enterprise, but I do say it is our plain duty to do justice to these soldiers. Now, as to the extra burden or cost that would result should this bill become a law. Some gentlemen believe the passage of this bill would mean great expense to the Government. In this they are mistaken. The cost would hardly be perceptible. According to the statement of Mr. Root, in Senate Document No. 412, the total enlistment of the six months militia of 1861 was about 6,000. The total enlistment of the Enrolled Missouri Militia of 1862 to 1865 was about 24,000.

The total number of the Provisional Enrolled Militia was about 6,000, and of those enlisting under General Orders, No. 3, the Missouri Militia of 1865, there were fifty-eight companies, or approximately 6,000, and perhaps 1,000 all told belonging to the independent companies. Thus we have an aggregate enlistment of 43,000 men. The fact is, as I have said before, practically all of the six months' militia of 1861 enlisted in the Enrolled Missouri Militia of 1862 to 1865. The further fact is, the Provisional Enrolled Militia were organized in 1864 and were made up of the Enrolled Missouri Militia. The Missouri Militia of 1865 consisted of an organization made up of those who were formerly in the Enrolled Missouri Militia, because all the militia of the State had been disbanded early in 1865. Hence it can safely be stated that the total enlistment of the Enrolled Missouri Militia represents about the sum total of all these militia forces. In other words, there were about 24,000 men all told who enlisted in the various organizations provided for in the bill. The difference between 43,000, the total enlistments in the various organizations, and 24,000, the actual number of soldiers enlisting, represents the number of reenlistments, which, of course, could not count for pensionable purposes. The adjutant-general of Missouri in a letter to me of April 14, 1906, gives it as his opinion that the average term of service of these organizations is less than ninety days. Taking the opinion of General Dearmond as a correct basis, we may reasonably suppose that not over 50 per cent of the total number of men enlisting, were they all living, could meet the ninety-day requirement. Fifty per cent of this number, if all living, would be 12,000. According to most reliable statisticians, there are not over 25 per cent of the soldiers of the civil war living to-day. If this is true, we have as a net result not over 3,000 living soldiers in Missouri who could be affected by the passage of such a bill, because 25 per cent of 12,000 is 3,000. I have figured on this proposition in another way. In Missouri we have 114 counties. In each county, I believe, not more than fifteen of these soldiers, the State over, can be found. Fifteen times 114 equals 1,710. Now, to this number we may add 1,000 for those living in the cities of the State and soldiers of independent companies, which would make 2,700. In fact my best judgment is, there are not over 2,000 in Missouri who could meet the ninety-day requirement. But accepting the first calculation as most authentic, we have this result: Admitting there are 3,000 such soldiers in Missouri, and this bill should become a law, and each man at once be placed upon the pension roll at the maximum rate of $12 per month, which, of course, would be impossible, the entire annual cost could only be $432,000. My best judgment is, the cost to the Gov-

ernment the first year, under such a law, would not exceed $100,000, and at the rapid rate at which the old soldiers and their widows are passing away, I doubt if at any future period the total annual cost to the Government would exceed this amount. Yet it is thought there are too many to pension. This is but another way of pleading poverty on the part of the Government, but an earthquake can shake $2,500,000 out of the Public Treasury in a single night without producing a ripple on the surface of the commercial world, and the machinery of Government continue to move without a tremor. I would not have anyone on the floor of this House, or in the world, believe for a moment I am opposed to what the Congress did for San Francisco. I voted for those appropriations myself, and should do so again under like circumstances. I mention this, Mr. Chairman, to show we are not poor as a nation, not too poor to pay a little pension to a few deserving loyal soldiers. Ay, Mr. Chairman, it ill becomes our party after having stood pledged for more than twenty years to just and liberal pensions to the Union soldiers who saved the nation, to fail or refuse to make good our party pledges. According to the Scriptures, we can sin by omission as well as commission, and while we all agree our Democratic friends have sinned much by commission, let the Republican party sin not by omission.

In national convention assembled in 1884 the Republican party expressed its grateful thanks and pledged liberal pensions to the Union soldiers of the civil war. In each succeeding national convention our party has reaffirmed this pledge. To whom did our party refer when it pledged just and liberal pensions to the Union soldiers? Our Missouri soldiers thought they were included in these pledges, because they are a part of the Union Army. They had a right to think the pledge was made to them, because they were Union soldiers during the civil war, and are to-day members of the Grand Army of the Republic. In truth and in fact they have been and are to-day Union soldiers for all purposes, except for pensionable purposes. I think, Mr. Chairman, we had better make good. I have shown that the militia soldier from the foundation of the Government has participated in all our wars. I have shown, too, the militia soldier of every war except the civil war has been given a pensionable status. The history of our country is teeming with instances which show not only the militia soldier has been a valuable adjunct to the regular, but has taken the place of the regular. One of the most important battles ever fought on American soil, viz, the battle of New Orleans, was fought by militia soldiers. In fact, Andrew Jackson fought the battle and won the victory at New Orleans, commanding militia soldiers from Kentucky and Tennessee, principally from Tennessee. Mr. Chairman, I am sincerely convinced this is a just cause. I believe this not only from the records, which warrant this belief and which are certainly authentic, but from having talked with such men as Capt. W. T. Hunter, of Potosi; Col. Lindsey Murdoch, of Marble Hill; Col. Gustavus St. Gem, of Ste. Genevieve; Capt. John J. Siebel, of Perryville, and Capt. Charles A. Weber, of Perryville, all of Missouri. These are of our foremost citizens to-day. They were members of these organizations, and have a vivid recollection of those turbulent days and the relation these organizations sustained to the Federal Government, and are all of the opinion the services of these soldiers should be recognized. I wish to say, by way of explanation, these gentlemen are all drawing pensions as a result of having served in other organizations; consequently have no personal interest in the matter. In fact, I have received hundreds of letters from Missouri, Illinois, Arkansas, Kansas, and Iowa, in which the writers thereof express the belief that this is a just cause. I here wish to submit two letters, one from Captain Siebel, the other from Colonel St. Gem. I have never yet had the pleasure of meeting Captain Siebel, and his letter came unsolicited. Hence I prize it all the more highly. In this letter Captain Siebel sets out the facts as he understands them, and quotes from the Lincoln letter. It is evident he offered the suggestions in this letter purely as a patriotic duty, for which he is entitled to great credit.

PERRYVILLE, MO., *March 31, 1906.*

Hon. M. E. RHODES, *Washington, D. C.*

DEAR SIR: I see from proceedings as published in the St. Louis papers that you have introduced a measure to give the Enrolled Missouri Militia some sort of a pensionable status. In this connection I desire to call your attention to a document, or rather a letter, written by President Lincoln at the "Executive Mansion, Washington, October 5, 1863," and addressed to "Hon. Charles D. Drake and others, committee," which document and the circumstances in connection therewith at the time ought to be of great weight with the committee and Members of Congress at this time.

In September, 1863, a committee headed by Lane, of Kansas, Drake, of St. Louis, et al., presented to the President a petition or demand requesting, among other things, first, the removal of General Schofield from the command of the Missouri district and General Butler's appointment; second, that the system of enrolled militia in Missouri be broken up and national forces be substituted for it, etc.

I quote from the President's letter of October 5, 1863, as to the Enrolled Missouri Militia: "As to the 'enrolled militia,' I shall endeavor to ascertain better than I now know what is its exact value. Let me say now, however, that your proposal to substitute national force for the 'enrolled militia' implies that in your judgment the latter is doing something which needs to be done; and if so, the proposition to throw that force away and to supply its place by bringing other forces from the field where they are urgently needed seems to me very extraordinary. Whence shall they come? Shall they be withdrawn from Blank, or Grant, or Steel, or Rosecrans? Few things have been so grateful to my anxious feeling as when in June last the local force in Missouri aided General Schofield to so promptly send a large force to the relief of General Grant, then investing Vicksburg, and menaced from without by General Johnston. Was this all wrong? Should the enrolled militia then have been broken up and General Herron kept from General Grant to police Missouri? So far from finding cause to object, I confess to a sympathy for whatever relieves our general force in Missouri and allows it to serve elsewhere. I therefore at present advise I can not attempt the destruction of the enrolled militia of Missouri. I may add that the force being under the national military control, it is also within the proclamation with regard to the habeas corpus."

Allow me to suggest that if you are not now in possession of that part of Missouri's war history you might have it looked up for your assistance. I have never seen any reference made to the President's letter of October 5, 1863, in Congress in the past when matters pertaining to the enrolled militia were up for action.

I am not writing this out of any personal motive, for I am now drawing a pension as a late member of the Provisional Regiment, Enrolled Missouri Militia, which was organized by order of General Schofield, United States Army, in May, 1863.

I beg to remain,

Very truly, yours,

JOHN J. SIEBEL.

STE. GENEVIEVE, MO., *April 15, 1906.*

Hon. MARION E. RHODES, M. C.,
House of Representatives, Washington, D. C.

MY DEAR SIR: I am again favored in the receipt of your letter of 6th instant, and I can not too highly praise your untiring efforts to pension those found worthy of the Enrolled Missouri Militia for loyal service during the war of the rebellion. I am still of the opinion that the words "a certificate of" should be stricken out of line 15, on page 2 of your bill, and the word "such" inserted instead, so as to read: "and that such discharge from such service, etc.," and that this amendment will surmount all obstacles to prove the desired service of not less than ninety days to obtain a pension, for I feel certain that "certificates of discharge" can be had by but few, if any, from the adjutant-general of the State. Also the amendment of the twenty-third line of page 2, as suggested in my previous letter, I consider very important, as this would insure a proof of service by Captain Miller's company under me as a United States military officer for the required ninety days or more.

I called on Captain Miller and found he has safely preserved his commission and all the orders issued to him by me; also the pay roll of his company when he was paid by the State for one month's service when called during the Price invasion.

The loyal people of southeast Missouri can never forget their defense and protection by the Enrolled Missouri Militia under the gallant commands of Col. William H. McLane, Col. R. M. Brewer, and Col. James Linsay, now all gone to their eternal reward, and my modesty forbids me to mention the service performed as commander of the eighth subdistrict of the St. Louis military district in this part of Missouri, comprising the counties of Perry, Ste. Genevieve, and Jefferson.

In answer to your inquiry, I will say that there were no Enrolled Missouri Militia at the battle of Pilot Knob, as they were called out immediately by the governor, but too late for that battle. It is no more than right that your Republican colleagues should support your bill, and I rejoice to see that you have also assistance from Democratic Members.

Wishing you full success, I am, with sincerest regards,

Yours, very truly,

GUSTAVUS ST. GEM.

You will observe Colonel St. Gem states he was in command of the eighth military subdistrict of Missouri, and of his own knowledge knows these forces rendered substantial service to the cause of the Union. I should state Colonel St. Gem was in charge of the eighth subdistrict of Missouri, under General Schofield, who was in command of all the militia of the State at that time. This is the testimony of Colonel St. Gem, who was a subordinate to General Schofield, and I am sorry I am unable to call on General Schofield for his testimony to-day. I can not do this because I am here reminded it was only a few short weeks ago when the last sad funeral rites were held in the little brown church across the avenue in front of the White House over all that was mortal of Gen. John M. Schofield, but I imagine if the gallant old hero, who now sleeps just across the placid waters of the Potomac on yonder hillside in majestic Arlington, could rise up and give his testimony it would be substantially the same as that of his subordinate, Colonel St. Gem. You will remember I called your attention to a letter written by Abraham Lincoln to Charles Drake et al., of Missouri, in which Mr. Lincoln refused to remove General Schofield from the command of the Department of the Missouri, and in the same decree refused to disband the Enrolled Missouri Militia. In my investigation of this subject I have been surprised to see how the immortal Lincoln watched the Missouri situation, and, sirs, I imagine if he too could be called upon to testify in this cause he would not only repeat the substance of that letter, but would insist at this late day that long-delayed justice be done. But he, with the majority of his contemporaries, have long since

answered the final roll call, and now, in his name and in the name of all those gallant heroes whose names I have mentioned, I ask that you, like Lincoln, recognize the services of these loyal soldiers, and by legislative act at an early date declare them, for pensionable purposes, to have been in the great Union Army. [Loud applause.]

Mr. FOSTER of Vermont. I yield five minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Chairman, I rise to perform an annual duty, a duty which I perform regularly once a year, and that is to disabuse the minds of my Democratic friends on the other side of the House about the tradition of the United States Treasury at the time the Treasurer, under Republican Administration, turned over the Treasury to the Democratic Administration under Cleveland. I have done this regularly in every Congress, and the last time was in November, 1903. Every new Member who comes here, who desires to exploit his knowledge of the financial history of the country, renews the same attack, and I usually answer it in the same way. I desire to have read from the Clerk's desk a letter of Secretary Foster, written to Senator FORAKER, explanatory of the whole situation, which will point out, first, that there was no deficit in the Treasury, but that there was a surplus of $103,000,000; and second, that he did not issue any bonds nor did he ever prepare to issue any bonds *for the purpose of meeting any deficiency.* He did make an order for the construction of a plate upon which certificates of bonds might be engraved, for the purpose of purchasing fifty millions of gold to maintain the gold reserve, if necessary. This was done after consultation with Secretary Carlisle, and was abandoned at once upon the suggestion from Mr. Cleveland himself.

Now, then, I wish in this connection to refer to the fact that this duty will have to be turned over after a year from now to some other Member of the House, and I beg that some young man will remember where in the RECORD this letter of Mr. Foster's is placed. The gentleman from New York [Mr. TOWNE] yesterday reminded me of the fact that I was rapidly becoming, or about to become, a "reminiscence," or "memory," or some such thing. Now, I want to say to the gentleman that, while I admit the fact, I assure him that should anything happen that I should come back to public life I shall come back from the same party that I have served in from the date of its organization [applause on the Republican side], bearing the same old flag of the Republican party; and if I should not come back, it will never be said of me that I was a buccaneer in public life, and that I had sailed the seas of American politics always bearing letters of marque and reprisal, fighting sometimes on one side and sometimes on the other, always looking out for myself. [Laughter and applause on the Republican side.]

Now, Mr. Chairman, I wish to send to the Clerk's desk and avail myself of the brief period that it will take the Clerk to read a letter of Secretary Foster drawn out by a letter from the honorable Senator from Ohio, Mr. FORAKER, in answer to his letter and in answer to my letter of the same date.

The CHAIRMAN. The Clerk will read the paper presented by the gentleman from Ohio.

The Clerk read as follows:

FOSTORIA, OHIO, *October 28, 1903.*

Hon. J. B. FORAKER,
Cincinnati, Ohio.

MY DEAR SENATOR: Your favor of the 27th this moment received. Harmon's statement is quite vague. He says: "In 1893 when the Democratic party came into power the Republican Administration had bankrupted the Government. When Cleveland entered the White House there were bonds already signed by the Republican Administration. They had barely managed to tide over until we got into office, and then we had to take the stigma that came as the result of their unwise administration."

