

By Mr. DUNWELL: Petition of W. S. Knox, against bill H. R. 14897, relative to maintenance of the Long Bridge over the Potomac River—to the Committee on the District of Columbia.

Also, petition of the New York Retail Grocers' Union, for a duty of 10 per cent on all teas imported from Canada—to the Committee on Ways and Means.

Also, petition of the New York Retail Grocers' Union, for an increase of tea inspectors' salaries to \$5,000 per annum—to the Committee on Ways and Means.

By Mr. FINLEY: Paper to accompany bill for relief of Amella D. Robertson—to the Committee on War Claims.

By Mr. FULLER: Petition of the Rockford (Ill.) Packing Company, for an amendment of the pure-food bill in subsection 3, section 7, of the bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Engel & Edmunds, of Ottawa, Ill., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Union League Club of New York, for removal of the duty on paintings and antique works of art—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of the Constitution League of the United States, against the Warner Senate amendment to the rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Missionary Society of the Presbyterian Church of Tarentum, Pa., for amendment to Constitution abolishing polygamy—to the Committee on the Judiciary.

By Mr. HERMANN: Petition of M. H. Durst, of Alameda, Cal., for free duty to single-warp bagging for hop baling—to the Committee on Ways and Means.

Also, petition of C. L. Weaver et al., against the subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. JENKINS: Petition of the Methodist Episcopal and Presbyterian churches of Cadott, Wis., against Sunday opening of the Jamestown Exposition—to the Select Committee on Industrial Arts and Expositions.

By Mr. KENNEDY of Nebraska: Paper to accompany bill for relief of Angeline Whitmarsh—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of citizens of Keokuk County, Iowa, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LAFEAN: Petition of the Stateville Presbyterian Church, of Delta, Pa., for a constitutional amendment for the suppression of polygamy in the United States—to the Committee on the Judiciary.

By Mr. LEE: Paper to accompany bill for relief of the Damascus Baptist Church, of Gordon County, Ga.—to the Committee on War Claims.

Also, paper to accompany bill for relief of Martin Ball, heir of Stephen Ball—to the Committee on War Claims.

By Mr. LLOYD: Petition of Roy Sharts & Son, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LORIMER: Petition of the Kinley Manufacturing Company, for the Senate amendment to the Hepburn bill—to the Committee on Interstate and Foreign Commerce.

By Mr. MURDOCK: Petition of citizens of Rush County, Kans., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. PAGE: Paper to accompany bill for relief of John Quick—to the Committee on War Claims.

By Mr. RUPPERT: Petition of the New York Retail Grocers' Union, for an increase of salary of inspectors of teas to \$5,000—to the Committee on Ways and Means.

Also, petition of the New York Retail Grocers' Union, for a duty of 10 per cent on all teas from Canada—to the Committee on Ways and Means.

By Mr. RYAN: Petition of the Produce Merchants' Association of Portland, Oreg., for the Bede private car line bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of the Associated Building Trades, for appropriate measures relative to employment on the Congressional Hall Annex on behalf of Washington stone cutters—to the Committee on Public Buildings and Grounds.

Also, petition of General William F. Barry Garrison, No. 30, Regular Army and Navy Union, United States of America, of Washington, D. C., against change of present title to "Army and Navy Union, United States of America"—to the Committee on Military Affairs.

Also, petition of the New York Retail Grocers' Union, for a duty of 10 per cent on all teas imported from Canada—to the Committee on Ways and Means.

Also, petition of the New York Retail Grocers' Union, for an increase of salaries of tea inspectors to \$5,000—to the Committee on Ways and Means.

By Mr. THOMAS of Ohio: Paper to accompany bill for relief of teamsters who served in the civil war—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: Petition of citizens of Huron County, Mich., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WHARTON: Petition of the executive directors of the Chicago Commercial Association, for legislation favorable to promotion of the merchant marine—to the Committee on the Merchant Marine and Fisheries.

## SENATE.

TUESDAY, May 29, 1906.

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

VISITORS TO ANNAPOLIS.

The VICE-PRESIDENT appointed Mr. DICK and Mr. PATTERSON members of the Board of Visitors on the part of the Senate to attend the next annual examination at the Naval Academy, at Annapolis, Md., as required by the act of February 14, 1879.

## 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. 5561) to amend an act entitled "An act to amend an act entitled 'An act to incorporate the Masonic Mutual Relief Association of the District of Columbia,'" approved February 5, 1901.

The message also announced that the House had passed the bill (S. 1243) providing for compulsory education in the District of Columbia, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 1319) to prohibit the killing of wild birds and wild animals in the District of Columbia, in which it requested the concurrence of the Senate.

## ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 584. An act for the relief of David H. Moffat;

H. R. 17758. An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota;

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

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

H. R. 19473. An act authorizing the use of the waters in Coosa River at Lock No. 4, in Alabama.

## PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the General Conference of the Methodist Episcopal Church South, at Birmingham, Ala., praying for the enactment of legislation to provide for closing the gates of the Jamestown Exposition Grounds on Sunday; which was referred to the Select Committee on Industrial Expositions.

He also presented a memorial of the General Conference of the Methodist Episcopal Church South, at Birmingham, Ala., remonstrating against the enactment of legislation permitting the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. KEAN presented petitions of 10,983 women of the State of New Jersey, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. DICK presented petitions of 22,249 women of the State of Ohio, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of

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

Mr. WETMORE presented petitions of 984 women of the State of Rhode Island, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. ANKENY presented petitions of 4,382 women of the State of Washington, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. NIXON presented petitions of 382 women of the State of Nevada, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. GEARIN presented petitions of 3,592 women of the State of Oregon, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. BURROWS presented a petition of Fulton Circle, King's Daughters, of Detroit, Mich., praying for the enactment of legislation to prevent the destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Woman's Home Missionary Society of Dearborn, Mich., remonstrating against the transfer of the care of Indians and Eskimos of Alaska from the Bureau of Education to the governor of that Territory; which was referred to the Committee on Territories.

He also presented a memorial of Kalamazoo Council, No. 156, United Commercial Travelers of America, of Kalamazoo, Mich., remonstrating against the consolidation of third and fourth class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Ashbaugh Grange, of Lake City; Ravenna Grange, of Ravenna; Olivet Grange, of Olivet; Harlan Grange, of Harlan; Waverly Grange, of Gobleville; Spring Dale Grange, of Spring Dale; Montcalm Grange, of Greenville; South Jefferson Grange, of Osseo; Pinconning Grange, of Pinconning; Pleasanton Grange, of Bear Lake; Sears Grange, of Sears, and Crawford County Grange, of Grayling, all of the Patrons of Husbandry, in the State of Michigan; of sundry citizens of Adrian, Lake City, Kalamazoo, Ann Arbor, Bay City, Hoxeyville, Manton, Traverse, Cass County, Ashley, Auburn, Belding, Sherwood, Springdale, Reed City, Sterling, Doster, Westwood, Onsted, Iron River, Summit City, Charlevoix, Mears, Clare, and Central Lake; Master Plumbers' Association of Grand Rapids, and of the Woman's Christian Temperance Union of Van Buren County, all in the State of Michigan, praying for the removal of the internal-revenue tax on denatured alcohol; which were ordered to lie on the table.

Mr. PILES presented a memorial of the Woman's Home Missionary Society of Bellingham District, in the State of Washington, remonstrating against the transfer of the education and care of Indians and Eskimos of Alaska from the Bureau of Education to the governor of that Territory; which was referred to the Committee on Territories.