The charge that the Government was bankrupt when Cleveland came into power is ridiculous. The revenues up to that time, and until the end of that fiscal year, exceeded the expenditures. The usual charge is the one made by GAINES in the Nashville American, copied in the Enquirer of the 21st, that "Secretary Foster prepared plates for bonds to tide over a deficit." The facts are that as soon as it was known that Cleveland was elected in November, 1892, it became apparent that there was great danger, on account of importations being held back for lower duties, that the gold reserve would fall below $100,000,000 required, not by law, but by implication of law. After consulting fully with Senator Sherman, I made up my mind that it was my duty to maintain the gold reserve even if I had to do it by the sale of bonds. The only bonds authorized were those of the resumption act of 1875, all bearing high rates of interest and running a long time.

I suppose to assist me, Senator Sherman introduced an amendment to an appropriation bill in the Senate authorizing an issue of a 3 per cent short-time bond. Mr. Carlisle, who was then known to be the incoming Secretary, was consulted by the Senator and approved Mr. Sherman's amendment. It passed the Senate by an almost unanimous vote. This was about the 22d of February. Upon its passage, fearing that I might be compelled to use bonds for the purchase of gold, I directed the superintendent of the proper office to prepare plates for this bond—a better bond for my purposes than those already authorized. I did this upon the belief at the time that an act approved by the incoming Secretary that passed the Senate, receiving a large share of the Democratic votes of that body, would also pass the House. But in this I was mistaken. The House refused to pass it, and the plates were not prepared, and there were no bonds already signed, as stated by Mr. Harmon. But my letter directing the preparation is used in evidence that the plates were prepared and that a deficit existed.

To go a little further in this matter, I had fixed upon $50,000,000 as the amount of gold I would buy, and I had an understanding with the bankers in New York to this effect, but they stipulated they would take the bonds in installments of $10,000,000 a week. If this was done it would devolve upon Secretary Carlisle to execute a part of my contract. The bankers desired Secretary Carlisle's concurrence in the arrangement. In this emergency I called upon Senator GORMAN, stating the facts to him and saying that many of my Republican friends thought I had better not do anything in the way of the maintenance of the gold reserve, yet I deemed it my duty as Secretary of the Treasury to continue to do until the last hour of my term what I would do if I were to be continued in office. In this I was sustained by Senator Sherman.

Mr. GORMAN heartily approved and sent a messenger for Mr. Carlisle. Mr. Carlisle soon made his appearance, and seemed greatly pleased at what I proposed, and next day went to see Mr. Cleveland. Upon his return I was informed that he would execute the part of the plan that would devolve upon him, and that Mr. Cleveland also approved.

To sum up, the Treasury was not bankrupt at any time, and there was no deficit at any time, no plates for bonds, and no bonds were signed.

No bonds were sold. I managed to maintain the gold reserve, turning over to my successor about $103,000,000.

I believe that if the Harrison Administration had been continued the revenues and the gold reserve would have increased and the condition then prevailing would have improved.

The panic and deplorable condition following Cleveland's election was wholly due to two causes: First, the known purpose of the Democratic party to adopt a revenue tariff, which at once affected the imports and paralyzed all industries and business, and, secondly, the known incapacity of the Democratic party then coming into power to agree upon efficient legislation, afterwards so painfully demonstrated.

Very truly, etc.,

CHARLES FOSTER.

[Loud applause on the Republican side.]

Mr. GROSVENOR. Mr. Chairman, that seems to be a candid, straightforward statement, but it will not do any good. The same statement will be repeated just as often as this has by those who have not heard the reading of this letter. Now, what happened following this? Let us see who was the wise man and who was the mistaken man.

Mr. Secretary Foster looked forward into the future and saw that the Treasury of the United States must, under Democratic administration, become helplessly insolvent; and before the Administration of Grover Cleveland closed we who were Members then of the House were called upon to vote for loans amounting in the aggregate to $262,500,000 upon a long-time bond at 4 per cent interest, which was taken by syndicates at about the par value—although I am not clear upon that point—and which stand to-day in the markets at one hundred and thirty-odd cents on the dollar.

Mr. FLOOD. Mr. Chairman, I yield the gentleman from Massachusetts [Mr. MCNARY] such time as he may desire.

[Mr. MCNARY addressed the committee. See Appendix.]

Mr. FLOOD. Mr. Chairman, I yield thirty minutes to the gentleman from Missouri [Mr. MURPHY].

Mr. MURPHY. Mr. Chairman, for many years Missouri has been represented in this House by fifteen Democrats and one Republican. At the election held on November 8, 1904, the Republicans carried nine of the sixteen districts in the State, and a majority of the legislature, which elected a Republican United States Senator, Maj. WILLIAM WARNER. Therefore in this, the Fifty-ninth Congress, the representation from that State in this body consists of nine Republicans and seven Democrats.

Shortly after the election our colleague, Mr. SHARTEL, called a meeting of the Republican delegation at the office of Senator WARNER in Kansas City, which was attended by all save one, possibly two, the object being, principally, to consider committee preferences. At that meeting it was the unanimous opinion, shared in by the Senator, an ex-Member of this House, that we could only hope to secure representation on one or two of the important committees. Shortly prior to that time Kansas City had been visited by two serious and very disastrous floods resulting from the condition of Kaw River, and the topic was uppermost in the minds of the citizens of that portion of the State, various plans being under discussion for some method to prevent a repetition thereof. My colleague, Mr. ELLIS, won his campaign on the issue that something along this line should be done, and that a Republican was in a better position to secure Government aid for the improvement of that river. This fact was impressed upon us, and that we could do and would be doing a great service to our State for one of our number to be assigned to the Committee on Rivers and Harbors, to procure, at this session of Congress, an appropriation for the Kaw to protect Kansas City from future devastation; and, as our colleague lived in that city, it was but proper he should be and was so selected. The meeting was harmonious in every respect, good feeling prevailed, and each of us selected such committeeships as we would prefer, and agreed with the Senator to work to that end. In fact, all of us at that time, as we did later, sacrificed

our personal ambitions in order that our colleague might be appointed to that committee, and after Congress convened personal appeals were made to the Speaker to give him that assignment, and when the committees were announced we were delighted to know that we had been successful as to our first choice. I was exceedingly anxious that our colleague, Mr. RHODES, should be assigned to the Committee on Invalid Pensions; in fact, I urged his selection for that place as a first consideration; but, as I have stated, each of us buried our personal desires for our colleague from Kansas City that the Kaw River might receive that attention it so justly deserves, and which is of such vast import to that city.

On the western border of Missouri we have two great cities, St. Joseph and Kansas City, some 60 miles apart. Both are great commercial and railroad centers. Both are on the Missouri River. Both are represented on this floor by Republicans, Mr. FULKERSON and Mr. ELLIS. The latter city obtains a greater portion of its trade from Indian Territory and Oklahoma, and, in order that their business might be increased, the Commercial Club arranged a trip by special train to tour the two Territories. Aboard was a representative of almost every business interest of Kansas City, as well as Senator WARNER and my colleague, Mr. ELLIS. It left that city some time about May 1, 1905. By invitation I met the train at Tahlequah, Ind. T., and accompanied the party to Muscogee, and were entertained by the Commercial Club, of that city. It was late in the evening when we reached there, and we were immediately conveyed to the club rooms, where the business element of Muscogee were assembled. Each of us was called upon for an address, and each responded. My colleague delivered an elegant speech. He knew what was wanted, and he satisfied their every desire—*at that time*. He was applauded time and time again, and when he waxed most eloquent I heard him say: "You ought to have statehood; you must have statehood; you shall have statehood, and I pledge you here and now to work and vote for statehood as you want it and when you want it." His hearers fairly went wild. His words were taken up by the press in every part of the Indian Territory, and the people called him blessed. His name was on every tongue, and they began to claim him as their own, the one who should be their Moses to "lead them from darkness unto light." I had been associated with the people of that Territory in a business way for more than two years. I had an extended acquaintance therein, and it was a source of deep gratification to me to hear my colleague unbosom himself, and I assured them that he would have my humble but earnest support. The people of that Territory became active. They held conventions and elected delegates to a constitutional convention, which was held in Muscogee. After days of work a constitution was framed for the State of Sequoyah, one of the best that was ever devised for any State. It was submitted to a vote of the people and carried by a vote of some 65,000 to 9,000, in round numbers. Copies of the constitution and the vote were placed in the hands of my colleague and myself, and those people, under the assurances we had given them, expected us to work to give them statehood "as they wanted it and when they wanted it." Their cause was just, and the Government of the United States had solemnly promised them as much on more than one occasion.

On the first day of the present session of Congress I introduced into this House two bills—H. R. 78, "A bill providing for the admission of the State of Sequoyah into the Union, and for other purposes," and H. R. 97, "A bill to enable the people of Oklahoma to form a constitution and State government and be admitted into the Union on an equal footing with the original States"—both of which were referred to the Committee on Territories. Other statehood bills were introduced, but the mention of the two is sufficient for the purpose of my argument. Shortly thereafter a conference of Republicans was called in relation to statehood. The gentleman from Iowa [Mr. HEPBURN] was chairman. Before proceeding with the conference, we resolved into a caucus for the purpose of accepting the resignation of the gentleman from Minnesota as Republican whip, then went back into conference. Before participating or proceeding it was definitely asked of the chairman whether it was a caucus or a conference. The chairman replied: "The Chair will hold that it is a conference, not a caucus; merely advisory and not binding." After the gentleman from Michigan [Mr. HAMILTON] proceeded with a forty-minute argument on an omnibus bill all others were "choked off" with five minutes each. It finally came to a vote as to whether there should be an omnibus bill, providing for Oklahoma and Indian Territory as the State of Oklahoma and Arizona and New Mexico as the State of Arizona, all in the one bill. The majority favored it, but sixty-five voted against the Arizona-New Mexico proposition, among the number being my colleague, Mr. ELLIS, and myself. The Committee on Territories proceeded to work, and had almost daily hearings on the statehood question, when, finally, on January 23, 1906, the gentleman from Michigan [Mr. HAMILTON] introduced H. R. 12707, which became known as the "Hamilton bill," and which provided for the admission of Oklahoma and Indian Territory as one State and Arizona and New Mexico as one State—an omnibus bill. It was apparent that a goodly number on this side of the House would oppose that character of a bill. It was conceded that not one opposed the admission of Oklahoma and Indian Territory as one State. The introduction of this bill and the report of the committee was withheld for the specific purpose of whipping into line what was then began to be termed "insurgents." Propositions were made and suggestions offered. I was termed as an insurgent. My colleague, as I afterwards learned, was on the inside, and knew that we insurgents were willing to vote for statehood in any form for Oklahoma and Indian Territory, or for an omnibus bill for all four Territories, providing Arizona and New Mexico were allowed to vote separately on the proposition. All overtures were rejected, and when it was believed enough insurgents had been conquered and enough votes procured in a manner and by means which are not at this time necessary to relate, the bill and report was brought in. Then we insurgents offered to support the bill if they would amend it by inserting the word "each" in the Arizona-New Mexico portion, which would have provided that each Territory vote on the proposition separately, and this my colleague well knew, being on the inside. On January 24, 1906, as will fully appear on page 1498 of the CONGRESSIONAL RECORD, the following proceedings were had:

STATEHOOD BILL.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] submits a privileged report from the Committee on Rules, which the Clerk will read.

The Clerk read as follows:

"The Committee on Rules, to whom was referred House resolution No. 181, have had the same under consideration and respectfully report the following resolution in lieu thereof:

"'*Resolved*, That immediately upon the adoption of this order, and daily hereafter, immediately on the approval of the Journal, so long as the bill hereinafter referred to shall be pending in Committee of the Whole House on the state of the Union, the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States; that after the said bill shall have been read general debate shall continue until Thursday next at 3 p. m.; and at that hour, or, if general debate shall be concluded before that hour, immediately upon the conclusion of said general debate, the Committee of the Whole House on the state of the Union shall rise and report the bill to the House; whereupon immediately, without debate, intervening motion, or appeal, a vote shall be taken on the bill to a final passage: *Provided further*, That general leave to print remarks on the bill is hereby granted for six legislative days after Thursday, the 25th day of January next.'"

This was and is gag rule; its purpose was to bind hand and foot every Member on this side of the House, and was for the express purpose of preventing any amendments to the bill. It was and is sharp practice and resorted to to defeat the will of the majority. It was and is tyrannical. My colleague being "on the inside," must have known that this rule was to be brought in and that it was a vehicle to destroy free representation in the Congress. The gentleman from Pennsylvania [Mr. DALZELL] moved the previous question. The yeas and nays were ordered. The vote is recorded on pages 1505 and 1506 of the CONGRESSIONAL RECORD; the yeas were 192 and the nays 165. Among the yeas is found the name "ELLIS," and in the negative the name "MURPHY." So the previous question was ordered. Then came the vote upon the rule. The yeas and nays were ordered, and the vote will be found on pages 1506 and 1507 of the CONGRESSIONAL RECORD. The yeas were 188 and the nays 158. Among the yeas is found the name "ELLIS," and in the negative "MURPHY."

In accordance with the rule, the bill came to a vote on January 25, 1906, as will be found on page 1557 of the CONGRESSIONAL RECORD. The yeas and nays were ordered, resulting in 195 yeas and 150 nays. Among the yeas is found the name "ELLIS," and in the negative "MURPHY." So the bill was passed.

Mr. Chairman, the whole matter was prearranged to refuse statehood for Oklahoma and Indian Territory unless it carried Arizona and New Mexico. I was informed that the Committee on Territories had been framed for that purpose and that no man would be placed upon it who did not declare for and assent to that programme. It was then, Mr. Chairman, I learned that my colleague, Mr. ELLIS, was not in favor of granting statehood to the Indian Territory "as they wanted it and when they

wanted it." It was then, Mr. Chairman, I discovered he had surrendered to the whims and caprice of mere politicians, who seem to have forgotten the welfare of the people, who are drunk with their own power, blind and deaf to all sense of reason, right, and justice. And, Mr. Chairman, I afterwards learned that my colleague, through his own confession, was "on the inside," and necessarily must have been a party to arranging the entire plan and programme. I do not charge that he was, neither do I question his motives nor his good faith, but will submit to this House his own words, that it and the people may draw their conclusions.

The bill was sent to the Senate, and on March 9, 1906, it struck out all provisions relating to Arizona and New Mexico, as will be found by reference to page 3659 of the CONGRESSIONAL RECORD. After the bill was reported back to the House with the Senate amendments, the so-called "insurgents" offered to support a rule sending the bill to conference on the minor amendments in relation to Oklahoma and agree to the Senate amendment striking out Arizona and New Mexico. But no; it was the omnibus programme and must be carried out. Besides, the Senate must be rebuked for having the audacity to emasculate a House bill conceived and born in such fashion. The matter dragged along but a short time only. The people were growing impatient and began to demand that we resume our rôle as their servants and do the square thing. The politicians were still drunken with their power and, facing the Senate, exclaimed:

Upon what meat doth this our Cæsar feed that he hath grown so great?

The onlookers and those who were "on the inside" shouted "Bravo, bravo, my lord!"

Among the countless telegrams the following was received by each Member of Congress from Missouri, regardless of politics:

KANSAS CITY, MO., *March 14, 1906.*

Hon. A. P. MURPHY,
Washington, D. C.:

The Commercial Club respectfully urges you to support Senate amended bill for statehood for Oklahoma and Indian Territories. The business interests of Missouri think they are entitled to this consideration at your hands. Our organization has passed strong resolutions. The people of these Territories are looking to Missouri and Kansas for loyal support.