Mr. FOSTER presented petitions of 639 women of the State of Louisiana, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. BERRY presented petitions of 2,350 women of the State of Arkansas, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. GALLINGER presented a petition of sundry citizens of Washington, D. C., praying for the enactment of legislation providing for the establishment of a public park in the eastern portion of the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. LODGE presented a petition of the Norton Art Club, of the State of Massachusetts, praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Foreign Relations.

He also presented a petition of the New England Cotton Manufacturers' Association, of Boston, Mass., praying for the

enactment of legislation to establish trade relations with China; which was referred to the Committee on Foreign Relations.

He also presented the petition of G. W. Prescott & Sons, of Braintree, Mass., praying for the enactment of legislation to remove the duty on linotype and composing machines and the parts thereof; which was referred to the Committee on Finance.

He also presented a petition of the Board of Trade of Somerville, Mass., praying for the enactment of legislation providing for a revision of the tariff schedules; which was referred to the Committee on Finance.

He also presented a petition of the Board of Trade of Worcester, Mass., praying for the enactment of legislation providing for the consolidation of third and fourth class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the New England Cotton Manufacturers' Association, of Boston, Mass., praying for the enactment of legislation to establish national forest reserves in the Southern Appalachian and White Mountains; which was ordered to lie on the table.

He also presented a memorial of the Literary and Historical Association of Boston, Mass., remonstrating against the adoption of the so-called "Warner amendment" to the railroad rate bill relative to separate cars for the white and colored races; which was ordered to lie on the table.

He also presented a petition of Bay State Division, No. 113, Order of Railway Conductors, of Boston, Mass., praying for the enactment of legislation to restrict immigration; which was ordered to lie on the table.

He also presented a memorial of the New England Hardware Dealers' Association, of the State of Massachusetts, remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the congregation of the Methodist Episcopal Church, of Millville, Mass., praying for the enactment of legislation providing for the closing on Sunday of the Jamestown Exposition; which was referred to the Select Committee on Industrial Expositions.

He also presented a memorial of the American Peace Society, of Boston, Mass., remonstrating against any further appropriation being made for the construction of battle ships; which was referred to the Committee on Naval Affairs.

Mr. PENROSE presented a petition of the Audubon Society of western Pennsylvania, praying for the enactment of legislation to protect wild birds and animals in the Territories and National Forest Reserves of the United States; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. HALE presented petitions of 10,322 women of the State of Maine, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. BACON presented petitions of 879 women of the State of Georgia, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. KNOX presented petitions of 36,630 women of the State of Pennsylvania, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

#### REPORTS OF COMMITTEES.

Mr. DANIEL. I am directed by the Select Committee on Industrial Expositions, to whom was referred the bill (S. 5825) to authorize the United States Government to participate in the Jamestown Tercentennial Exposition, on the shores of Hampton Roads, in Norfolk County, Va., in the year 1907, and to appropriate money in aid thereof, to report it with two amendments. I beg leave to say that at a convenient season I will offer an extended report.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. HALE. I am directed by the Committee on Naval Affairs, to whom was referred the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, to report it with amendments, and I submit a report thereon. I give notice that I shall call up the bill for consideration at an early day.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. NELSON, from the Committee on the Judiciary, to whom



was referred the bill (H. R. 15434) to regulate appeals in criminal prosecutions, reported it with an amendment, and submitted a report thereon.

#### PANAMA CANAL.

Mr. MILLARD. Mr. President, on the 9th day of last January the Senate adopted a resolution directing the Committee on Inter-oceanic Canals to investigate all matters relating to the Panama Canal, and pursuant thereto the committee, on January 11, began its hearings, holding sessions almost continuously up to the present time.

The testimony will embrace four or five large printed volumes, compiled for the use of the Senate. One of these volumes is devoted almost exclusively to the testimony of eminent engineers who were questioned at length upon the subject of type of canal, most of them having an intimate knowledge of physical conditions along the canal. The minority members of the committee believe that the engineers whose opinions are given in the volume mentioned are men of acknowledged ability in their profession, and that the volume throws important light on the question of type of canal. We hope that every Senator may find time to scan its pages.

The minority members of the committee did not expect the majority report of the committee on type of canal would be presented until the views of the minority could be prepared for the use of the Senate.

The delay in formulating the views of the minority was unavoidable. They are presented in the hope that every Senator may give them most careful consideration.

The views of the minority of the committee on type of canal I now present, and ask that they be printed. In addition to the usual number of copies, I ask that 2,000 additional copies be printed for the use of the Senate.

Mr. MORGAN. The bill together with the report of the majority and the views of the minority?

Mr. MILLARD. Yes, sir.

The VICE-PRESIDENT. The Senator from Nebraska asks that, in addition to the usual number, 2,000 additional copies of the views of the minority, the report of the majority, and the bill reported from the Committee on Isthmian Canals be printed. Is there objection?

Mr. MORGAN. That includes both reports?

Mr. MILLARD. It includes both reports.

The VICE-PRESIDENT. The Chair hears no objection, and the order to print is made.

The order was reduced to writing, as follows:

*Ordered*, That 2,000 additional copies of report No. 3626 on S. 6191, to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans and the method of construction, together with the views of the minority, be printed for the use of the Senate.

#### BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 6322) providing for the purchase of a reservation for a public park in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PENROSE introduced a bill (S. 6323) granting a pension to Eliza Wilson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 6324) granting an increase of pension to Sumner Warner; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6325) granting an increase of pension to David A. Edwards; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BERRY introduced a bill (S. 6326) for the relief of William H. Roach; which was read twice by its title, and referred to the Committee on Claims.

Mr. LA FOLLETTE introduced a bill (S. 6327) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. MORGAN introduced a bill (S. 6328) to donate certain lands in Baldwin County, Ala., for educational purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PILES introduced a bill (S. 6329) authorizing James A. Moore or his assigns to construct a canal along the Government right of way connecting the waters of Puget Sound with Lake Washington; which was read twice by its title, and referred to the Committee on Commerce.

#### DISPOSITION OF USELESS PAPERS.

Mr. HEMENWAY. Mr. President, I ask leave to call up the bill (S. 1442) to increase the efficiency of the militia and promote rifle practice.

The VICE-PRESIDENT. The morning business has not been closed.

Mr. GALLINGER. Mr. President, under existing law a joint committee exists to examine useless papers in the Departments, and under the present system every time a report comes in from the head of a Department that committee is called together to examine that particular report. It has occurred to me that it would be wise to amend the law so as to make a joint standing committee that could in its discretion take jurisdiction of those reports and from time to time submit their reports to Congress. For that purpose I introduce a bill, and as I feel sure that there can be no objection to it I ask that it be considered without reference to a committee. I ask that it be read at length.

The bill (S. 6321) to amend an act entitled "An act to authorize and provide for the disposition of useless papers in the Executive Departments," approved February 16, 1889, and the act amendatory thereof, approved March 2, 1895, was read the first time by its title and the second time at length, as follows:

*Be it enacted, etc.*, That the act to authorize and provide for the disposition of useless papers in the Executive Departments, approved February 1, 1889, and the act amendatory thereof, approved March 2, 1895, be amended to read as follows:

"That whenever there shall be, now or hereafter, in any one of the Executive Departments of the Government, or in the various public buildings under the control of the several Executive Departments of the Government, an accumulation of files of papers which are not needed or useful in the transaction of the current business of such Department and have no permanent value or historical interest, it shall be the duty of the head of such Department to submit to Congress a report of that fact, accompanied by a concise statement of the condition and character of such papers. And at the beginning of each Congress it shall be the duty of the Presiding Officer of the Senate to appoint two Senators and of the Speaker of the House of Representatives to appoint two Representatives, and the Senators and Representatives so appointed shall constitute a joint committee, to which shall be referred such report or reports, with the accompanying statement of the condition and character of such papers, and such joint committee shall meet and examine such report or reports and statement and the papers therein described and submit to the Senate and House, respectively, from time to time, a report of such examination and their recommendation. And if they report that such files of papers, or any part thereof, are not needed or useful in the transaction of the current business of such Department, and have no permanent value or historical interest, then it shall be the duty of such head of the Department to sell as waste paper or otherwise dispose of such files of papers upon the best obtainable terms, after due publication of notice inviting proposals therefor, and receive and pay the proceeds thereof into the Treasury of the United States and make report thereof to Congress."