T. M. CLENDENING, *Secretary.*

This message is from the same club who made the tour of Indian Territory and Oklahoma; aye, sir, it was from the same men in whose presence my colleague and I had pledged our sacred honor ten months before to give statehood "as you want it and when you want it." We could not, we dare not heed their appeal; we had grown deaf from the buzzing of public buildings, pneumatic-tube service, subsidies for fast mails, and what not; we were dizzy with our own greatness; we were "on the inside;" yes, we knew more what the people wanted than the people knew themselves.

Another conference was called; dust had to be thrown in the eyes of the people by making them believe this was a deliberate and truly representative body; they were asking too much. But it was the same old thing; the edict had gone forth, and we must carry out the programme. Arizona and New Mexico was a millstone about the neck of fair Oklahoma, whose people were begging and crying and praying to be cut loose. The demands of our constituents grew stronger and more emphatic. Agree to the Senate bill, was the demand on every hand. Therefore, Oklahoma must work overtime in utter disregard of the eight-hour law and furnish more steam. On March 22, 1906, as appears on page 4223 of the CONGRESSIONAL RECORD, the gentleman from Pennsylvania [Mr. DALZELL], from the Committee on Rules, reported a resolution to take the bill from the Speaker's table and send it to conference, moving the previous question thereon. The yeas and nays were ordered, resulting in 173 yeas and 153 nays. Among the yeas is found the name "ELLIS," and in the negative "FULKERSON, MURPHY." (P. 4224, CONGRESSIONAL RECORD.)

During the debate on the resolution, under the rules of the House, the gentleman from Pennsylvania [Mr. DALZELL] said:

It is manifest, therefore, that if we are to have *speedy* legislation and an adjustment of differences between the two Houses, the bill must be *at once* sent to conference, and that is the purpose of the rule I have introduced.

There was no difference between the House and the Senate. The difference was between a few Members "on the inside" and a very large majority of the House, for, if left alone to act as their conscience dictated, free from gag rule and threats of ostracism, failure to get recognition, and other influences, which it is not necessary here to mention, the bill as it came from the Senate would have carried by an overwhelming majority. And, Mr. Chairman, when the time comes to revise our dictionaries the word "speedy" will be given a new definition as a testimonial of the Fifty-ninth Congress. Debate proceeded under the rule. My colleague [Mr. FULKERSON] said:

* * * To-day we are face to face with a new order of things. "The best laid schemes o' mice and men gang aft agley." The bill passed by the House did not receive the enthusiastic approval of the Senate, nor did its terms measure up to the requirements and demands of the people. That measure was not right when it left this body. It has been taken by another body, corrected, perfected, and passed by it, and returned here for our concurrence. The opportunity is now presented to us to correct our former blunder. The case is before us on a motion for a rehearing—a very fortunate thing for us. It does seem that there is something in that old adage that "God takes care of fools and children," for the error committed by us having been pointed out, it is not yet too late, and, indeed, the opportunity is now afforded us to make the much-needed correction. * * * Why not come out of the brush of error and defeat and do our duty, our whole duty, by these people of Oklahoma and Indian Territory, and give them statehood? Let us concur in the Senate amendment, and concur now. To longer delay is only to invite further criticism. Every hour we delay this matter will only add to the humiliation of our past error, the humiliation of continued defeat. * * * The Senate has the people of this country with them on this proposition, a fact worthy of note and consideration. * * * It will be easier and much less expensive to vote to concur in that part of the Senate amendment which strikes out all reference to New Mexico and Arizona than to delay this matter indefinitely and have to include in our expense bill an additional outlay for materials with which to besalve our irritated and inflamed, if not wounded, pride. * * * You have your minds made up and are determined to delay matters. You say your course will eventually bring in the new State of Oklahoma. I hope you are right in your belief. But I am in favor of bringing it in now.

It might not be out of place here to remark that this speech has been reprinted by the St. Joseph Commercial Club, and is being scattered broadcast throughout Indian Territory and Oklahoma as a reason why those Territories should divert their trade from Kansas City to St. Joseph. The gentleman from Washington [Mr. HUMPHREY] (Republican) said:

* * * It is useless to discuss the purpose of this rule. It is perfectly apparent it is part of a prearranged programme. The object of this rule is to coerce the minority on this side of the House to vote against their honest judgment. * * * This rule links the iniquitous with the righteous and demands that we take both or nothing. The only reply to these statements is that you are an insurgent. * * * I am comforted with the thought that the regular of to-day is the insurgent of to-morrow. * * * We may be insurgents in this House, we may be in the minority here; but throughout the country we are in the countless majority. Public sentiment in favor of admitting Oklahoma and Indian Territory, without regard to New Mexico and Arizona, is making the atmosphere so hot that those who are opposed to it can not long breath it and live. Mark the prediction! The insurgents of to-day will be the victors of to-morrow. * * * The people are looking on in amazement and disgust. It is our duty to vote down this rule and settle this question here and now.

The gentleman from Minnesota [Mr. BEDE] (Republican) said:

Mr. Chairman, if there is any gentleman in this Chamber who is opposed to the admission of Oklahoma, I pause here to give him an opportunity to say so now; and if he does not, I will ask him forever after to hold his peace. If we are all in favor of admitting Oklahoma—and you say it is one of the Administration measures—you have an opportunity to do it now in ten minutes. Why do you not get busy and admit Oklahoma, and not hitch it up with some other proposition that is not an Administration measure?

My colleague, Mr. DE ARMOND, said:

* * * A vote for this rule is distinctly, directly, positively, knowingly a vote to keep Oklahoma and the Indian Territory out of the Union. Cast that vote if you please, but in casting it know what you do. Know that others know what you do. * * * Do not attempt elsewhere, as you seem to be attempting here, to delude anybody into the belief that principle or right or precedents or justice or any other thing that you can stand upon—that can be explained, declared, or defended—can justify your action.

The vote being taken on the rule as reported on page 4229 of the CONGRESSIONAL RECORD, resulted in 175 yeas and 156 nays. Among the yeas is found the name "ELLIS" and in the negative "FULKERSON and MURPHY." So the bill was sent to conference, where it peacefully rests, and we are face to face with an outraged and a justly indignant people. Mark the prediction of the gentleman from Washington; the air is becoming hotter and hotter; blue blazes are apparent on every hand. The people, not only of Missouri, but of the whole country, are asking why it is we seek to crucify Oklahoma on a cross of political dishonor. Explanations are demanded, and a short time after the last vote I noticed in the Kansas City Journal the following:

The following is from a letter by Mr. ELLIS to one of his constituents excusing himself for voting with the Speaker on the statehood question:

"I wired you yesterday assurances that Oklahoma will be admitted this session. Sorry I could not be more explicit as to my attitude toward the bill as it came from the Senate. If the statehood matter were the only matter upon my hands here, I could more easily determine my course; but I have many matters, as you know, of great import to Kansas City, and I must be tactful. I am on the inside—understand exactly what is going on. Things will work out to our satisfaction ultimately."

It will not be amiss here to incorporate the definition of the word "tactful." I am free to confess I had not heard of it before, and after some difficulty I found it in the supplement to Webster's Unabridged Dictionary, which defined it as "full of

tact." The same authority defined "tact" as "ready power of appreciating and doing what is required by circumstances." Worcester defines "tact" as "adroitness in adapting one's words or actions to circumstances; cleverness; dexterity; knack." The same authority defines "dexterity" as "readiness of contrivance or invention," and defines "knack" as "a little machine; a nice trick."

But other excuses must be found to appease, if possible, our indignant constituency, and it, among other things, is contained in the following item clipped from the Daily Oklahoman, published at Oklahoma City, Okla., from the issue bearing date of April 4, 1906:

JUST AN AFTERTHOUGHT.

Congressman ELLIS, of Kansas City, who, by the way, is one of the ten Kansas and Missouri Republicans who voted with "Uncle Joe" CANNON to send the statehood bill to conference instead of concurring in the Senate amendments to the same, and thereby avoiding the possibility of defeat in the case of Oklahoma and Indian Territory, is evidently one of those fellows who, in common parlance, are known as "four flushers." In any event, his talk and his vote are in such direct conflict that the natural presumption is he is afraid to show his hand.

In an interview given out in Kansas City Monday to the Star he is quoted as follows:

"Personally I never thought the omnibus bill was the right way to deal with the statehood question. I did think Arizona and New Mexico ought not to come into the Union with the same representation in the Senate as Missouri and Kansas, while there is no prospect of the two ever having half the present population of Kansas. However, it was the omnibus bill that was taken up. I voted for it.

"When it came back from the Senate separated, the House would have voted for Oklahoma statehood promptly if the bill had come back in proper form. But it came back carrying an amendment that, in justice to Oklahoma, we could not adopt. Legislation for years had retained the ownership of sections 13, 16, 33, and 36 out of each township for the use of the future State. Two of them are for school purposes, sections 16 and 36. Our bill had provided that sections 33 of each township should go to definite institutions, and 13 was to go to the new State to be used for what purpose the State should dictate.

"When the bill came back to us section 13 in each township was to go to the State, unless claimed by some one filing a mineral claim on it. That meant a graft."

For artistic and ingenuous evasion the above is almost the limit. It is so far from the facts in the case that it will produce a tumultous smile wherever they are known. And down here in Oklahoma, where the people have been watching this matter and know something of its ins and outs, Mr. ELLIS is going to experience no little difficulty in getting the people to accept his miserable excuse.

Here is the first intimation anyone has had that it was the Warren amendment which sent the bill to conference. From all that it was possible to glean from Washington in this connection at the time, it is evident that the Speaker and organization Republicans stood together to send the bill to conference because Arizona and New Mexico had been stricken out. No other reason was assigned or suggested. It remained for Mr. ELLIS, two weeks after the matter came up in the House, to get away out to Kansas City, where the people were not watching closely, and spring an alleged reason for his action which is both unique and flimsy.

In the light of the same, the conclusion is forced that Mr. ELLIS is put to the extremity of doing some rapid side-stepping in this matter. His people are after him, and he must offer some sort of an excuse for voting in conflict with the way he has talked. The one he hits upon here, however, appears to have been hastily and loosely contrived, and a moment's reflection is sufficient to convince anyone familiar with the facts in the case that it is nothing but an afterthought.

Shortly thereafter I was asked by some one, I do not now recall whom—it may possibly have been the reporter of the Kansas City Journal—what I thought about statehood. I replied: "In my opinion, statehood is dead." This was published in that paper. My colleague, Mr. ELLIS, was in Kansas City at the time, and seems to have taken it seriously, and felt it his duty to take me to task, I presume; therefore he carefully, in his statesmanlike manner, prepared a reply and hastened into print. It appeared in the Kansas City Journal of May 15, 1906, and can only "produce a tumultuous smile." It is as follows:

MR. ELLIS SAYS STATEHOOD IS SURE AT THIS SESSION.

Congressman ELLIS declares a statehood bill is sure to be passed at this session. "If Congress should attempt to adjourn without giving statehood to these Territories I believe it would break up in the worst row they ever had in Washington," Mr. ELLIS said. "The reason I say that is that practically every member of both Houses is in favor of statehood for Oklahoma and Indian Territory. There is really no difference of opinion in that matter. There is a diversity of opinion upon the subject of statehood for Arizona and New Mexico. I think the prevailing view in the East is that they ought to come in as one State, and that the prevailing view in the West is that they should come in as two States. Then there is an element that would not have either of them in, either separately or together.

"The delay down there on Oklahoma and Indian Territory has been due to this programme of tying the Western Territories to Oklahoma and Indian Territory—the omnibus programme. From that programme I have dissented from the start. I opposed it in caucus and have used my influence against it at every step. I regard it as wholly unjustifiable and indefensible upon any ground."

The attention of Mr. ELLIS was called to the declaration of Congressman MURPHY that statehood was dead, so far as this session was concerned, and possibly for this entire Congress.

"Quite to the contrary," he said, "statehood is the livest question in Congress to-day. Members visiting their respective constituencies come back from day to day and say they are sometimes asked about the rate bill and other matters, but that they are always, everywhere they go, asked why they don't give statehood to Oklahoma and Indian Territory. There is no matter upon which you would find such general assent in both Houses as upon the proposition that Oklahoma and Indian Territory be made a State at this session. One does not hear any other sentiment, except among those who are opposed to joining the two Territories as one State and are hoping that nothing will be done.

SAYS CANNON WAS BLUFFING.

"The one thing that has caused greatest apprehension in Oklahoma and Indian Territory, and in the Southwest generally, was the statement made by Speaker CANNON, or attributed to him, when the bill came back from the Senate, that the House would 'stand pat' and insist upon its programme of two States of the four Territories or nothing. Now, that statement, if made at all, was not made for currency in the Southwest. 'Uncle Joe' enjoys the reputation of understanding the general points of the national game, and he knows the commercial value of a good bluff. That remark of his was a bluff for the Senate and in connection with his determination to protest against the Senate's action, and the announcement of his purpose to go into conference and thrash the matter out with the Senate.

"Not unnaturally, the people of the Territories, who are so vitally interested in the matter, did not understand this. They thought it was said for their benefit and discouragement."

Mr. Chairman, that interview occasions these few remarks I have made. I introduced the bills for two States. He is "on the inside," as he stated, and speaks officially, and now seeks to discredit me through the metropolitan press of our State by creating, or attempting to create, the impression that I had opposed joining the two Territories—Oklahoma and Indian Territory—as one State, and am "hoping nothing will be done," and I deem it my duty to set myself right by giving the record as it is and was made. "The delay down there on Oklahoma and Indian Territory has been due to the programme of tying the western Territories to Oklahoma and Indian Territory—the omnibus programme. From that programme I have dissented from the start. I opposed it in caucus and have used my influence against it at every step. I regard it as wholly unjustifiable and indefensible upon any ground." How well does my colleague picture the insurgent. But it is not the record of a single Member who voted in the affirmative on the various propositions, and unfortunately he is in that category. If the omnibus programme "is unjustifiable and indefensible upon any ground," then each and every vote cast by him on this proposition "is unjustifiable and indefensible upon any ground;" and by the same process of reasoning, in the very nature of things, the only reasonable and logical conclusion that can be drawn is that every vote cast by an insurgent was and is fully justified and needs no defense. If, as he says, "that practically every Member of both Houses is in favor of statehood for Oklahoma and Indian Territory," and "there is no matter upon which you would find such general assent in both Houses as upon the proposition that Oklahoma and Indian Territory be made a State at this session," what and who is delaying it? Who stands in the way, and who is it seeking to defeat the will of "practically every Member of both Houses?" If my colleague is "on the inside and understands exactly what is going on," will he answer these questions, and will he tell us when action will be taken? The people of Missouri and the country are entitled to this information, and I am anxious they should have it.

Mr. Chairman, I have a high regard for my colleague; we are the best of friends, and no one regrets more than I that he has wandered in a strange land and after a strange god. Were it in my power I would give him a passport of an insurgent that he may return to our people and receive their blessings. Had I the power I would blot out this entire record and banish it from the memory of all men forever, so it could not stand for all time to come as an everlasting disgrace to this Congress.