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

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

Mr. HEMENWAY. Mr. President, a parliamentary inquiry. How does the bill now under consideration get before the Senate? By unanimous consent?

The VICE-PRESIDENT. The Senator from New Hampshire introduced it and asked unanimous consent for its present consideration. The Chair heard no objection, and the bill is before the Senate as in Committee of the Whole. If no amendment be proposed, the bill will be reported to the Senate.

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

#### RELIEF TO TOBACCO GROWERS.

Mr. McCREARY. Mr. President, a bill passed the House of Representatives March 6, 1906, for the relief of tobacco growers, and it was laid before the Senate March 7, 1906, and referred to the Committee on Finance, and it has been in that committee for about three months. This is a very important bill. It was prepared by Hon. John W. Yerkes, the Commissioner of Internal Revenue, and reported to the House of Representatives by Mr. DALZELL of Pennsylvania, the chairman of the Committee on Ways and Means, and passed the House of Representatives unanimously. In the report is the statement that—

No annoyance will arise, so far as the execution of the laws is concerned and in the proper administration of departmental affairs in the Internal Revenue Bureau.

This bill is very important to my constituents. I have received a number of letters about it. As it has been in the Committee on Finance about three months, I ask that some member of the committee inform me—I have no other way of arriving at this information—when action will be taken upon it?

Mr. PENROSE. Mr. President, I call for the regular order.

The VICE-PRESIDENT. The regular order is demanded.

Mr. PENROSE. Let the regular order be proceeded with.

The VICE-PRESIDENT. The Chair did not distinctly hear the Senator from Kentucky. For what purpose did he rise?

Mr. McCREARY. I rose for the purpose of making an inquiry—I have no other way of obtaining the information—as to when the Committee on Finance will report this bill, after holding it for nearly three months. Unless some member of the committee will inform me—

Mr. HALE. What committee has the bill?

Mr. McCREARY. The Committee on Finance has the bill. It is a bill for the relief of tobacco growers. I believe the Senator from Maine is a member of the committee.

Mr. HALE. The chairman of the committee is not present.

Mr. BAILEY. Perhaps the honorable Senator from Kentucky could tell us to what subcommittee of the Committee on Finance the bill was referred.

Mr. McCREARY. I suppose the record will show. The chairman of the committee, the Senator from Rhode Island [Mr. ALDRICH], was, I remember, a member of the subcommittee.

Mr. HALE. The Senator from Texas [Mr. BAILEY] is also a member of the Committee on Finance, and I suppose—

Mr. PENROSE. Mr. President, I rise to a point of order. The bill is not before the Senate at the present time, and I call for the regular order.

The VICE-PRESIDENT. The bill is not before the Senate. The regular order is the introduction of bills and joint resolutions. The Senator from Pennsylvania demands the regular order.

Mr. McCREARY. I desire to ask if I am not entitled to some information from the Committee on Finance in regard to this bill?

Mr. PENROSE. I ask for the regular order. That information could be asked if the bill was before the Senate. It is not before the Senate at the present time.

The VICE-PRESIDENT. The Chair is of opinion that the Senator from Kentucky could ask unanimous consent to make the inquiry.

Mr. McCREARY. I ask unanimous consent.

The VICE-PRESIDENT. Otherwise the Chair is of opinion that the only matter in order is the introduction of bills and joint resolutions.

Mr. HALE. Let the Senator from Kentucky ask for unanimous consent.

Mr. McCREARY. I ask unanimous consent that some member of the Committee on Finance—I notice that the Senator from Maine [Mr. HALE] and the Senator from Wisconsin [Mr. SPOONER] are present—shall inform me what action has been taken by that committee on the bill within the last three months.

Mr. PENROSE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Pennsylvania consent to the inquiry made by the Senator from Kentucky?

Mr. PENROSE. I will yield to a question and answer, but not to a running discussion regarding a bill which is not before the Senate and concerning which nobody appears to have definite information.

Mr. McCREARY. This is a very important bill to my constituents, and I have received a great many letters about it. Therefore, as the bill has been in the committee nearly three months, I should like to know the prospect of a report upon it. It passed the House of Representatives unanimously. It was prepared by the Commissioner of Internal Revenue.

Mr. PENROSE. Mr. President, I object. I call for the regular order.

The VICE-PRESIDENT. The Senator from Pennsylvania demands the regular order. If there are no further bills or joint resolutions, concurrent or other resolutions are in order.

#### INTRODUCTION OF ROUTINE BUSINESS.

Mr. LODGE. Mr. President, I wish to give notice that tomorrow, if possible, immediately after the routine morning business, I shall ask the Senate to consider the report which I made on Friday of an amendment to the rules.

#### CONFERENCE ON STATEHOOD BILL.

Mr. TELLER. Mr. President, some time since the junior Senator from Colorado [Mr. PATTERSON] was to be absent from the city and resigned from the committee of conference on the statehood bill. The senior Senator from Nevada [Mr. NEWLANDS] was appointed in his place. The senior Senator from Nevada requested me to ask the Senate to excuse him from further attendance on that committee, as he has left the city. I ask that that may be done, and that some one be appointed in his place.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Colorado? If not, the Senator from

Nevada [Mr. NEWLANDS] will be excused from further service upon the conference committee. The Chair appoints in his place the Senator from Colorado [Mr. PATTERSON].

#### AGRICULTURAL REPORTS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, referred to the Committee on Agriculture and Forestry, and ordered to be printed: To the Senate:

In compliance with the resolution of the Senate of the United States of the 28th instant, requesting the President, "if not incompatible with the public interests, to transmit to the Senate the reports of the Keep Commission on Department methods relating to official crop statistics and the investigation of the Twelfth Census Report on Agriculture," I transmit herewith said reports.

THEODORE ROOSEVELT.

THE WHITE HOUSE, May 29, 1906.

#### HOUSE BILL REFERRED.

H. R. 13193. An act to prohibit the killing of wild birds and wild animals in the District of Columbia was read twice by its title, and referred to the Committee on the District of Columbia.

#### POST-OFFICE APPROPRIATION BILL.

Mr. PENROSE. I move that the Senate proceed to the consideration of House bill 16953, being the Post-Office appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16953) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes.

The VICE-PRESIDENT. The pending amendment of the Committee on Post-Offices and Post-Roads will be stated.

The SECRETARY. On page 25, line 21, after the word "shall," strike out "deem such expenditure necessary in order to promote the interest of the postal service" and insert:

Consider and so find that such expenditure is necessary to secure needed expedition of the mails; and in such case no greater sum shall be paid for such facilities than is, in the judgment of the Postmaster-General, a fair compensation for the services to be rendered by said trunk line or lines.