My colleague says the Speaker is "bluffing," and his "stand-pat" policy on this bill "was not for currency in the Southwest;" that the Speaker knows the "commercial value of a good bluff." I must confess that I do not, and as I am not "on the inside" I am unwilling to accept his statement. I do not know whether the bill will be brought in or not; but I do say, without fear of contradiction, that if it is, it will contain exactly that amendment for which the insurgents have all along contended, viz, giving New Mexico and Arizona the right to vote separately on the proposition. And then the prediction of the gentleman from Washington made on this floor on March 22 last will come true, "The insurgents of to-day will be the victors of to-morrow." And then, Mr. Chairman, we will witness the finale of the first chapter of the greatest exhibition of "horseplay" in the annals of American history. And then, Mr. Chairman, the opening of the second chapter will witness those who have been playing "horse" at Oklahoma's expense, reciting from every hilltop the old, old story of "How me and Betty killed the bear."

Was it not a statesman from Illinois who said something about fooling the people? [Loud applause.]

Mr. FLOOD. Mr. Chairman, I wish to make a few remarks upon the pending bill. This bill comes to this House with the unanimous report of the Committee on Foreign Affairs. The Secretary of State submitted estimates to the Committee on

Foreign Affairs for the diplomatic and consular appropriations carrying a very considerable increase over the appropriations of last year. The apparent increase carried by his estimates is $1,681,000, but there should be deducted from that the sum of $396,000, which is the amount made necessary by the enactment of the consular-reform bill which became a law on the 5th of April of this year. If that is deducted, it will appear that his estimates call for an increase of $1,151,000. The Committee on Foreign Affairs reduced these estimates and made an increase of $221,000. I consider, Mr. Chairman, that the most of these increases are conservative, wise, and necessary. They added $34,000 to the amount paid ambassadors. There is a reduction of $2,500 in the amount paid ministers. Secretaries to embassies and legations have an increased appropriation for their salary of over $20,000. Clerks in embassies and legations are increased $32,500. The contingent fund to the embassies and legations is increased $67,500. For clerks to the consulates, $24,000, and the contingent fund for consulates, $20,000.

The other increases are small and absolutely necessary, and most of them were fully and ably explained by the acting chairman of the committee, the gentleman from Pennsylvania [Mr. ADAMS]. There were a good many of the estimates submitted by the State Department, as the committee will see, which were not reported favorably by the Committee on Foreign Affairs. I believe the committee acted wisely in the action it took in reference to these matters. I was particularly pleased, Mr. Chairman, to see the Committee on Foreign Affairs decline to comply with the request of the Secretary of State to increase the salary of the minister resident and consul-general to Santo Domingo from $5,000 to $10,000. It was stated as a reason why this salary should be increased that the duties and responsibilities of our representative at this point had been greatly added to of late. That may be true or it may not be true, but if it is true it is due to the fact that the President of the United States has undertaken to exericise in that direction powers and functions alone which the Constitution of the United States empowers him to exercise only by and with the advice and consent of the Senate.

I do not believe the people approve the act of the President in practically putting into effect the treaty with Santo Domingo when the Senate had failed to ratify it, and I do not think that Congress should acquiesce in or approve this unconstitutional course on the part of the President, even to the extent of increasing the salary of our representative at Santo Domingo, whose labors may have been added to by reason of this unconstitutional act of the executive branch of the Government. The Santo Domingo treaty was negotiated prior to the adjournment of the Senate in March, 1905. The treaty was sufficiently discussed in the Senate to leave no doubt that it would not be ratified by that body. Some time after the Senate adjourned on the 18th of March, 1905, the President entered into an agreement with the Dominican Government, which was to all intents and purposes the same agreement contained in the treaty which the Senate refused to ratify; and this agreement or modus vivendi is still in operation, though the Senate still refuses to ratify it.

The defenders of Mr. Roosevelt claim that in taking the action he has in this matter he is acting within the principle laid down by President Monroe in a message sent to Congress and which has become known as the "Monroe doctrine."

This claim stretches the Monroe doctrine beyond what has ever been suggested before, and has given it an interpretation not intended by its author or justified by its context.

A few years, before the publication of the Monroe doctrine, the South American states had thrown off their allegiance to Spain and set up independent governments. The United States had recognized the independence of these South American republics and was not disposed to see their independence subverted. Not long after the recognition of the independence of these republics by the United States, the "Holy Alliance" encouraged Spain to attempt to recover her revolted colonies in South America. President Monroe, in a message to Congress on December 2, 1823, said that—

> The occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future colonization by any European power.

After pointing out that the political system of the European powers was essentially different from that of America, the President said:

> We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety.

These two declarations embrace the Monroe doctrine as originally enunciated.

To make a little clearer their meaning I will state them in a more succinct form. They were, first, a declaration that the United States would look with disfavor upon the attempt of any European power to subvert the governments of the South American republics which had recently achieved their independence, and whose independence the United States had recognized; and, secondly, a declaration that the United States would resist the introduction upon the American continent of the monarchical ideas and institutions of Europe.

This was the whole purport of the Monroe doctrine. It was not a doctrine incorporated into the Federal Constitution. It was not a law of Congress. It was only a dictum of the President.

Nearly every President from that day to this has reaffirmed this doctrine, and some of them have slightly enlarged its scope, and now the present occupant of the White House undertakes to stretch it to the alarming dimensions of a doctrine that makes the United States a protector over the Caribbean Islands and the Latin-American republics of South America and a receiver to collect the revenues of these islands and republics and pay them over to the creditors to whom they are indebted.

To this dangerous policy I do not think Congress should permit the President to commit this country.

To increase the salary of our minister resident at Santo Domingo would to some extent be a recognition and approval of the acts of the President in this matter, and the committee, therefore, declined to do so.

There are other omissions from those estimates which were wise and which I will not discuss here to-day.

Mr. PALMER. Mr. Chairman, I observe that the Department of State asks for an increase of about $1,150,000, and that the committee has granted an increase amounting to $260,000. That is a wide difference. What did the State Department want that much money for?

Mr. FLOOD. Mr. Chairman, the Department asked for an increase of $1,150,000 besides the $396,000 necessary to carry into effect the provisions of the consular reform bill. A good deal of this $1,150,000 was for the purpose of building residences for our representatives abroad.

Mr. PALMER. Did the committee take up and consider that subject?

Mr. FLOOD. The committee took up and considered that subject at a former time, and reported to this House a bill carrying an appropriation of $5,000,000 for the purpose of building these residences.

Mr. PALMER. Then there has been a provision made for that purpose?

Mr. FLOOD. There has been a bill reported from the committee for that purpose, but it has not yet passed the House. The other items that go to make up this difference between what the Secretary of State asks for and what the committee reported were increases of salaries that we did not think were justified and other expenditures of a different character that we did not think were justified—such as a larger increase of his contingent fund, a larger increase of the emergency fund, and larger increases all along the line which the committee did not think were justified by the facts presented to it.

Mr. PALMER. As I understand the case, as it stands now, no man can represent this country in a foreign land unless he is a wealthy man. The choice is absolutely restricted to men of great wealth, because nobody can represent the United States in any foreign country as we hope or at least as we demand to be represented unless he has a private fortune that will enable him to expend a great deal more money than he gets in salary. As, for example, the minister to England expends twice as much money for his house rent as he gets in salary. Now, did the gentleman's committee think that it was decent for the people of the United States to send representatives abroad under those circumstances, and did the committee not think it would be better, if we are to send people abroad anyway, not to restrict the choice to those that we are fond of denouncing as the "vulgar rich."

Mr. FLOOD. Mr. Chairman, the committee considered that very point, and knowing that the Republican party was in power we arranged that a few of these embassies should have such salaries as would enable a man to live on them, and we wanted to see if a Republican Administration would appoint some one else than one of the "vulgar rich" to some of these posts. For instance, the embassy at Mexico was increased to $17,500, and no gentleman will deny that our representative can go there and live upon that salary.

Mr. McCLEARY of Minnesota. Has not that been the salary for some time?

Mr. FOSTER of Vermont. We did not increase that any.

Mr. ADAMS of Pennsylvania. We sent a poor one-armed

soldier to represent us at Mexico for the reason that he could live on that salary. The Republican party sent no "vulgar rich" man to that post.

Mr. FLOOD. The gentleman need not get red in the face at my using the expression the "vulgar rich." It was his colleague from Pennsylvania [Mr. PALMER] who introduced that phrase here. Now, the salary of our minister at Mexico at present is $12,000. This committee has brought in a bill here increasing it to $17,500, so that some poor man may be given an opportunity to accept this position if a Republican President will give it to him.

Mr. FOSTER of Vermont. The gentleman does not want to misstate the fact. You are mistaken about the particular place; you are talking about some other place.

Mr. FLOOD. I am mistaken. I was thinking of Brazil. We propose to make the salary of the ambassador there $17,500, and the salaries of the ambassadors to Austria-Hungary, Italy, and Japan we propose to increase from $12,000 to $17,500 in order that we need not have one of the "vulgar rich" representing us in these countries. Now, I think, Mr. Chairman, that answers the question of the gentleman from Pennsylvania. We did consider that proposition. We did put the salaries at embassies at an amount at which poor men can accept them and can live on the salaries. We have put into the bill, on page 3, after providing for the salaries for our ambassadors and ministers, this provision:

Provided, That no salary herein appropriated shall be paid to any official receiving any other salary from the United States Government.

All salaries that had been appropriated up to that point in the bill were from $7,500 up to $17,500. The committee thought that when a man was getting as much as $7,500 from this Government that he ought to give his entire services to the Government and should not be permitted to draw salaries from some other position which he might be occupying in the Government service. It was necessitated, too, Mr. Chairman, by a matter that was brought to the attention of the committee and the fact that the case that was brought to the attention of the committee was in violation of the statutory law of this country. We have a statute properly enacted, which you will find in the Revised Statutes of the United States, edition 2, section 1763, which reads as follows:

No person who holds an office the salary or annual compensation attached to which amounts to the sum of $2,500 shall receive compensation for discharging the duties of any other office, unless expressly authorized by law.

That is a statute which has been upon the law books of this Government for a number of years. It is a statute which the present Chief Executive of this country has disregarded. He seems not to regard the laws of the land, whether they be constitutional or statutory. We find that in the case of the minister to Panama there is a clear violation of that statute. Congress has fixed the salary of the minister to Panama at $10,000, quite a liberal salary for the dignity and importance of the country; quite a liberal salary when we consider the fact that our ministers to such countries as Norway, Sweden, and Denmark get only $7,500; but this was not considered a very desirable post, and Congress gave a liberal salary to our minister there.

We find that Mr. Charles E. Magoon is a member of the Panama Canal Commission; that he is a member of the executive committee of that Commission; he is also governor of the Canal Zone, and for his services in these positions he receives from the Government of the United States a salary or salaries amounting to $17,500. It would seem, Mr. Chairman, that this was salary enough to give Mr. Magoon; salary enough to give him for his entire time and all of his talents. Well may we conclude this when we recall the fact that the great States of New York and Pennsylvania only pay their governors for their entire time the sum of $10,000 a year, the State of Virginia and other State pay $5,000 a year to their chief executive, and many of them pay less than this, but the governor of this little strip of land 10 miles wide and 54 miles long is paid the princely salary of $17,500. And not satisfied with such a salary for its favorite, the President appoints him our minister to Panama, thus adding $10,000 to the salary which he gets.

Mr. McCLEARY of Minnesota. Making $27,500 altogether.

Mr. FLOOD. Yes.

Mr. MANN. Is the gentleman sure Mr. Magoon draws the salary of minister to Panama?

Mr. FLOOD. I do not know whether he draws it or not, but I presume he does. I never heard of a Republican official not drawing a salary that he could draw.

Mr. MANN. That is not a very clear——

Mr. FLOOD. Does the gentleman say he does not draw it?

Mr. MANN. My understanding is, he does not; I may be mistaken, but that has been my understanding from the start.

Mr. FLOOD. I never heard that before, Mr. Chairman. I have heard this matter discussed time and again, and I have seen it in the papers time and again, and this is the first time that I have heard it intimated that Mr. Magoon did not draw this salary.

Mr. MANN. It is the first time I have heard it intimated that he did draw it.

Mr. FLOOD. You have seen it in the newspapers that he drew it. I believe he has drawn the $10,000. I believe he is drawing from the Government this minute salaries aggregating $27,500 a year. I believe it is wrong. I believe it is a criminal waste of the people's money. I believe it is a criminal violation of that statute that was placed there in the wisdom of Congress and signed by a former President of the United States. [Applause.]

Mr. McCLEARY of Minnesota. If you found that you were wrong, what would you say?

Mr. FLOOD. If I found that I was wrong, I would say he ought to put somebody else there to discharge these duties.

Mr. McCLEARY of Minnesota. And if you found that the basis of your frenzy was ill founded, what would you say?

Mr. FLOOD. I have not shown any frenzy. I have shown a quiet and just indignation at what appears to me to be an outrageous waste of the people's money. [Applause on the Democratic side.]

Now, Mr. Chairman, I regard this as a particularly outrageous waste of money when we consider the attainments and the ability of Mr. Magoon, as shown by his record in the past. I looked up his history and I found out that he came to the bar in 1882, and that after practicing law seventeen years in his native State, after gathering all the clientage that his ability and his industry justified, he laid down that practice and came here to Washington and accepted a position as the law officer of the Bureau of Insular Affairs at a salary of $4,500 a year. And that position he occupied for a period of five years, showing that Mr. Magoon thought that his true worth and value was $4,500 a year. Less than two years ago he was transferred from that Bureau to the Canal Commission, and in the short space of two years we find that his salary has been so increased that now he is receiving nearly seven times as much as he received when he was here in the Departments at Washington.

This is but an illustration of the criminal and outrageous waste of the public money that is going on upon the Isthmus of Panama. I regard it as a fortunate thing that the Committee on Foreign Affairs put into this bill that provision which, as far as its jurisdiction will permit it, will prevent a repetition of such an incident as this.

I can not leave the discussion of this bill without calling attention to the injustice which is being done the South in the appointment of our diplomatic representatives. When the bill reorganizing the consular service was pending I submitted some remarks in which I pointed out the injustice that was done the South by the present Administration in the appointment of our consular agents. These remarks apply with equal force to the diplomatic service, and while I do not think it is of as much importance to the South that she should have representatives in that service as in the consular service, still it is of importance to her interests that foreign nations should know that the States from the Potomac to the Rio Grande constitute a portion of this country. There are only four representatives from Southern States in the diplomatic service. Three of these come from the State of Kentucky and one from the State of North Carolina. Mr. Leslie Coombs, of Kentucky, is minister to Guatamala, at $10,000 a year; Mr. Brutus Clay, of Kentucky, is minister to Switzerland, at $7,500 a year; Mr. James G. Bailey is secretary to the Costa Rican legation, at a salary of $1,800. and Mr. Richmond Pearson, of North Carolina, is minister to Persia, at a salary of $7,500. The other States have no representation.

Compare the number of representatives in the diplomatic service from the South with those from New York State.

That State has two ambassadors, one to England and one to Austria-Hungary; four ministers, one to Cuba, one to the Netherlands, one to Paraguay, and one to Spain; one diplomatic agent, ten secretaries, one interpreter, and one student interpreter—in all nineteen appointments. The salaries paid to representatives from the entire South amount to $26,800, as against an aggregate of $102,700 paid to those from the State of New York.

Mr. Chairman, let us have no more talk in this House or in the country about Mr. Roosevelt being the President of the whole country. He is a partisan, and a very narrow partisan at that. [Applause.]

Mr. LAMAR. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I ask that the Clerk proceed with the reading of the bill.

The Clerk read as follows:

SCHEDULE A.

SALARIES OF AMBASSADORS AND MINISTERS.

Ambassadors extraordinary and plenipotentiary to Austria-Hungary, Brazil, France, Germany, Great Britain, Italy, Japan, Mexico, and Russia, at $17,500 each, $157,500.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I do not know whether the gentleman who just addressed us is as correct in all of his statements as he was in one that he made here. He just stated to the House that this bill raised the salary of the minister to Mexico from $12,500 to $17,500, and then made an assault upon Governor Magoon, of Panama. I do not know whether Governor Magoon is in receipt of two salaries or not. I do not believe he is, and I apprehend that the gentleman was just as correct in his statement of that matter as he was about the plain, simple proposition which he ought to know about, namely, the salary of the ambassador to Mexico. I hold in my hand the last diplomatic appropriation bill, which provides a salary of $17,500 for the ambassador to Mexico. I commend to the gentleman from Virginia [Mr. FLOOD] the reading of the law which he helped to make last year on this subject.

Mr. WILLIAMS. Mr. Chairman, I wish to make a point of order.

The CHAIRMAN. Will the gentleman state it?

Mr. WILLIAMS. I see here that the salary of the ambassador to Brazil is placed at $17,500. My recollection is that last year it was $12,000. I wish to make the point of order that that is a change in existing law.

The CHAIRMAN. The point comes too late, if the gentleman please. The item has been read.

Mr. WILLIAMS. At the time the gentleman from Illinois [Mr. MANN] arose I arose also, and he received the recognition of the Chair. I could not take him off his feet.

The CHAIRMAN. If the gentleman states to the Chair that he had risen and was addressing the Chair with the view of making the point of order, the Chair will entertain it.

Mr. WILLIAMS. I was trying to get the attention of the Chair for the purpose of raising the point of order when the gentleman from Illinois was also attempting to get recognition.

The CHAIRMAN. What is the gentleman's point of order?

Mr. WILLIAMS. The point of order is that the salary of $17,500, fixed for the ambassador to Brazil, is a change of existing law.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I would like to be heard on that.

The CHAIRMAN. If the gentleman from Mississippi is through, the Chair will hear the gentleman from Pennsylvania.

Mr. ADAMS of Pennsylvania. I would like to submit to the Chair that the existing law is the precise law which can be found in the Constitution of the United States, which vests in the President authority to appoint ambassadors, ministers, and consuls, irrespective of any power in Congress save the one of confirmation by the Senate of the United States. I would also like to submit to the Chair that the act of March 1, 1893, had a provision, not giving the authority to appoint to the President of the United States, for it was already vested in him by the Constitution, construed almost to be mandatory, that when any other country raised the rank of its representative in this country from that of minister to ambassador the President should reciprocate. I should also like to submit to the Chair that the act of 1856, which, while not bearing directly on this subject—and the fact is well recognized in the law—provides that where the ministers and ambassadors are undergoing what is called their "instruction period," because the law reads that their pay does not commence until they reach their posts, it is not provided specifically that they shall be compensated during this period of thirty days, which is known as the "instruction period."

Mr. Chairman, with these three authorities and, more particularly, the right vested in the President by the Constitution of the United States to appoint is the authority for Congress to make this appropriation to carry out the original power vested in him.

The CHAIRMAN. Will the gentleman answer one question? Is the grade of the officer to Brazil the same in this bill as it was in the last appropriation bill?

Mr. ADAMS of Pennsylvania. No, sir. Whether that became a question was a doubt in my mind. If the President has a right to appoint an ambassador or minister, so far as this point of order bears, it has no bearing at all. As a matter of fact, this is a creation by the President and a raising in consonance with the act of March, 1893, and he has raised the rank of our representative at Brazil from that of minister to that of ambassador; hence the entire proprieties of law differ, and the salary should be raised to comport with the dignity, the increased expense, and putting it on the plane with the other ambassadors at $17,500.

Mr. MANN. Mr. Chairman, the gentleman is mistaken, I think, in saying that the change in grade of our foreign representative to Brazil has been made this year. The change was made from minister to ambassador last year, and the last appropriation bill contained an appropriation of $12,500 for the ambassador extraordinary and minister plenipotentiary at Brazil.

Mr. ADAMS of Pennsylvania. The gentleman is correct; I had forgotten that.

The CHAIRMAN. That being the fact, the Chair sustains the point of order raised by the gentleman from Mississippi.

Mr. WILLIAMS. Now, Mr. Chairman, one word. I move to strike out the last word. The salaries of our representatives in Austria-Hungary, Italy, and Japan have all been raised $5,500 a year. I do not desire that the representatives of the Republic abroad should be underpaid, and I think Austria-Hungary, Italy, and Japan should be put in the same class with England, France, and Germany, because they are all among the great powers. Therefore, I will not make the point of order on them, though I make it on Brazil. I will ask how far the Clerk has read?

The CLERK. Second line of page 2.

The CHAIRMAN. The amendment offered by the gentleman from Illinois is withdrawn.

The Clerk read as follows:

Envoys extraordinary and ministers plenipotentiary to the Argentine Republic, Belgium, China, the Netherlands and Luxemburg, and Spain, at $12,000 each, $60,000.

Mr. WILLIAMS. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIAMS. I make the point of order against fixing the salary of the ministers at Belgium and the Netherlands at $12,000 each. The salary that they formerly received was $10,000, each one of them.

Mr. PAYNE. I would suggest to the gentleman from Pennsylvania that he fix the salary of the ambassador at Brazil. That having gone out, it makes it necessary to offer an mendment inserting $12,500.

Mr. ADAMS of Pennsylvania. I will as soon as I get an opportunity to do so; I can not take the gentleman from Mississippi off the floor.

Mr. PAYNE. There is no salary provided in the bill now.

Mr. WILLIAMS. I suppose the gentleman will in time make this appropriate motion.

Mr. ADAMS of Pennsylvania. I could not take the floor from the gentleman who raised the point of order.

Mr. WILLIAMS. I make the point of order, Mr. Chairman, that the provision for Belgium and the Netherlands is a change of existing law.

Mr. ADAMS of Pennsylvania. I submit the same argument as I did before.

Mr. WILLIAMS. If I can be heard for a moment, I desire to say this: I do not submit the point of order merely because I can make it. If I regarded this as a justifiable increase, I would not make the point of order. Our ministers to Belgium and to the Netherlands are not put to the expense of the extravagant living rendered necessary, or fancied to be necessary in Paris, Rome, or London. An American citizen can live very well in Belgium as the American representative on $10,000 a year, and ought not to receive any more, either there or at the Netherlands.

Mr. FLOOD. Will the gentleman permit me?

Mr. ADAMS of Pennsylvania. Will the gentleman permit me?

Mr. WILLIAMS. I will first yield to the gentleman from Virginia, who made the first request.

Mr. FLOOD. I will say to the gentleman from Mississippi that, in reference to the salary of the minister to the Netherlands, it was represented to the committee that, owing to the fact that The Hague was located there, he would have a good deal of expense that otherwise he would not have, and therefore that this increase of salary would be proper.

Mr. GROSVENOR. That is what I was going to suggest.

Mr. WILLIAMS. That would be a perfectly good reason for giving a special appropriation for a special purpose for one year.

Mr. FLOOD. That is all it gives it for.

Mr. WILLIAMS. Oh, no. I will show you in a moment that it is not. That would be a perfectly good reason for giving an appropriation to the minister to the Netherlands this year for this special purpose, but if this increase goes into the bill, then it becomes existing law for all time hereafter, except by a special law, and everybody with any knowledge of methods of procedure in our National Legislature knows that the minister there will continue to get that sum, whether he has to entertain any Hague court representatives or not, if only the sum be suffered to remain in this bill. Now, as I say, I would be perfectly willing to have an appropriation made to give the minister to the Netherlands this year an increased amount of money, if necessary, but not in this bill, and not in such a way as to entitle him to it for all time to come. I insist on the point of order.

Mr. PERKINS. I wish to be heard on the point of order. The gentleman himself, in discussing the point of order, has given his explanation or defense for making the point of order. It seems to me proper for me to reply to that.

The CHAIRMAN. Does the gentleman wish to be heard on the point of order?

Mr. PERKINS. I wish to be heard in reply to the gentleman from Mississippi.

Mr. WILLIAMS. I yielded to the gentleman for an interruption. I have not yielded the floor.

Mr. PERKINS. I have a right to be heard on the point of order.

Mr. WILLIAMS. Certainly.

Mr. MANN. The gentleman has a right to be heard when the gentleman from Mississippi yields the floor.

Mr. WILLIAMS. I did not understand the gentleman. I thought he was making the point that he had a right to argue the merits of the case. Of course he has a right to do that under the guise of talking to the point of order, if he so desires.

Mr. PERKINS. That is exactly what the gentleman from Mississippi has done. He has discussed the merits of the question in discussing the point of order.

Mr. WILLIAMS. Certainly, and I accord exactly that right to the gentleman from New York. I thought the gentleman was trying to get beyond the point of order and onto the merits of the matter and I did not wish the point of order to be cut off.

Mr. PERKINS. Certainly not.

Mr. ADAMS of Pennsylvania. Will the gentleman from Mississippi permit me to ask him a question? He says he is perfectly willing that this amount of money shall be voted to the Netherlands for this year. Now, the court of arbitration is settled there not only for this year, but for every year, and in the judgment of the committee there will scarcely be a year in the future when some case of arbitrament will not be submitted to that court. Hence the expense of our representative there will be continuous. For that reason our representative will be obliged to entertain not only those who sit as members of the court, but the distinguished jurists who practice before the court; and it would certainly be proper that our representative should entertain them. It was in view of that fact, that cases will probably come before that court not only this year, but every year, that we thought it proper to raise this salary to this not very extravagant figure. More than that, Mr. Chairman, I doubt if the salary will anywhere near cover the expense that our representative there will be put to annually from the very fact of the establishment of this court. And as the gentleman says he is willing that the increase shall be made for this year——

Mr. WILLIAMS. Will the gentleman, in that connection, tell me why he also raised the salary of the minister to Belgium?

Mr. ADAMS of Pennsylvania. The argument that was submitted to the committee was that the expense of living at Belgium had increased quite as much as at Paris, and that an increased number of Americans pass through there and call at the legation.

Mr. WILLIAMS. There is no Hague situation in Belgium, is there?

Mr. ADAMS of Pennsylvania. Not the same thing. The gentleman admits that he will not object to this increase this year at the Netherlands, and so I appeal to him to allow——

Mr. WILLIAMS. I would not object to an appropriation for the specific purpose of entertaining the American delegates to The Hague or something of that sort, but I would object to this addition to the salary.

Now, Mr. Chairman, in that connection I think there is a good deal of very un-republican talk about salaries. I am using the word "un-republican," of course, not in a partisan sense, because if I were using it in that sense my observation would be totally inapplicable, as Republican with a capital R is a synonym for extravagant. I think there is a good deal of very un-republican talk and thought, too, about how men who represent the American Republic abroad should live. There is no reason why they should live in any way except in the proper condition of an American gentleman, and an American gentleman can certainly live upon the salaries that these people now have. If they wish to outshine this man or that, or if their wives and daughters foolishly wish to outshine other diplomatic wives or daughters, that is another question. The American Republic is not outshining anybody, and they would stand in a better attitude if instead of wishing to outshine people they tried to set an example to snobs and the nouveaux riches of how little money they could live upon with honor and with dignity.

Mr. ADAMS of Pennsylvania. I would like to state to the gentleman from Mississippi that one of the ablest ambassadors we ever had at the Court of St. James tried that experiment. Mr. Bayard tried to live as much within his means as he could, only in such a way as an American gentleman should, and only to return the actual hospitalities which every decent man ought to do, and he impoverished himself, so that it is well known that when he died he left very little property.

Mr. WILLIAMS. He did not have much, if any more, or as much, maybe, when he went there.

Mr. ADAMS of Pennsylvania. That is true; but he had less when he came back. Mr. Bayard tried to live just on the plan that the gentleman from Mississippi is now advocating—simply, decently, quietly as an American gentleman, performing his whole duty—and he could not do it, and no man can.

Mr. WILLIAMS. Then we should abolish the office.

Mr. PERKINS. Mr. Chairman, I must confess that I am surprised to hear the gentleman from Mississippi, with all his learning and knowledge of parliamentary law, state as a justification and excuse for not raising the point of order against this raise, when, as I understand, he concedes that for this year at least it would be proper that this increase should be made; that if we should make it for one year it would therefore become an established law, and that the point of order could not be again raised. Now, Mr. Chairman, as little as I know about parliamentary law, I have not sat here for five years without having it decided——

Mr. WILLIAMS. Oh, the gentleman from New York has misunderstood me.

Mr. PERKINS. The gentleman said that if this was put in this year it would become the law, because this bill would fix the salary.

Mr. WILLIAMS. Undoubtedly it would practically fix the salary. What I said was, taking it for granted that it could be established that he would need it for this year, and even if that could be established I would not be willing to give him the salary. I do not know whether he would need it or not; if he did, I would be willing to give it to him.

Mr. PERKINS. I think the gentleman from Mississippi is wrong in thinking that allowing $12,000 to the minister at Belgium makes it established law for any other year. As I understand the law of this House, to become established law there must be a legislative provision. If we allow a man $12,000 a year, his salary having been $10,000, it gives the gentleman from Mississippi the same right to raise his point of order against it next year that he has this year.

The CHAIRMAN. The Chair would like to have the following provision read by the Clerk.

The Clerk read as follows:

In the absence of a general law fixing a salary the amount appropriated in the last appropriation bill has been held to be the legal salary, although in violation of the general rule that the appropriation bill makes law only for the year.

Mr. PERKINS. Well, Mr. Chairman, speaking, then, to the point of order, and answering the argument that the gentleman made, the Committee on Foreign Affairs certainly tried to exercise all economy that was consistent with what I do not hesitate to call decency. For instance, take this clause: "The salaries of the ministers to the Argentine Republic and to Spain are allowed at $12,000." Does the gentleman claim that there is any right or reason why the salaries of the ministers to the Argentine Republic and Spain should have been fixed with his consent and with the consent of the House and should remain at a sum $2,000 higher than the minister to Belgium and the minister to The Hague? I do not believe any more than the gentleman from Mississippi in any undue splendor or display, but the gentleman knows, and everybody knows, that for a man to live with reasonable and proper regard for official decorum in this day and generation, with the prices that now prevail in any European capital, for $10,000 is impossible.

Mr. WILLIAMS. The gentleman from Mississippi knows no such thing.

Mr. PERKINS. Then the gentleman from Mississippi knows less than I supposed he did.

Mr. WILLIAMS. The gentleman from Mississippi may know much less than the gentleman from New York imagines he could possibly know, but that does not prove anything.