So as to make the clause read:

For necessary and special facilities on trunk lines from Washington to Atlanta and New Orleans, \$142,728.75: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall consider and so find that such expenditure is necessary to secure needed expedition of the mails; and in such case no greater sum shall be paid for such facilities than is, in the judgment of the Postmaster-General, a fair compensation for the services to be rendered by said trunk line or lines.

Mr. MALLORY. Mr. President, I have an amendment that I desire to offer.

The VICE-PRESIDENT. The Senator from Florida offers an amendment to the amendment, which will be read.

The SECRETARY. At the end of the proposed amendment insert:

*Provided, however*, That the Postmaster-General shall not be authorized to use the money hereby appropriated or any part thereof unless it be necessary in order to provide the same or as good a service as is now provided.

Mr. PENROSE. I have no objection to the amendment.

The VICE-PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. SIMMONS. I ask that the amendment be read again.

The VICE-PRESIDENT. Does the Senator desire the amendment to the amendment read or the amendment of the committee?

Mr. SIMMONS. I should like to ask the Senator from Florida if this is in addition to the proviso as proposed by the committee?

Mr. MALLORY. No; I do not intend it to be so. I intend it to go in as a substitute for the amendment. I did not hear it read.

The VICE-PRESIDENT. Does the Senator offer it as a substitute?

Mr. MALLORY. As a substitute.

The VICE-PRESIDENT. Did the Senator from Pennsylvania understand the amendment to be in the nature of a substitute?

Mr. PENROSE. I understood it to be an amendment to the amendment.

The VICE-PRESIDENT. It was so treated, but the Chair now understands that the Senator from Florida offers it as a substitute.

Mr. MALLORY. I did not catch the remark of the Chair when he addressed the Senator from Pennsylvania or I would have called attention to the fact that I intended it as a substitute.



Mr. PENROSE. I am willing to accept it as a substitute.

The VICE-PRESIDENT. Without objection, the amendment to the amendment will be agreed to.

Mr. CULBERSON. Let it be read. We were not able to hear it in this part of the Chamber, owing to the confusion.

The VICE-PRESIDENT. The Secretary will read the amendment in the nature of a substitute. The Chair desires the attention of the Senator from Florida. It is not quite clear as to what the effect of it is.

Mr. MALLORY. Let the Secretary send the amendment back to me.

Mr. HOPKINS. Mr. President, I desire to call to the attention—

The VICE-PRESIDENT. Does the Senator from Illinois rise to this amendment?

Mr. HOPKINS. No; what I was going to call to the attention of the Senate is the committee amendment on page 17, lines 3, 4, and 5.

The VICE-PRESIDENT. The Chair will recognize the Senator from Illinois for that purpose as soon as the Senator from Florida has perfected his proposed amendment.

Mr. MALLORY. The proposition which I make is to offer the amendment I send up in lieu of the entire proviso.

The VICE-PRESIDENT. Beginning on line 19, page 25?

Mr. MALLORY. Beginning on line 19, after the word "Provided," so as to read:

*Provided, however,* That the Postmaster-General shall not be authorized to use the money hereby appropriated or any part thereof unless it be necessary in order to provide the same or as good a service as is now provided.

The VICE-PRESIDENT. The Secretary will read the proposed amendment to the amendment of the committee.

The SECRETARY. After the word "Provided," in line 19, page 25, strike out the remainder of the paragraph and insert:

That the Postmaster-General shall not be authorized to use the money hereby appropriated or any part thereof unless it be necessary in order to provide the same or as good a service as is now provided.

Mr. SIMMONS. Mr. President, I desire to submit some remarks to the Senate upon the committee amendment as proposed to be amended by the substitute of the Senator from Florida [Mr. MALLORY].

As I understand the proposition of the Senator from Florida, if his substitute is adopted the Postmaster-General would not be required to make any investigation or any finding as to whether this appropriation and its expenditure for the purposes provided are necessary or wise. It is a very important inquiry, which ought to be made by the Department, in view of the testimony of the Postmaster-General and his Second Assistant, as to whether this appropriation is needed at all, as to whether equally good service can not be secured without it—indeed, as to whether better service can not be secured without it.

Now, Mr. President, there are three great trunk lines running between Washington and Atlanta—the Coast Line, the Seaboard Air Line, and the Southern Railway. It is a matter of common experience that where there are several lines connecting two points, if the postal service is supplied by competition, generally a good service, an efficient service, a sufficient service is secured and the people living on the several lines get the benefit of competitive service, whereas if the mails are provided for by special arrangements with one line the people along that line get greater benefits, while those along the other lines get lesser benefits.

Mr. BACON. Mr. President—

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

Mr. SIMMONS. Certainly.

Mr. BACON. I desire to say that I think the Senator is inaccurate in saying that the Coast Line reaches Atlanta.

Mr. SIMMONS. I should have said the Southern and the Seaboard Air Line.

Mr. PENROSE. I suggest to the Senator from Georgia that he was entirely inaudible in this part of the Chamber. I should like to be somewhat familiar with the discussion. Will the Senator please speak a little louder?

Mr. BACON. I suggested to the Senator from North Carolina that he was inaccurate in stating that the Coast Line reached Atlanta. It does not.

Mr. SIMMONS. The Senator is entirely right. I should have confined my statement to the Southern and the Seaboard.

Now, Mr. President, it was in evidence before the committee that by reason of this special contract with the Southern the through mail, which is a very lucrative part of the transportation business of this as of other parts of the country, is thrown, as the result of that arrangement, to this particular line, to the

practical exclusion of the other, thereby denying its competitor equal opportunity to secure its pro rata part of that traffic, and taking away, therefore, the inducement to provide more rapid schedules for the purpose of securing in competition a part of this business.

The item in the existing law and in this bill as it came from the House reads as follows:

For necessary and special facilities on trunk lines from Washington to Atlanta and New Orleans, \$142,728.75: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Mr. President, this particular item in the post-office appropriation bill has been in the law in one form or another ever since, I think, 1881. I do not know exactly what time the proviso was placed in the law; and when I say the proviso I do not mean the one under consideration, but the one which is in the law as it is now and in the bill as it came from the House.

Several years ago at least Congress seems to have come to the conclusion that possibly there was some doubt about whether this particular appropriation was needed in order to give the South, and especially that part of the South served by the Southern Railway, sufficient and adequate facilities. For the purpose of putting that question to the test, for the purposes, I assume, of getting a ruling of the Postmaster-General after an investigation upon this question, Congress conditioned that appropriation upon the finding of the Postmaster-General that it was needed in the interest of the postal service.

Notwithstanding this expression of Congressional doubt, notwithstanding this direction made to the Postmaster-General to inquire and ascertain before he spent any part of this appropriation whether it was needed or not, the present Postmaster-General declared to the committee at its recent hearings that he had made no such investigation and that he was not prepared to say whether this appropriation was needed or not in the interest of the postal service.

I wish to read from the testimony of the present Postmaster-General before the committee with reference to the proviso in the present law:

Senator SIMMONS. I notice in this item there is a proviso. It says: "For necessary and special facilities on trunk lines from Washington to Atlanta and New Orleans, \$142,728.75: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service."

Did you give full effect to that proviso, and did you reach the conclusion that it was necessary to enter into this contract with these railroads in order to promote the interest of the postal service, or did you ignore that proviso and proceed upon the theory that Congress had made the appropriation and intended you should employ the service?

Postmaster-General CORTELYOU. Largely, I understand, upon the theory that Congress had made the appropriation and desired the service rendered. Is that correct, General?

Referring to the Second Assistant Postmaster-General, Mr. Shallenberger.