Mr. POU rose.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from North Carolina?

Mr. PERKINS. I will yield.

Mr. POU. Mr. Chairman, I desire to make an inquiry of the gentleman from New York [Mr. PERKINS], and that is this: If Representatives of the American people can live here in the city of Washington for $5,000, why is it that representatives of our country abroad can not live on $10,000 a year?

Mr. PERKINS. Mr. Chairman, I have known some Representatives of the American people who live with the utmost modesty and in the utmost simplicity and who are unable, I regret to say, to make ends meet with $5,000 a year here in the city of Washington.

Mr. FLOOD. Mr. Chairman, I would like to suggest to the gentleman from Mississippi [Mr. WILLIAMS] that he might at least trust the Committee on Foreign Affairs to some extent in this matter. He concedes that during the next fiscal year there will be some extraordinary expenses attached to the legation at The Hague.

Mr. WILLIAMS. I concede there may be. I do not know.

Mr. FLOOD. And if that is the case and this additional $2,000 will be proper this year, with a proper argument before the Foreign Affairs Committee he might trust it to reduce the amount next year, because here is an instance in the bill where that committee did make a reduction. The minister to Cuba during the present year is drawing a salary of $12,000 a year. This bill reduces the salary to $10,000 a year, and I think the gentleman can trust the committee to investigate these various matters and try to get a fair salary and a salary that is commensurate with the expenses that will be incurred at the time that the committee is considering the bill.

Mr. PERKINS. I will say just one word more for the benefit of the gentleman from Mississippi. The Foreign Affairs Committee unanimously, every Democratic member as well as every Republican member, as has been suggested by the gentleman from Virginia [Mr. FLOOD] who has just spoken, in considering the importance and the proper and necessary and reasonable and rational expenses of these posts, saw fit to reduce the salary of the minister to Cuba from $12,000 to $10,000, and saw fit to increase the salaries of the ministers to Belgium and the Netherlands from $10,000 to $12,000. It seems to me that the unanimous judgment of the judicious and economic members of the Democratic membership of that committee might have some weight even with my friend from Mississippi.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. WILLIAMS. Mr. Chairman, one word. The gentleman has called the attention of the House to the fact that the ministers at the Argentine, at China, and at Spain are receiving this salary which he desires to give to the ministers at Belgium and the Netherlands. He has asked me if I can see any difference between them. As far as all of them except China are concerned, I frankly confess that I do not. We ought to have a high-priced man at Peking. If I had the opportunity to make a point of order whereby the Argentine and Spain could be reduced to $10,000, I would do it in a moment. I have no sort of doubt about the propriety of not making an increase in Belgium and very little about that at the Netherlands. I insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ADAMS of Pennsylvania. Mr. Chairman, in order to keep the bill in shape I move the following amendment:

Page 2, line 1, strike out the word "fifty-seven" and insert in lieu thereof the word "forty."
Line 2, page 2, strike out the word "five."

Mr. Chairman, that is to correct the total, due to the fact that we have struck out the salary at Brazil.

The CHAIRMAN. Without objection, the amendment will be considered as agreed to.

There was no objection.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I also offer the following amendment:

Page 2, insert between lines 2 and 3 the following:
"Ambassador extraordinary and minister plenipotentiary to Brazil, $12,000."

The CHAIRMAN. Without objection, the amendment will be considered as agreed to. [After a pause.] The Chair hears no objection, and it is so ordered.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I now desire to make an amendment to change the total.

Mr. MANN. As I understand it, the salaries at Belgium and at the Netherlands were stricken out and the salary at Brazil has been inserted.

The CHAIRMAN. Yes. The gentleman from Pennsylvania [Mr. ADAMS] now desires to correct the totals in the same paragraph.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I ask unanimous consent that the Clerk be authorized to change the total from $60,000, so as to conform to the point of order which takes out the Netherlands and Luxemburg.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. ADAMS of Pennsylvania. And that the Netherlands and Luxemburg be inserted in the same place as heretofore.

Mr. McCLEARY of Minnesota. But we have not yet reached that.

[Mr. CLARK of Missouri addressed the committee. See Appendix.]

Mr. WATSON. Mr. Chairman, a few moments ago the gentleman from Virginia [Mr. FLOOD], in a very vehement speech, charged Mr. Magoon, a representative on the Isthmian Canal Commission, with drawing a double salary of $17,500 in connection with his work as representative on the Canal Commission and $10,000 as minister or representative of this country to the Canal Zone. The gentleman from Vermont [Mr. FOSTER] communicated with the Department of State and I communicated with the Secretary of War by telephone, and they both denied that Mr. Magoon received any salary whatever as a representative of this country as a minister, and that the only salary that he did receive or has ever received was the $17,500 as governor of Panama. I make this statement in order that it may be corrected in the RECORD and that it will not go out to the country that this man receives or ever has received other than the $17,500 salary. I commend to my friend an investigation of facts before he so vehemently denounces public officials. [Applause on the Republican side.]

Mr. PERKINS. Mr. Chairman, I move to strike out the last two words. I wish to make a brief reply to the gentleman from Missouri, intending not to use my five minutes, but only one or two sentences. I wish to assure the gentleman from Missouri—who apparently is apprehensive, or his fears have been excited, I know not how and I know not where—that nobody has any more thought of breaking down the policy of this Government in reference to the exclusion of Chinese coolies than we have of abolishing any other part of the established and recognized law of the land. I will suggest to the gentleman from Missouri, with all his vigilance, which I entirely commend, that if the Department of Commerce, if the Bureau of Immigration—whose zeal certainly nobody has charged with being insufficient, but whose zeal has been sometimes charged as being excessive—if they should think there could be changes made in the method of examination, in the mode of entrance, that would be for everybody's benefit and nobody's harm; that would not admit one cooly not entitled to come into the country, but would perhaps sometimes save from unnecessary discourtesy those who by the law of the land and the consent of the gentleman from Missouri are entitled to come into the country, that such legislation certainly would meet his approval, and such legislation only will he meet with as reported from this committee.

Mr. CLARK of Missouri. Let me ask the gentleman a question before he sits down.

The CHAIRMAN. Does the gentleman yield to the gentleman from Missouri?

Mr. PERKINS. I do.

Mr. CLARK of Missouri. Do you believe it is wise to turn over to the consuls in China the privilege of certifying to these various Chinamen who are coming over here, as to their character and calling, and taking that as evidence?

Mr. PERKINS. I do not, and I should not for one moment approve of a bill that would put that matter entirely in the hands of the consuls.

Mr. CLARK of Missouri. I am very glad to hear it; I supposed you would be of that opinion——

Mr. PERKINS. The gentleman is entirely mistaken.

Mr. FOSTER of Vermont. Mr. Chairman, as a member of the committee and as the author of the Foster bill, I wish to corroborate everything that has been said by the distinguished gentleman from New York [Mr. PERKINS] and so to allay any fears that our good friend the gentleman from Missouri [Mr. CLARK] may have in reference to the Chinese-exclusion law. There never yet was a law that could not be improved, and it has been thought by some people and some officials who have this law to administer, who have been very industrious in ad-

ministering it during past years, that amendments could be made which would make it more effective. And we are considering some of their suggestions. In this connection, Mr. Chairman, let me call the attention of our good friend from Virginia [Mr. FLOOD] to another error which he insisted on making.

Mr. CLARK of Missouri. Before you make that statement, let me ask you the same question I did him. Do not these bills and this propaganda that is going on about the Chinese now look to the proposition that whenever one of our consuls in China certifies that—whatever his name is—does not belong to the cooly class on that certificate he will be admitted to the United States?

Mr. FOSTER of Vermont. Not at all. It has been suggested by the Commissioner of Immigration that a more rigid examination should be had before our consuls in China.

Mr. CLARK of Missouri. There has been a flood of literature of that kind.

Mr. FOSTER of Vermont. No. The suggestion came from the Bureau of Immigration.

Mr. CLARK of Missouri. Is the committee considering your bill now?

Mr. FOSTER of Vermont. Well, just now——

Mr. CLARK of Missouri. I do not mean just this minute.

Mr. FOSTER of Vermont. I am not on the subcommittee to which these bills were referred. The gentleman from New York [Mr. PERKINS] is the chairman of that subcommittee, and I will let him answer your inquiry.

Mr. PERKINS. I will say to the gentleman that we are considering the bill introduced by Mr. FOSTER, a bill introduced by Mr. DENBY, and a large number of propositions submitted by the Department of Commerce and Labor, and from them all we hope to evolve something that may ameliorate the service in a way that will meet the approval even of the gentleman from Missouri [Mr. CLARK] as to the Chinese.

Mr. CLARK of Missouri. Now, does not every one of these bills look to the certification of the consuls as to the Chinese?

Mr. PERKINS. My friend is mistaken in that. The certificate is signed by the consul now. The present law provides for a certificate made in China and viséed by the consul in China. There is also an examination at the American port by the officers of the Department of Commerce and Labor, and the certificate of the consul is not conclusive. It has been suggested that the examination to be made by the officers of the Department of Commerce and Labor, which is a requisite under any bill that has ever been suggested, might in some cases be more profitably made in every way in the interest of investigating the facts as well as in the convenience of anyone who was to be examined at certain treaty ports in China. It has never been suggested that the visé or the certificate of the consul alone should entitle the man to admission, and if it were suggested I can assure the gentleman such a bill would never be reported favorably from the committee as at present constituted.

Mr. SHERLEY. I would like to ask the gentleman from New York a question.

Mr. PERKINS. Certainly, if I am entitled to the floor.

Mr. FOSTER of Vermont. I yield to the gentleman.

Mr. SHERLEY. I should like to ask the gentleman from New York whether I am correctly informed in supposing that the decision of the officer of the Bureau of Commerce and Labor is a final decision, not reviewable by the court?

Mr. PERKINS. That is a very broad question. In certain cases it can be reviewed by the court. In certain cases they have held that the findings of the officers of the Department of Commerce and Labor and of the Secretary of Commerce and Labor were final upon the questions of fact, and if the disposition of the question of fact disposed of the appeal, as the finding of a jury often disposes of a question of fact and so the conclusions of law necessarily follow, to that extent their decisions are sometimes practically final.

Mr. SHERLEY. Has that gone to the extent of refusing the writ of habeas corpus to one claiming to be a citizen of the United States and who has been refused admission by the service?

Mr. PERKINS. It has not gone to the extent of denying the writ of habeas corpus, but it has gone to the extent of saying the finding of fact is final.

Mr. SHERLEY. Of course, I understand he could sue out the writ, but has the writ been denied because the court could not look into the question of fact?

Mr. PERKINS. There is that one case to which the gentleman has referred.

Mr. SHERLEY. I want to ask whether the committee has been considering the advisability of changing the law that prevents such consideration of the facts by a court whether——

Mr. PERKINS. We have considered it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PERKINS. I would state, in answer to the gentleman from Kentucky, that that, as well as several other questions in reference to the administration of the Chinese-exclusion law, has been considered and is being considered. They are, as the gentleman can in a moment see, both of importance and delicacy. We are certainly considering them. What decision we may reach I can not say; but there are involved in that consideration—as, for instance, the decision in the Ju Toy case—questions of great legal importance and great legal delicacy that must be dealt with with care.

Mr. SHERLEY. My purpose in interrogating the gentleman was simply to call attention to this condition, because it seemed to me that was a rather dangerous condition of law that permitted a finding of facts as to citizenship by the officials of the Department of Labor and prevented them from being reviewable by a court.

Mr. PERKINS. I entirely appreciate the force of the gentleman's statement.

Mr. FOSTER of Vermont. Mr. Chairman, I want to say just one word to correct my friend the gentleman from Virginia, who insists on his statement that we had increased the salary of the minister to Mexico. Now, if he had just read the first page of our report he would have found out the mistake, and that the salary there has been $17,500 for some years.

Mr. FLOOD. I move to strike out the last word. I did make a mistake in saying that the ambassador to Mexico received only $12,000 a year. He receives $17,500. I do not know how I made the mistake, as I have a statement of it here before me, but I did, and that is all about it. But I did not make a mistake about the Panama minister; I do not care how many telephone messages come from the State Department or the War Department, it does not show that Mr. Magoon is not going to draw the $10,000 salary as minister to Panama. Now, who makes any statement from the War Department, saying he is not going to draw his $10,000 as salary as minister to Panama?

Mr. FOSTER of Vermont. I did not ask if he was going to draw it. I asked if he was receiving any salary from the State Department as minister, and was informed that he was not.

Mr. FLOOD. Mr. Chairman, that is just a subterfuge to fool this House and the American people. Mr. Magoon was appointed minister to Panama on the 7th of July, 1905, less than a year ago, and if he is not drawing his salary, there is no guaranty that he is not going to do so. He can draw it within two years from this time; and I do not believe there is a man on the floor of this House who does not believe that within that time he will draw that salary.

Mr. FOSTER of Vermont. I certainly can say that there is one man who does not believe he will.

Mr. FLOOD. I believe that he will draw his salary.

Mr. WILLIAMS. Will the gentleman permit an interruption?

Mr. FLOOD. Certainly.

Mr. WILLIAMS. The gentleman from Vermont will, I suppose, admit that the appropriation is made of $10,000.

Mr. FLOOD. I was coming to that point.

Mr. WILLIAMS. And he will admit that Mr. Magoon has been appointed minister to Panama; and therefore Mr. Magoon may at any time claim that salary and the Government can not refuse to pay it.

Mr. FOSTER of Vermont. I do not concede it.

Mr. WILLIAMS. He certainly has the right to demand it and draw it.

Mr. ADAMS of Pennsylvania. I would like to say this to the gentleman from Mississippi: That it was this peculiar situation that influenced the judgment of the committee in putting this provision into this bill.

Mr. WILLIAMS. Which was precisely right.

Mr. ADAMS of Pennsylvania. That if anybody draws a salary as minister he can not draw any other salary from the United States Government; and I think as the committee has seen the wisdom of this provision and put it into the bill there is no good object in all this debate.

Mr. FLOOD. I have commended the provision. I simply insist that I was right in reference to the criticism of the appointment of the minister to Panama. When the gentleman from Indiana comes here with information from the State Department he should be full handed and be able to tell us not only that Mr. Magoon has not drawn that salary, but he will not draw it.

Mr. WATSON. Will the gentleman yield to me?

Mr. FLOOD. Certainly.

Mr. WATSON. The Secretary of War stated to me that Mr. Magoon not only did not draw the salary, but he had no intention of drawing the salary, and that it was against existing law, and that he could not draw the salary if he desired to do so.

Mr. FLOOD. That is the very point I made, Mr. Chairman.

Mr. PAYNE. Mr. Chairman, I do not think that the gentleman from Virginia understood the statement made by the gentleman from Indiana.

Mr. FLOOD. I think I do.

Mr. Chairman, I said it was against existing law. I said it was an illegal act of the Chief Executive, and for that reason that the Committee on Foreign Affairs put that provision into this bill. No one here knows whether or not Mr. Magoon will draw that salary. I for one believe he will draw it.

Mr. PALMER. Can he draw it without violating existing law?

Mr. FLOOD. Yes; he can.

Mr. MANN. You just stated that he could not.