Mr. SHALLENBERGER. That is correct, in my judgment. The Department having exercised its discretion under the proviso and notified Congress of the manner in which the discretion was exercised and the specific routes on which it was exercised, the terminal points between which the discretion was exercised having been named in the appropriation of Congress to provide a special and additional service, the Department, I repeat, had to assume that the special service was desired, and provided for it.

Senator SIMMONS. I will ask General Shallenberger if that did not necessarily involve your ignoring absolutely this proviso?

Mr. SHALLENBERGER. I think not.

Senator SIMMONS. Then did you consider this proviso and reach the conclusion, independently of the fact that Congress had made the appropriation, that this service was necessary to promote the interest of the postal service?

Mr. SHALLENBERGER. We reached the conclusion that it was not, in our judgment, necessary to provide adequate service, but that it was a specially expedited service which Congress desired.

Senator SIMMONS. Then you did reach the conclusion that it was necessary to promote the interest of the postal service?

Mr. SHALLENBERGER. In the judgment of the Department, not; in the judgment of Congress, yes.

Senator SIMMONS. Then there was a conflict between the judgment of the Department and the judgment of Congress, as you viewed it?

Mr. SHALLENBERGER. None whatever. We never have a conflict. We simply accept the judgment of Congress.

Senator SIMMONS. You accepted the judgment of Congress and you did not act upon your own judgment?

Mr. SHALLENBERGER. We preferred to act upon the wisdom of Congress.

Senator SIMMONS. Then you think the law, as now expressed, is in the nature of a direction for you to employ the extra service?

Mr. SHALLENBERGER. We do.

Senator SIMMONS. Now, I want to ask the Postmaster-General whether, if Congress shall by a proviso make it clear that it intends the Postmaster-General shall exercise his discretion as to whether this service is necessary, he would not then act upon his discretion instead of assuming that Congress meant to direct him to contract for this facility service by simply making the appropriation?

Postmaster-General CORTELYOU. In reply to that I will say—it does not answer your question directly—that the Postmaster-General would prefer not to have that discretion lodged in him, for the general reason

I have already given. If Congress sees fit to lodge in the Postmaster-General that discretion, he will exercise it.

Senator SIMMONS. I understand, Mr. Postmaster-General, that you do not express directly the opinion that this service is not needed.

Postmaster-General CORTELYOU. I am not prepared altogether to say that it is not needed.

Senator SIMMONS. You are not prepared to say that it is needed?

Postmaster-General CORTELYOU. No.

So, Mr. President, it is perfectly plain that up to this time the Post-Office Department has regarded the fact that Congress has made an appropriation not of a round sum, but of a sum run out to the very cent, which has heretofore been paid under the contract for this service; that Congress meant to say to the Department, notwithstanding this proviso, "Give this money to the railroads;" and under this construction of the law—a construction which, in my judgment, amounted to a nullification of the proviso—the Department has year after year made the contract without any investigation or finding as to whether the expenditure was necessary to promote the interest of the postal service. Now, Mr. President, in view of the fact that the Postmaster-General stated to the committee that he did not know whether this appropriation was needed or not, in view of the fact that he expressed in the way of an intimation the suggestion that possibly a better service could be secured without this appropriation as the result of the competition between the two systems, it occurred to me that Congress ought to make its purpose and its intent so direct and so mandatory that it would be impossible for the Postmaster-General to ignore in the determination of this question the requirement of Congress that he should not spend the money unless it was found necessary in order to promote the interest of the service.

Mr. FOSTER. Mr. President, will the Senator yield for a question?

Mr. SIMMONS. Certainly.

Mr. FOSTER. Knowing the opinion or view of the Postmaster-General, as the Senator has just expressed it, does not the practical result of this amendment, if adopted, stop the present system as now conducted?

Mr. SIMMONS. I will answer the Senator that the Postmaster-General did not express the positive opinion that the appropriation was or was not necessary—was or was not needed.

Mr. FOSTER. Is not that the purpose and intention of the amendment?

Mr. SIMMONS. It is not the purpose and the intention, so far as I am concerned, as the Senator will see if he will wait until I have finished my remarks with reference to this matter.

Mr. FOSTER. Will the Senator yield to another question?

The VICE-PRESIDENT. Does the Senator from North Carolina yield further to the Senator from Louisiana?

Mr. SIMMONS. Before the Senator asks me another question will he permit me to finish my answer?

The Postmaster-General was particularly guarded in not expressing an opinion as to whether this appropriation was necessary or not. I presented the question to him in several different forms with a view to eliciting an opinion, if he had a definite opinion on that subject, and each time, as I recall, he left the matter in doubt, saying finally that he did not know, because he had never made an investigation; and he had not made an investigation because he thought no discretion was lodged in him by the law as written. If the Postmaster-General or the Post-Office Department were as hostile to this special service as the Senator seems to believe, I think the language of the existing proviso would have furnished ample excuse and justification for its discontinuance, and the fact that in face of that language it has been continued shows that the Department is not bent upon its destruction if opportunity offers.

Mr. LA FOLLETTE. Mr. President—

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

Mr. SIMMONS. Certainly.

Mr. LA FOLLETTE. With the permission of the Senator, I should like to read a question and answer or two on page 57 of the testimony which the Senator did not read, in which it seemed to me that the Postmaster-General did express a very positive opinion.

Mr. SIMMONS. I think not. I will hear the Senator.

Mr. LA FOLLETTE. The following question was asked by the Senator:

Senator SIMMONS. I discover that you do not this year estimate for this service, and probably you have not estimated for it for many years past. Why do you not estimate for it?

Postmaster-General CORTELYOU. We have not estimated for it because of the principle involved. It appears to be a discrimination in favor of a road or of a section of the country. Personally, I am not in favor of anything in the nature of a special privilege to a road or to a section.

Senator SIMMONS. Do you mean, by not estimating for it, to recommend against the appropriation?

Postmaster-General CORTELYOU. I do.

Senator SIMMONS. You are the responsible head.

Postmaster-General CORTELYOU. You have been speaking of the attitude of the Department for several years.

Senator SIMMONS. Then, I will confine the question to this year. In not estimating for it this year do you mean to recommend against that service?

Postmaster-General CORTELYOU. Yes, sir.

At the bottom of page 58 he said, in response to a question by the Senator from North Carolina:

Senator SIMMONS. Simply that you did not wish a discriminating service?

Postmaster-General CORTELYOU. Yes, sir.

Senator SIMMONS. Now, I want to ask you, General, the direct question: In your judgment, is the appropriation for this service necessary in order to secure proper mail facilities in the section of country served?

Postmaster-General CORTELYOU. I think not.

It seemed to me that that was pertinent to the discussion.

Mr. SIMMONS. Mr. President, that is not a correct interpretation, in my judgment, of the position of the Postmaster-General. The Postmaster-General made it very clear in the colloquy which the Senator has just read that his opposition to this appropriation was the same as that expressed by Postmaster-General Wanamaker many years before, to wit, that it introduced into the postal service what he called a "disturbing element," by granting a preferential service in one section of the country. That was the reason, as I understood the Postmaster-General, why he was opposed to it. He said if this special service could be extended so as to include the whole country, so as to give all the people of the country the benefit of a like special service of like expedition of the mails, where it could not be secured by competition, then, as I understood him, his objection would be removed, because, as the Senator read a little while ago, when I asked the Postmaster-General, referring to the objection he had just stated—to wit, that it gave special privileges to a certain section of the country—"Is that your chief objection to it?" he said "Yes," or a like answer; I forget the exact language.

Mr. President, the Postmaster-General, I think, while he did say in the answer read by the Senator that he did not consider the service necessary, at another point in his testimony, as well as in the part I read a few moments ago, he qualified that statement by saying that he was not prepared to express a positive and definite opinion as to whether it "was needed or not needed," because he had not thoroughly investigated it and because he thought equally good service might be secured in another way. Here is what the Postmaster-General said, with reference to this matter, on page 59 of the hearings:

Senator SIMMONS. If that appropriation is not made, will it, in your judgment, materially affect the mail facilities of that section of the country?

Postmaster-General CORTELYOU. I can not answer that question, because we have not made a sufficient investigation of the matter to enable me to do so.

Mr. President, returning to the subject of the proviso in the present law and the substitute proviso offered by me, I want to read from the colloquy which took place in committee between the Postmaster-General and myself with reference to that proviso:

Senator SIMMONS. Now, I want to ask the Postmaster-General whether, if Congress shall by a proviso make it clear that it intends the Postmaster-General shall exercise his discretion as to whether this service is necessary, he would not then act upon his discretion instead of assuming that Congress meant to direct him to contract for this facility service by simply making the appropriation?

Postmaster-General CORTELYOU. In reply to that I will say—it does not answer your question directly—that the Postmaster-General would prefer not to have that discretion lodged in him, for the general reason I have already given. If Congress sees fit to lodge in the Postmaster-General that discretion, he will exercise it.

Mr. FOSTER. Will the Senator permit an interruption?

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Louisiana?

Mr. SIMMONS. Certainly.

Mr. FOSTER. Is it the purpose of the Senator's amendment to lodge this discretion in the Postmaster-General?

Mr. SIMMONS. The purpose of my amendment is twofold, Mr. President. First, it requires that the Postmaster-General shall investigate the facts and determine and find whether this service is necessary to secure needed mail expedition in this particular section of the country. I do not regard that as a discretion; I regard that as a duty, judicial in its character, which is vested in the Postmaster-General.

Mr. FOSTER. Mr. President—

Mr. SIMMONS. Secondly, if the Senator from Louisiana will indulge me a moment further, if, after this investigation, the Postmaster-General finds that the service is needed, then the proviso which I have introduced provides that he shall pay for the service no greater sum than it is reasonably worth. In



other words, I want the facts found, and if the service is to be continued, I want to put it upon a business basis and to pay for it what it is worth, and no more.

Mr. FOSTER. The final analysis, as I understand, of the Senator's contention is that Congress is to confer arbitrary power upon the Postmaster-General to say whether or not these postal facilities shall be accorded to the southern country?

Mr. SIMMONS. Congress is not to confer upon the Postmaster-General any arbitrary power, Mr. President, but is to confer upon him the same power to investigate and to determine in this matter of mail transportation as the general law confers upon him with reference to the establishment of any mail facilities whatever—the same power the law confers upon him in the establishment of every rural mail route.

Mr. MALLORY. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Florida?

Mr. SIMMONS. Certainly.

Mr. MALLORY. Mr. President, I am inclined to think that, on a close examination of this proviso as submitted by the committee, it will be found that the discretion confided to the Postmaster-General is wider than that which is contended for by the Senator from North Carolina.

Mr. SIMMONS. I should be glad to have the Senator point out the respect in which he thinks it is wider.

Mr. MALLORY. The first thing submitted to the judgment of the Postmaster-General is whether an expedition of the mails is needed at all; he has to determine that. Then, after having determined that matter, which I think is clearly within the province of Congress, after he has determined that expedition in the mails is needed, then he also has to determine whether this expenditure is necessary to secure this needed expedition of the mails; in other words, he has first to determine a matter which is out of his province, which is clearly within the province of Congress, and, in addition to that, he has to determine a matter which is within his province, namely, as to the amount of the expenditure.

Mr. SIMMONS. No; the Senator is wrong about that. The Postmaster-General is not to determine the general and broad question of whether expedition of mails is needed. That is a question that has been determined by the country and Congress. It is the settled and fixed policy of the Government to spend whatever sums may be necessary to secure expeditious transmission and delivery of the mails. There is no necessity for any finding by any officer of the Government about that. The question for the Postmaster-General to determine in this case is not whether the mails should be expedited, but whether the particular conditions and circumstances surrounding this section of the country are such as to require facilities which can not be secured through the regular transportation mail rates; whether it is necessary that an expedition should be made in their behalf and that they should be given a service secured by an expenditure for mails that is not common to the whole country. The language of my proviso in that respect and the power conferred upon the Postmaster-General in that respect are not materially different from the power conferred upon the Postmaster-General in the present law, if the Postmaster-General had exercised that power. The present law provides:

That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

The same quality of act is required of the Postmaster-General in my proviso, except under it he is to determine whether the expenditure is necessary to secure needed mail expedition in the section interested, and not whether this expenditure is needed in the interest of the postal service of the country as a whole, as in the case of the proviso now in the law. The language of the existing law is general, that in mine is specific; the one applies to the whole service, mine to the specific service provided for in the bill. I struck out the general language in the present proviso and substituted for it the more specific language used in my amendment, and thereby confined the investigation to determine whether it was necessary in order to secure needed expedition of the mails in the particular section interested; in other words, under the existing proviso the powers of the Postmaster-General in determining this matter require him to take into consideration the interests of the whole postal service of the country. I eliminated that because it was too broad and too comprehensive, and used language which brought it down to the specific case in hand, requiring him to make an investigation in order to determine whether this service was needed to give this particular section of the country proper mail facilities and expedition.

Mr. MONEY. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Mississippi?

Mr. SIMMONS. Certainly.

Mr. MONEY. I wish to ask the Senator if he intends, in the language he proposes, to substitute for that particular provision of law that the Postmaster-General shall find whether the expedition of the mail is needed, or whether the Postmaster-General shall find what is necessary to secure it?

Mr. SIMMONS. I intend that he shall find whether this extra expedition of the mails is needed in that part of the country.

Mr. MONEY. That he shall ascertain?

Mr. SIMMONS. He shall ascertain and determine if greater expedition is required than can be obtained through the regular mail service through the regular trains that run and carry the mails for usual mail transportation rates; that if he shall deem extra service and compensation is necessary, he shall secure that service by making a special contract, paying for it no more than its fair value. I want, in short, to divest this transaction of every possible feature of subsidy.

Mr. MONEY. That, of course, is the Senator's own view of it; but it is very apparent to my mind that he has left the broad discretion of the Postmaster-General, which belongs only to Congress, to determine whether or not expedition of these mails is necessary. If the Senator had confined his proviso simply to securing an expedition of the mails, that would have been very much better and would have presented another question.

Mr. SIMMONS. If the Senator from Mississippi can so frame the proviso as to better accomplish my object, as I have stated it, I shall be perfectly willing to accept his suggestion.

Mr. MONEY. It would be very easy to do so.

Mr. SIMMONS. It is absolutely necessary in the matter of the administration of the Departments to vest in the heads of these Departments large discretion—discretion which it might be proper for Congress to exercise, but which Congress can not exercise for reasons of convenience, and because of the fact that it meets only once a year and sits for only a few months at a time. We had the same difficulty here a few days ago in connection with the matter of rate making. Everybody conceded that Congress had the power to make railroad rates, everybody conceded that it was a proper function for Congress to make and fix such rates; but everybody said that this is a function, that it is a power, which, for reasons of convenience, Congress can not exercise, and therefore it must remit it to an administrative body to act for it. So the Post-Office Department is the administrative body of Congress with reference to matters of this character, and if Congress should undertake to exercise the discretion over these matters which the law lodged in it, instead of remitting it to the Post-Office Department, Congress would reduce itself to the level of a mere administrative body, and time which it should give to legislation in the interest of the whole country and people would be wasted on administrative details and routine.