Mr. PALMER. You said just a moment ago that he could not.

Mr. FLOOD. I said he could not be appointed to the position without violating existing law. If I said he could not draw the salary, I did not measure my words. The point I made was that he could not be appointed to this position without violating the law.

Mr. PALMER. That is another mistake you made.

Mr. KEIFER. Will the gentleman quote the section of the statute which he has just looked at.

Mr. FLOOD. I have read the statute, and I believe I am mistaken about it. It is section 1763 which would prohibit Mr. Magoon from drawing the salary as minister while he is drawing other salaries which amount to $2,500 or more, and with the statement of the gentleman from Indiana [Mr. WATSON] that the Secretary of War says the salary as minister was not paid to Mr. Magoon on account of this statute, I must admit that I am wrong so far as the Panama salary is concerned; and if he is not to draw it, why not strike it out of the bill?

Mr. PAYNE. Mr. Chairman, I want to answer the gentleman's last question. We should not strike it out, because there may be another person minister to Panama next year, and we want a provision for the salary for such minister.

Now, I was going to reply to the gentleman's other reflection upon myself, but he has confessed that he was wrong entirely about it and that I was right. So it is unnecessary for me to reply to that at all. He said he agreed with the statement of the gentleman from Indiana [Mr. WATSON] as to what the Secretary of War had said. He did not mean to say that, but he meant to say something else, that Mr. Magoon could not hold two offices at the same time. Now he states that the statement made by the Secretary of War was correct, and that he could not draw this additional salary under the law.

Mr. GARNER. Mr. Chairman——

Mr. ADAMS of Pennsylvania. Regular order!

Mr. GARNER. Mr. Chairman, I want the regular order. I think it is about time we were taking out, and I move that the committee do now rise.

Mr. ADAMS of Pennsylvania. I should like to finish this paragraph, I will say to my colleague on the committee.

Mr. GARNER. For that purpose I withdraw my motion, Mr. Chairman.

The CHAIRMAN. The motion is withdrawn.

Mr. MANN. Mr. Chairman, I renew the motion to strike out the last word. When the gentleman from Virginia [Mr. FLOOD] made his outrageous attack upon Governor Magoon I called his attention to the fact that he might be mistaken; that having some knowledge of those matters myself, I had never heard that Governor Magoon drew two salaries or that such a proposition had ever been made. The gentleman, with a considerable degree of rankness, it seems to me, talked for campaign purposes, denouncing the action of Governor Magoon in very strong language, which was utterly unjustifiable unless he knew his facts. Now, the truth is, Mr. Chairman, that before Governor Magoon was appointed governor of the Panama Zone, Governor Davis was the governor, and Mr. Barrett was the minister. It was ascertained not only that there was the expense of a governor and a minister, but that two men there, dealing both of them with the Panama Republic, were not as satisfactory as one man would be; that it was far better, apparently, for our Government to deal with the Panama Republic through one source, rather than through two sources. And Minister Barrett, himself recognizing the situation, recommended that the place of minister to Panama be left unfilled. When the President appointed Governor Magoon a member of the Isthmian Canal Commission and assigned him as governor of the Panama Zone, the provision which the President had already put into the rules and regulations for the Isthmian Canal Commission provided that not one of them should draw any additional salary in any way or from any source whatever. If the gentleman from Virginia [Mr. FLOOD] had desired to know the facts, he could have learned them from many men on the floor of this House. He could have ascertained, at a moment's notice, either through the Department of State or the Department of War, or through the Isthmian Canal Commission; but apparently without caring for the truth in the matter he makes an outrageous charge against a man who is, in his knowledge of the law, the peer of any man in this country; a man who has demonstrated his capacity as the adviser of the Insular Bureau, demonstrated his capacity as a great and wise counselor, and in his capacity as governor of the Canal Zone has demonstrated his ability to preserve harmony and good relations between our Republic and the little Republic of Panama. Instead of deserving the denunciation of partisans, Governor Magoon should receive the appreciation of his countrymen without regard to party. [Applause on the Republican side.]

Mr. WILLIAMS. Mr. Chairman, I rise for the purpose of suggesting to the gentleman from Pennsylvania that it is after 5 o'clock.

Mr. ADAMS of Pennsylvania. I would like to complete this section of the bill before we rise.

The Clerk read as follows:

Envoys extraordinary and ministers plenipotentiary to Chile, Colombia, Cuba, Panama, Peru, Turkey, and Venezuela, at $10,000 each, $70,000.

Mr. ADAMS of Pennsylvania. Mr. Chairman, on page 2, line 8, before the word "Chile," I move to insert the word "Belgium;" and after the word "Cuba," insert "the Netherlands and Luxembourg." And I ask the Clerk to be authorized to correct the totals.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Pennsylvania.

The question was considered; and the amendments were agreed to.

The Clerk read as follows:

Provided, That no salary herein appropriated shall be paid to any official receiving any other salary from the United States Government.

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question for information.

Mr. MANN. Mr. Chairman, I wish to reserve a point of order on that paragraph until we have an explanation.

Mr. WILLIAMS. This language provides that no salary herein appropriated shall be paid to any official receiving another salary from the United States Government. Now, if that is already existing law, what is the necessity for it being inserted in this bill?

Mr. ADAMS of Pennsylvania. This was inserted to cover the case about which we have heard so much—the case of Mr. Magoon.

Mr. WILLIAMS. We have been informed that existing law covered that.

Mr. ADAMS of Pennsylvania. This is a little different, and for this reason: He was appointed minister after he was appointed governor and a member of the Commission, and this was inserted so as to insure that he could not draw any salary as minister. I think the gentleman will see that it was intended to cover this particular case.

Mr. WILLIAMS. Now, then, Mr. Chairman, I do not yet comprehend that; if it be existing law that nobody shall draw two salaries for two different offices, then this is not a necessary provision. According to the views of the chairman of the committee, it could not possibly be a change of existing law, as it would appear to be in the opinion of the gentleman from Illinois who has just made the point of order. I confess I am a bit woolgathering about this. Perhaps the gentleman from Vermont can explain it.

Mr. FOSTER of Vermont. I think it is a mistake, Mr. Chairman. I did not understand that there was this existing law.

Mr. WILLIAMS. I want to ask the gentleman from Vermont something else. I have not the statutes before me, but in the statute in regard to the Panama Canal Zone and the Panama Canal we made some exceptions, it seems to me; I have an indefinite impression or a vague recollection about it, and it may have applied only to Army officers, but it seems to me that we made in that act some exceptions to the general law about a man's holding two offices. Does the gentleman from Vermont remember about it?

Mr. FOSTER of Vermont. I do not.

Mr. WILLIAMS. If we did make any exception there, then this provision is necessary.

Mr. HINSHAW. It can do no harm, anyway.

Mr. WILLIAMS. I understand that, but on that supposition it is not a change of existing law.

Mr. MANN. Mr. Chairman, I may say to the gentleman that

so far as the original Panama act is concerned, it does not provide for anybody drawing two salaries. It does provide that the President may detail officers from the Army or the Navy, and if he does do so the salary which shall be allowed to that officer by the Isthmian Commission shall have deducted from it the salary that he receives as an officer in the Army or Navy; so that they do not receive two salaries.

Mr. WILLIAMS. That probably is the provision that I had in my mind, though perhaps nearly backwards.

Mr. MANN. They are not allowed to receive two salaries, but they receive the Army salary and the additional amount which they would receive if they were civilians.

Mr. WILLIAMS. They merely receive the civilian salary if it is the highest, and if the military salary is the highest they receive that?

Mr. MANN. Yes, but they do not receive the two. Mr. Chairman, I am convinced that the point of order is not good; it is a limitation, although I can see no object in having it put in, if it is put in to cover the Magoon case, because it is not only covered by law, but it is covered by the rules and regulations established by the President in relation to the Panama Canal Zone.

Mr. TAWNEY. Mr. Chairman, I want to make a statement about this. In the urgent deficiency bill passed at the beginning of this session, or early in the session, it carried a provision which prevented the payment of but one salary to any member of the Commission. Secretary Taft, before the Committee on Appropriations yesterday, when he was asked the question whether Mr. Magoon was receiving a salary as governor of the Canal Zone and also a salary as minister, stated positively that he was receiving no salary either as governor of the Canal Zone or as minister; that he was receiving only his salary as a Commissioner, and that that salary was fixed by the President of the United States.

Mr. MANN. Mr. Chairman, the gentleman ought not to unintentionally misstate Secretary Taft. Governor Magoon receives a salary of $17,500 a year. If he were merely a Commissioner he would receive but $7,500 a year.

Mr. TAWNEY. I beg the gentleman's pardon. There is no limitation fixed by law.

Mr. MANN. Oh, I understand.

Mr. TAWNEY. Upon the discretion of the President as to the amount of salary he can fix for a member of the Commission, and the urgent deficiency bill expressly provided that no Commissioner could receive any salary for any office he might fill other than the salary of Commissioner, but the amount of that salary is in the discretion of the President. Now, the President has fixed his salary as a Commissioner at $17,500.

Mr. MANN. Yes; but he fixed it at that rate because he is governor of the Canal Zone.

Mr. TAWNEY. I do not know that. He is the only Commissioner serving in the Zone. He has fixed the salary of Mr. Shonts as chairman of the Commission at $30,000.

Mr. MANN. Because he is chairman of the Commission. Mr. Chairman, I move to strike out the proviso.

Mr. WILLIAMS. Mr. Chairman, I wish to be heard on that proposition.

Mr. PERKINS. Mr. Chairman, I wish also to be heard on that proposition.

Mr. WILLIAMS. Mr. Chairman, the gentleman from Illinois [Mr. MANN] made a motion to strike out that proviso.

The CHAIRMAN. But the gentleman was not recognized for that purpose.

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I think I am beginning to understand this affair. My intellect has been rather muddy about it. It appears that the law provides a salary "for the minister of Panama" at $10,000. I find that here on page 2, and it is not a change of the law hitherto prevailing. It appears by the statement of the gentleman from Illinois [Mr. MANN] that the salary of "a Commissioner" is $7,500. The sum total of these salaries would be $17,500. It appears by the statement of the gentleman from New York [Mr. PAYNE] and the gentleman from Indiana [Mr. WATSON], as well as by the admission of the gentleman from Virginia [Mr. FLOOD], after reading the statute, that there is an existing statute which prevents any one man from obtaining two different salaries for two different offices. That is, Governor Magoon could not draw a salary as minister for $10,000 and a salary as Commissioner for $7,500, making a total of $17,500, without a violation of the law; but it appears, then, by the statement of the gentleman from Minnesota [Mr. TAWNEY] that Governor Magoon is now receiving a sum of money which accidentally happens to be these two sums added together, and he is receiving it under an act "to govern" the Panama slip, giving discretion to the President which is not limited. The President can fix whatever salary he pleases for a Commissioner, and the President, in his discretion, being desirous not to violate existing law, could not permit Governor Magoon to draw $10,000 as minister to Panama and then $7,500 more as a Commissioner, $7,500 being the ordinary Commissioner's salary. He therefore fixed Mr. Mogoon's salary as a Commissioner, acting "governor," at $17,500, which Magoon draws as Commissioner, and which merely *happens to be* the sum of these two added together.

I know nothing about those facts; but this is the evidence that has come to me upon the floor here in the last three-quarters of an hour, and if the evidence is correct, then what I have said appears to be a statement of the case. I do not make this statement for the purpose of criticism, and I make no criticism, but having been myself muddy and unclear upon the proposition, having had an awfully hard time to understand it, I thought I would see if I had gotten it right, so that the House and the country might know.

Mr. MANN. Mr. Chairman, will the gentleman permit me to say that Governor Magoon gets the same salary that Governor Davis got when he was both governor and minister, and that Governor Davis's salary was fixed long ago?

Mr. WILLIAMS. The salary of the governor before Governor Magoon was appointed was $17,500?

Mr. MANN. The salary of Governor Davis, as member of the Isthmian Canal Commission, while he was acting as governor of Panama, was $17,500.

Mr. WILLIAMS. Did he get it under that law or under the designation of the President as governor of Panama or as Commissioner?

Mr. MANN. He acted as Commissioner; he was a member of the Commission, assigned as governor.

Mr. WILLIAMS. Then it appears by the latest information, which is absolutely correct, because the gentleman from Illinois [Mr. MANN] is one of the men in this House who never makes a statement without knowing what he is talking about, that not only has Governor Magoon received this queerly aggregated sum, queerly equaling these two salaries of the two offices which he holds, but his predecessor received it also?

Mr. TAWNEY. Mr. Chairman, will the gentleman permit a statement?

Mr. WILLIAMS. Yes.

Mr. TAWNEY. I want to say that Governor Magoon is the only member of the Commission who devotes all of his time to the work of the canal and the administration of the Canal Zone on the Isthmus. The other Commissioners, except the chairman, namely, the four Commissioners, including the three engineers of the War and Navy Departments, are merely consulting Commissioners. They receive salaries of $7,500, or the difference between their Army and Navy pay and $7,500. They are not serving on the Isthmus of Panama, but are serving here in connection with the work of the Commission in an advisory capacity, while Governor Magoon is spending all of his time on the canal, lives on the Isthmus, and is devoting his time and energy to the construction of the canal and to the administration of the government in the Canal Zone. He is also performing the duties as minister to that country from the United States. I think it is because of his exceptional services that he is receiving the salary fixed by the President.

Mr. WILLIAMS. Mr. Chairman, I am not arguing the merits or official excellencies of Governor Magoon. I want to get this exactly right, and I want to ask the gentleman from Minnesota a question in order to get it exactly right and see if I understand it correctly. There is no such thing as governor of the Panama strip by statute, is there?

Mr. TAWNEY. No; but it is claimed he is governor de facto.

Mr. WILLIAMS. As I understand, the President designates one of the Commissioners as governor.

Mr. TAWNEY. The gentleman remembers, I suppose, what is commonly known as the "Spooner Act," which is a mere repetition of the act providing for a government for the Louisiana purchase——

Mr. WILLIAMS. Oh, I deny that. Yes; I remember the statute.

Mr. TAWNEY. We reenacted that and made it applicable to the Canal Zone. That law has expired. Under that law the President designated a governor of the Canal Zone.

Mr. WILLIAMS. And notwithstanding the expiration of the law and the absence of legal authority, the President keeps it up. Now, this is what I am getting at; the only officers designated in the act are Commissioners, are they not?

Mr. TAWNEY. There is——

Mr. WILLIAMS. I mean in the Spooner Act.

Mr. MANN. The President could name anybody he pleased.

Mr. WILLIAMS. I know; but is there any statute which designates specifically a governor and fixes his salary?

Mr. MANN. The only statute, I will say to the gentleman, authorizes the President through such officials as he might appoint to govern the Canal Zone. That statute expired by limitation, and the President continued the government which was organized under that statute.

Mr. WILLIAMS. Now, then, what I am getting at is this: There is no such official known to the law specifically as governor of the Panama Canal strip?

Mr. TAWNEY. The gentleman is not exactly correct there.

Mr. WILLIAMS. Wait a minute—but there is a general law under which the President could govern the canal strip by designation simply. Is that correct?