Mr. FOSTER. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Louisiana?

Mr. SIMMONS. Certainly.

Mr. FOSTER. On page 26 of this bill I find the following provision:

For continuing necessary and special facilities on trunk lines from Kansas City, Mo., to Newton, Kans., \$25,000, or so much thereof as may be necessary: *Provided*, That no part of this appropriation shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Now, why discriminate in that case against the appropriation which is made in the provision now under consideration?

Mr. SIMMONS. Mr. President—

Mr. FOSTER. In one instant I will yield to the Senator for a reply. The proviso is identical and I would like to have the Senator explain why this discrimination is made.

Mr. SIMMONS. Mr. President, in answer to the Senator from Louisiana, I will say that I have not discriminated, but the committee which reported this bill has made the discrimination. In the committee—if it is proper for me to refer to such matters—I will say to the Senator, when the committee adopted my proviso to the first section with reference to the Southern mail facilities item, I at once moved to strike out the proviso which the Senator has read, which applies to Kansas City and to Newton, and substituted for it the identical proviso which I offered, and which the committee adopted with reference to the Southern mail facilities. I think it ought to have been done. The committee overruled me in that matter, however.

I was going on, Mr. President, to show that, if this proviso is adopted, the Postmaster-General will exercise the functions

which I am sure Congress intended he should exercise when it first attached the proviso in the existing law to this item, but which up to this time he has failed confessedly to exercise. Let me again read from the hearings before the committee:

Senator SIMMONS. I understand, Mr. Postmaster-General, that you do not express directly the opinion that this service is not needed.

Postmaster-General CORTELYOU. I am not prepared altogether to say that it is not needed.

Senator SIMMONS. You are not prepared to say that it is needed?

Postmaster-General CORTELYOU. No.

Senator SIMMONS. Suppose the committee by reason of your knowledge of the matter, you being supposed to understand this situation better than we do, shall say that we will recommend this sum or so much as may be necessary, and we will leave it with you to decide whether the conditions are such as to justify this expenditure. In that condition of things, would you hold that it was incumbent upon you to exercise your discretion and employ this service and spend this money or not, just as you might conclude the service was necessary and in the interest of the postal service?

Postmaster-General CORTELYOU. To spend it or not as I thought was necessary?

Senator SIMMONS. Suppose this amendment should be adopted to strike out the present proviso and insert:

This is the first part of my proviso.

Mr. FOSTER. On what page is that?

Mr. SIMMONS. Page 65.

Provided, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall consider, and so find that such expenditure is necessary to promote the interest of the postal service.

That was afterwards changed in the regard that I have before specified.

If that proviso should be adopted in that form, would you not then consider it necessary and incumbent upon you to decide and to find, before you expended any part of this money, that the service was necessary in the interest of the postal service?

Postmaster-General CORTELYOU. Yes, sir.

Senator SIMMONS. Suppose that proviso should proceed further and say—

Now, this is the second proposition in my proviso:

"And in such case, no greater sum shall be paid for such facilities than is, in the judgment of the Postmaster-General, a fair compensation for the service that shall be rendered by said trunk line or lines."

If there is any element of subsidy in this appropriation, if Congress should accompany this appropriation with that condition and that qualification and limitation and proviso, would you not consider it your duty then to put this contract upon the basis of a purely business transaction?

And that, Mr. President, is all I am after.

Postmaster-General CORTELYOU. Yes, sir; in the interest of the postal service and the people of the whole country.

Mr. MONEY. Will the Senator permit me to interrupt him again?

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Mississippi?

Mr. MONEY. I do not want to interrupt the Senator unless it is perfectly agreeable to him.

Mr. SIMMONS. Certainly; I have no earthly objection. I want to discuss this matter fairly and do what is right about it.

Mr. MONEY. I am sure of that or I should not interrupt the Senator at all. I want to ask the Senator this question: Can the Senator tell me what does the Postmaster-General mean by "in the interest of the postal service?"

Mr. SIMMONS. I will explain to the Senator.

Mr. MONEY. I should be glad to have an explanation.

Mr. SIMMONS. It was the use of that language on the part of the Postmaster-General that caused me to so change my amendment as to make it, as I said a little while ago, more specific and bring it down to the case in hand, because I did not want the matter decided upon the consideration of an element that was not properly a factor in the question. I wanted it decided upon the consideration of the merits of the specific question, which question, as I understand, is whether it is necessary for the Government to spend this money to employ special trains in order to give that section of the country equal mail facilities with the other sections of the country, in order to put it, in other words, upon a parity with the rest of the country. Having that object in view, I changed my amendment. The Postmaster-General, as his language showed, seemed to think he had to determine the question with reference to the postal service of the whole country, and I thought it should be determined largely, though not altogether, with reference to the conditions and resulting interest of the particular section in question.

Mr. MONEY. That is very satisfactory. Now, with the Senator's permission, I should like to ask him another question.

Mr. SIMMONS. Which will show the Senator that I am desirous of having this question decided, and not as a general question, but as a particular question.

Mr. MONEY. Exactly. Now, I want to ask the Senator this question: In what sense is it a particular favor to the southern section of the country? The mails are carried from North to

South and from South to North. Are not the cities along the northern connections of the road just as much benefited by the rapid transmission of correspondence as those in the South? Why, then, should it be regarded as a special favor to the South? Why not regard it as a special favor to the merchants of New York and Philadelphia and Baltimore, who will receive expedited orders for goods and communications in reply, just as well as those in the South?

Mr. SIMMONS. I catch the point of the Senator, and I say to the Senator that when I speak of facilities my purpose is to put the southern section of the country on a parity with the rest of the country in mail facilities, in order to give it needed and necessary mail expedition. I do not speak of it as a special favor to the southern section of the country. I agree with the Senator that not only that section is interested in securing every mail facility that may be needed in order to dispatch its business and in order to prevent any handicap upon its development, but it is of equal interest to every other part of the country that may have business transactions with the South or of people who may travel in that section of the country. In that sense, of course, the whole country is interested in it; but it was evident from the answer of the Postmaster-General, which I have just read, that the Postmaster-General had been considering this question only in connection with the whole postal service of the country. The question is not whether the South should have its mails expedited, but whether it is necessary, in addition to the regular transportation pay, to provide a special appropriation and hire extra trains to secure just and proper and equal expedition, and whether this service should be paid for on the basis of value received or of bounty.

Mr. PETTUS. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Alabama?

Mr. SIMMONS. Certainly.

Mr. PETTUS. Mr. President, I desire to ask the Senator what reason, if any, was given or can be given for making the proviso in regard to one section different from the proviso that applies to another section for the same kind of service?

Mr. SIMMONS. The Senator refers to the Kansas City proposition. No reason under the sun, in my judgment, can be given for it, I will say to the Senator, and I so stated to the committee, that both ought to be treated alike.

Mr. PETTUS. Has the Senator offered to make them the same?

Mr. SIMMONS. I did offer such amendment in the committee. I introduced this same proviso to both of those items, and the committee voted it down as to one and accepted it as to the other.

Mr. BACON. I will ask the Senator if he proposes to try to have the Senate strike out the Kansas City proposition?

Mr. SIMMONS. I shall offer my proviso to the Kansas City proposition if it prevails as to the item now under consideration.