Mr. TAWNEY. Not entirely; you could not say "no person known to the law," but no person known to the law of this country except Mr. Magoon, a member of the Isthmian Canal Commission, is by designation of the President the governor of the Canal Zone.

Mr. WILLIAMS. Now, there is under our statute law such an officer as minister to Panama, drawing $10,000.

Mr. TAWNEY. He is not drawing $10,000.

Mr. WILLIAMS. He is not?

Mr. TAWNEY. He is not drawing a cent.

Mr. WILLIAMS. That is a mistake, then, of the bill I hold in my hand.

Mr. TAWNEY. He may be authorized to draw it.

Mr. WILLIAMS. Oh, I mean authorized to draw it. I will take that, if the gentleman understands it that way, but I mean such an officer by name as "minister to Panama" is authorized by a statute law, whose salary as fixed by statute law is $10,000. There is also such an officer, whose name and salary is fixed by statute law as "Commissioner," drawing $7,500. There is not statutory——

Mr. TAWNEY. Again I desire to correct the gentleman. There is no law fixing the salary of a Commissioner at $7,500.

Mr. WILLIAMS. Is there none?

Mr. TAWNEY. None whatever. That is entirely within the discretion of the President of the United States.

Mr. WILLIAMS. Then we are gradually getting it; we are going to have it nicely understood in a minute. There is no statute law fixing the salary of the Commission. There is a statutory law fixing the power of the President to appoint Commissioners and to fix their salaries, and under that general power to govern the canal he also gives one of these Commissioners the title and authority of governor and calls him by that name. Now, then, he fixes by his own ipse dixit—using the word respectfully, because the law gives him the right of ipse dixit, and it is legal—he fixes the salary of the Commissioners at $7,500, and then he fixes the salary of a particular Commissioner, whether Davis or Magoon, who is to act as governor, at $17,500, and then it merely accidentally happens that that is the same salary that Magoon would have drawn as "minister to Panama" and "Canal Commissioner," except that if he had pocketed the identical sum he now pockets, but had pocketed it as the sum of the two salaries of the two offices he holds, it would have been in violation of law, and he could have been impeached.

Mr. PERKINS. Mr. Chairman, did the gentleman from Mississippi [Mr. WILLIAMS] make a motion to strike out this clause?

Mr. WILLIAMS. No, sir; I did not.

Mr. PERKINS. All right. It should not be stricken out, because it is entirely right.

Mr. WILLIAMS. My motion was to strike out the last word.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] withdraw his point of order?

Mr. PERKINS. The point of order has been withdrawn.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Chargés d'affaires ad interim and diplomatic officers abroad, $40,000.

Mr. WILLIAMS. Mr. Chairman, I make the point of order to get some information from the chairman of the committee. I think I will probably withdraw it.

Mr. PAYNE. Why not make a motion to strike out the last word and be in order?

Mr. WILLIAMS. I reserve the point of order. I want to ask the chairman of the committee why that $5,000 increase was made?

Mr. ADAMS of Pennsylvania. I will say that the statement of the Department shows that on the 31st of March they were $3,000 behindhand, having no fund in hand whatever with which to pay the salaries of the chargés d'affaires ad interim. I suppose that the gentleman understands that under the law when a minister leaves his post the secretary receives during his absence half of the salary of the minister. That has been used. There has generally been a deficit. The State Department asked an increase of $10,000, and we only allowed them $5,000, and when I state to the gentleman the condition of the exchequer of the State Department to-day——

Mr. WILLIAMS. Mr. Chairman, I withdraw the point of order.

Mr. MANN. I would like to ask the gentleman a question.

Mr. ADAMS of Pennsylvania. One minute, please. I want to make an amendment. I move to strike out, in line 9, "and diplomatic officers," and, in line 10, "abroad."

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

In lines 9 and 10, strike out "and diplomatic officers abroad."

Mr. ADAMS of Pennsylvania. Now, Mr. Chairman, I will ask that the Clerk be authorized to change the total.

Mr. PAYNE. Let the committee change it. Why not offer an amendment.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I move to strike out the word "five," in lines 11 and 12——

The CHAIRMAN. Lines 11 and 12 have not been read yet. The Clerk will read.

The Clerk read as follows:

Total, $467,500.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

Amend the total, $467,500, so as to read "$458,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and the amendment was agreed to.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CURTIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19264—the diplomatic and consular appropriation bill—and had come to no conclusion thereon.

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. 6243. An act to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands"—to the Committee on Insular Affairs.

S. 4716. An act authorizing the procuring of additional lands for the enlargement of the site and for necessary improvements for the public building at Butte, Mont.—to the Committee on Public Buildings and Grounds.

S. 4440. An act to grant certain lands to the town of Fruita, Colo.—to the Committee on the Public Lands.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

H. J. Res. 98. Joint resolution authorizing the Secretary of War to furnish brass cannon to the General Howell Post, No. 31, Grand Army of the Republic, of Woodbury, N. J.;

H. R. 8952. An act for the relief of the trustees of Weir's Chapel, Tippah County, Miss.;

H. R. 17114. An act to provide for the disposition under the public-land laws of the lands in the abandoned Fort Shaw Military Reservation, Mont.;

H. R. 17220. An act providing for a recorder of deeds, and so forth, in the Osage Indian Reservation, in Oklahoma Territory;

H. R. 16672. An act to punish the cutting, shipping, or boxing of trees on the public lands; and

H. R. 16950. An act to enlarge the authority of the Mississippi River Commission in making allotments and expenditures of funds appropriated by Congress for the improvement of the Mississippi River.

PERSONAL REQUESTS.

Mr. SAMUEL requested leave of absence for a few days, on account of important business.

Mr. BISHOP requested leave of absence for one week, on account of important business.

Mr. WEBBER requested leave of absence until June 10, on account of important business and sickness in family.

Mr. CURTIS asked leave to withdraw from the files of the House, without leaving copies, the papers in the case of D. W. Boutwell, Fifty-sixth Congress, no adverse report having been made thereon.

Mr. PAYNE. Mr. Speaker, I move that the several requests be granted.

The motion was agreed to.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

Accordingly (at 5 o'clock and 35 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for judgments rendered in Indian depredation cases—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a list of judgments entered against the United States by circuit and district 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 replacement of property of the California Débris Commission—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 Attorney-General submitting an estimate of appropriation for erection of a court-house at Fairbanks, Alaska—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 16386) to fix the time of holding the circuit and district courts for the northern district of West Virginia, reported the same with amendment, accompanied by a report (No. 4437); which said bill and report were referred to the House Calendar.

Mr. PARKER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 14587) to authorize the Secretary of the Treasury to issue duplicate gold certificates in lieu of ones lost or destroyed, reported the same with amendment, accompanied by a report (No. 4439); which said bill and report were referred to the House Calendar.

Mr. SAMUEL W. SMITH, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 18716) to extend the authority of the Commissioners of the District of Columbia over all street railway companies operating in the streets of the city of Washington, reported the same with amendment, accompanied by a report (No. 4441); 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. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 8631) for the relief of James M. Darling, reported the same without amendment, accompanied by a report (No. 4440); which said bill and report were referred to the Private Calendar.

Mr. LOUD, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 16763) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Frank Holway Atkinson, reported the same without amendment, accompanied by a report (No. 4442); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 2484) for the relief of Charles W. Howard, reported the same adversely, accompanied by a report (No. 4438); which said bill and report were ordered laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SAMUEL W. SMITH: A bill (H. R. 19714) to establish a limited post and telegraph service, and for other purposes—to the Committee on the Post-Office and Post-Roads.

By Mr. ZENOR: A joint resolution (H. J. Res. 163) to extend the provisions of the act of June 27, 1890, to include the officers and privates of Capt. Adam Knapp's Company A, Seventh Regiment Indiana Legion Volunteers, and to the widows and minor children of such persons—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Kentucky: A joint resolution (H. J. Res. 164) proposing an amendment to the Constitution of the United States, and providing for the election of United States Senators by the direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 19715) granting an increase of pension to Susan M. Brunson—to the Committee on Pensions.

Also, a bill (H. R. 19716) granting an increase of pension to Mary F. Johnson—to the Committee on Pensions.

By Mr. AMES: A bill (H. R. 19717) granting a pension to John Sullivan—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 19718) for the relief of New Hope Baptist Church, of Bartow County, Ga.—to the Committee on War Claims.

By Mr. BENNETT of Kentucky: A bill (H. R. 19719) granting an increase of pension to James Jackson—to the Committee on Invalid Pensions.

By Mr. BROOKS of Colorado: A bill (H. R. 19720) granting a pension to Etta S. Jeffrey—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 19721) granting an increase of pension to Louis H. Way—to the Committee on Invalid Pensions.

By Mr. BURLESON: A bill (H. R. 19722) granting an increase of pension to William H. Burns—to the Committee on Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 19723) granting a pension to Philip Jones—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 19724) granting an increase of pension to Anna Bussdicker—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 19725) granting an increase of pension to Howard V. Bennett—to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 19726) granting an increase of pension to Thomas Winn—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 19727) granting a pension to Elizabeth McKinney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19728) granting a pension to Melissa Tilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19729) granting an increase of pension to John White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19730) granting an increase of pension to James W. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19731) granting an increase of pension to David Reeder—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 19732) granting a pension to Mary S. Fox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19733) to remove the charge of desertion from the record of William M. Reals—to the Committee on Military Affairs.

By Mr. DARRAGH: A bill (H. R. 19734) granting an increase of pension to James M. Felts—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 19735) granting an increase of pension to James N. Crawford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19736) granting an increase of pension to Omar Dimmock—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 19737) granting an increase of pension to Martha E. Carter—to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 19738) granting an increase

of pension to Benjamin St. Clair—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 19739) granting an increase of pension to Henry D. Miner—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 19740) for the relief of Martin Ball, heir of Stephen Ball, deceased—to the Committee on War Claims.

By Mr. McLAIN: A bill (H. R. 19741) granting a pension to Walter E. Fitzpatrick—to the Committee on Pensions.

By Mr. PEARRE: A bill (H. R. 19742) for the relief of the estate of George E. House, deceased—to the Committee on War Claims.

By Mr. ROBINSON of Arkansas: A bill (H. R. 19743) granting an increase of pension to W. P. McMichael—to the Committee on Pensions.

Also, a bill (H. R. 19744) granting an increase of pension to George C. H. Hummel—to the Committee on Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 19745) granting an increase of pension to Charles M. Asbury—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19746) granting an increase of pension to John Halestock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19747) granting an increase of pension to H. M. Beardsley—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 19705) granting an increase of pension to Francis M. Glasscock, and it was referred 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 Mr. ACHESON: Petition of Washington Camp, No. 677, Patriotic Order Sons of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. ANDREWS: Petition of F. A. Stewart and others, of Roswell and Hagerman, N. Mex., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BATES: Petition of A. J. Byles, asking an appropriation to assist the State of New Jersey in marking the Princeton battlefields—to the Committee on Appropriations.

Also, petition of C. C. Kirkland, master of Grange No. 1305, of Girard, Pa., in favor of the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BENNET of New York: Petition of the New York Retail Grocers' Union, for a duty of 10 per cent on teas imported into the United States—to the Committee on Ways and Means.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of James Jackson—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: Paper to accompany bill for relief of Lewis H. Way—to the Committee on Invalid Pensions.

By Mr. BURLESON: Petition of William H. Burns, asking for an increase of pension—to the Committee on Pensions.

By Mr. CAMPBELL of Kansas: Paper to accompany bill for relief of Philip Jones—to the Committee on Invalid Pensions.

By Mr. DEEMER: Petition of citizens of Williamsport and Union Township, Pa., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DOVENER: Paper to accompany bill for relief of Henry Chase—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of the New York Retail Grocers' Union, for an increase of salaries of tea examiners to $5,000 per annum—to the Committee on Ways and Means.

Also, petition of the New York Retail Grocers' Union, favoring a 10 per cent duty on teas imported from Canada, as per bill now before the Committee on Ways and Means—to the Committee on Ways and Means.

By Mr. FULLER: Paper to accompany bill for relief of Joseph B. Pettey—to the Committee on Invalid Pensions.

Also, petition of the Retail Merchants' Association of Illinois, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. GARRETT: Paper to accompany bill for relief of Benjamin St. Clair—to the Committee on Invalid Pensions.

By Mr. CHARLES B. LANDIS: Petition of citizens of Russiaville, Ind., and vicinity, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LEE: Paper to accompany bill for relief of C. C. Bryan—to the Committee on War Claims.

By Mr. LINDSAY: Petition of the New York Retail Grocers' Union, favoring a duty of 10 per cent on teas imported from Canada, as per bill now before the Committee on Ways and Means—to the Committee on Ways and Means.

Also, petition of the New York Retail Grocers' Union, for increasing the pay of tea examiners to $5,000 per annum—to the Committee on Ways and Means.

By Mr. McCARTHY: Petition of the faculty of the University of Nebraska, favoring measures calculated to attract students from China and Japan to study the institutions and laws of the United States—to the Committee on Foreign Affairs.

By Mr. PEARRE: Paper to accompany bill for relief of the estate of George E. House—to the Committee on War Claims.

By Mr. RYAN: Petition of the New York Retail Grocers' Union, favoring an increase of salaries of tea inspectors to $5,000 per annum—to the Committee on Ways and Means.

Also, petition of the New York Retail Grocers' Union, for a duty of 10 per cent on teas imported into the United States—to the Committee on Ways and Means.

By Mr. ROBERTSON of Louisiana: Papers to accompany bill granting a pension to George C. H. Hummel, and to accompany bill granting a pension to N. P. McMichael—to the Committee on Pensions.

By Mr. SMYSER: Petition of citizens of Coshocton, Ohio, and Sanford Woods et al., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

SENATE.

MONDAY, *May 28, 1906.*

Prayer by Rev. JOSHUA STANSFIELD, of Indianapolis, Ind.

THE JOURNAL.

The Secretary proceeded to read the Journal of the proceedings of Friday last.

Mr. GALLINGER. I ask unanimous consent that the further reading of the Journal be dispensed with.

The VICE-PRESIDENT. The Senator from New Hampshire asks that the further reading of the Journal be dispensed with. Is there objection? The Chair hears none, and it is so ordered.

The VICE-PRESIDENT. The Journal stands approved.

DOCUMENTS RELATING TO INSULAR POSSESSIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, recommending the printing of a compilation of documents relating to the affairs of Cuba and of Porto Rico, the Philippine Islands, and other insular possessions made by the Bureau of Insular Affairs during the past five years; which was referred to the Committee on Printing, and ordered to be printed.

FINDINGS OF THE 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 Grove Baptist Church, of Fauquier County, 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 bill (S. 584) for the relief of David H. Moffat.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 5539. An act for the relief of the State of Rhode Island;

H. R. 12064. An act to amend section 7 of an act entitled "An act to provide for a permanent Census Office," approved March 6, 1902;

H. R. 12135. An act granting an increase of pension to William Landahn;

H. R. 13022. An act granting an increase of pension to Sarah L. Ghrist;

H. R. 13787. An act granting an increase of pension to Malcolm Ray;

H. R. 15266. An act to amend existing laws relating to the fortification of pure sweet wines;

H. R. 15869. An act granting an increase of pension to Wilson H. McCune;