Mr. President, I will not trouble the Senate to read what the Postmaster-General said with reference to the second proposition in my proviso, but, in brief, he said that there was absolutely no difficulty in putting this service upon a business footing. He had never, he said in substance, ascertained by investigation what the extra train or trains which he had been employing were actually worth. Congress had made an appropriation of so many thousands and hundreds of dollars and cents, and he assumed that Congress meant that this money was to be given to the railroads for this service. He had never made the slightest investigation for the purpose of ascertaining and determining whether this extra service rendered by the railroads was worth that much or not, but he said if this proviso was adopted he would regard it as mandatory, and that he would, if he found the extra service was needed, go further and inquire what it was reasonably worth, and he would contract with the railroads accordingly. He said if the Southern Railroad should refuse the contract at the amount he found to be just and reasonable, he was not confined to that road. He would not, he explained, be confined to that system, but could employ the service under competition, giving it to the system which would give the best service for the least money. Indeed, there seems to be, under the law, no reason why a contract could not be made with more than one system, thus enlarging the scope of such benefits as may follow.

Mr. President, I do not want to go into the merits of this matter, and I will not now except in the briefest possible way. I myself do not know whether or not this appropriation is needed. The Southern Railroad is giving a splendid service; if it can not continue to give that service without this special and additional compensation I shall not object to giving it such part of it as may be a fair compensation for the extra service, but that is all it should demand or receive.



There is one fact to which I want to call the attention of Senators who are interested in this question—and I know all the southern Senators are interested in it—and that fact is this: That this appropriation is not expended upon one train. Attention has been focused in all the argument that has taken place in the other Chamber and in the country through the newspapers, upon what is known as "No. 97," a mail train and an express train, which goes out of this city about 8 o'clock in the morning, which carries no passengers. The idea prevails that all this appropriation is expended in paying the Southern Railroad for running that special train and that that special train would not be run without this appropriation. It is claimed by some that this train was not brought into service on account of this appropriation, but that it was brought into service because of the increased volume of the business of that road so overloaded its regular passenger trains that it was necessary for it to provide an extra train to carry the mails and the express. I do not know how that is, but I do know that neither it nor any similar train was run until 1904, ten years after this contract was first entered into by the Government with that railroad. This is one of the things I think should be determined. If this train is run to relieve the congestion in that road's transportation, the Government should not be required to pay for it except in so far as the Government's control of its schedule may entitle the road to be compensated. Of that I will speak later.

Trains of this character are not uncommon in this country. There are other roads in this country which run special trains carrying nothing but the mails.

As I said, this train was put on in 1904. For more than twenty-three years we had been employing this extra service without any such train. The Southern Railroad itself had had this contract since 1894 without running an exclusively mail train, and it does not appear that when put on that it was put on upon the demand or requirement of the Department.

Mr. BACON. Mr. President—

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

Mr. SIMMONS. Certainly.

Mr. BACON. I desire to ask the Senator from North Carolina if he does not know the fact—I understand it to be the fact, although I may be in error—that, so far from this being a purely voluntary matter on the part of the Southern Railroad, there is a contract between the Southern Railroad and the Department under which this 97 has to be run, leaving here at a certain time, making certain points along the line, and reaching Atlanta and New Orleans at certain hours, and that a part of the contract is that 37, which is the train the Senator previously spoke of as carrying the mail—

Mr. SIMMONS. I have not spoken of that train yet.

Mr. BACON. The Senator did not call it by number. It is the regular passenger train.

Mr. SIMMONS. Yes.

Mr. BACON. Part of the contract is that, while this train 97 shall be so run, leaving here at certain hours and making certain points at certain hours, that this passenger train shall also be run. It is a part of the contract that it shall not be taken off, in that way securing double mail service.

Does not the Senator further know that as a part of this contract the Department exacts a heavy fine from the railroad company if its train 97 does not make the schedule, and that, as a result of that arrangement, the railroad company actually forfeits every year in the way of fines about 33 per cent of this amount? Are not those the facts?

Mr. SIMMONS. I will answer the Senator. Substantially, with some qualifications, those are the facts. The point I was making was that for ten years, under this contract with the Southern, this money had been paid over every year without this extra mail train, and the mails had been carried by the regular passenger trains. In 1904 No. 97 was put on, and I said it was claimed by some that the Southern Railroad had put that train on in order to relieve the congestion which had resulted from the great volume of travel and traffic which had been developed, and that this had grown so great as to overload its regular passenger trains and make it impossible to make the schedules according to the contract with the Government, to which the Senator has referred.

Mr. President, that contract applies not only to this extra train, but it applies to 37, which leaves here at 10.45 at night. This train gets a pro rata part of this appropriation. Thirty-seven is not a special train. It is a regular passenger train.

Mr. MALLORY. The limited.

Mr. SIMMONS. Limited, so that it runs 35 miles an hour. That is all. In 1881, when this contract was first made, the fast mail upon the Atlantic Coast Line was running at the same speed, to wit, 35 miles an hour.

It is true, as the Senator from Georgia says, that under the contract which the Southern has with the Government, the schedules of these trains are made subject to the approval and are, in a sense, subject to the control of the Government. They are required to make certain connections within a given margin of time and, failing in this, they get no special pay for that run. But when the Senator says they are mulcted with heavy fines if they do not make the connections, I think he is in error.

The contract is this: This sum of money, as I understand it, is divided into 365 parts. Each day that the train makes these connections on schedule time it is paid for that run. If it does not make the connections on schedule time it is not paid. It is not provided that if the train fails to make the schedule time the company shall be fined or required to refund to the Government in any way.

Mr. MONEY. Mr. President—

Mr. SIMMONS. Let me finish the sentence. The contract is this: "If the trains make the schedules made by the railroads and approved by the Department, it is paid. Otherwise they get no part of this special pay for that run." That is the meaning of the contract.

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

Mr. SIMMONS. Certainly.

Mr. MONEY. The Senator says if there is a failure to perform the contract, the result is that the pay is lost for that day.

Mr. SIMMONS. Yes; that is true.

Mr. MONEY. And there is no fine imposed.

Mr. SIMMONS. No fine is imposed.

Mr. MONEY. Is the Senator quite sure of that?

Mr. SIMMONS. I am quite sure of it.

Mr. MONEY. Then I want to say that, although I have not examined the law for some time, formerly there would have been a failure to pay and an absolute fine imposed.

Mr. SIMMONS. There is none now, I am quite sure.

Mr. BACON. If the Senator from Mississippi will pardon me, if you take away from a party the compensation for services rendered, of course it is a distinction without a difference when you say he is not fined, but he is not paid. If the service involves expense in rendering it, and you refuse to pay or contract that you shall not pay for that service, it is the same thing as imposing a fine. There is not a particle of difference. If there was a failure to carry the mail, you might say there was a failure to perform the contract, and therefore there should be no compensation for it. The fact, however, is that the mail is carried, but they do not make the time. They are not simply deprived of the compensation for the extra service, but deprived of all compensation for carrying it. That is certainly the same as a fine.

Mr. SIMMONS. The Senator from Georgia is mistaken in saying they are deprived of all compensation. They do not get any of this special pay, but they get the regular mail-transportation pay. I do not desire to quibble about the matter. I admit very frankly that when the railroad companies surrender their schedules to the Government and permit the Government to dictate, in a measure, those schedules, and permit the Government to hold them down to them, the railroads part with a privilege and a liberty worth something, and I am not contending that the Government should not be required to pay them for it. This and the Newton and Kansas City case are the only ones in the country in which I believe the Government controls the schedules of mail trains and reduces or withholds compensation if those schedules are not made.

The Atlantic Coast Line once had this contract—up to 1893, I believe, when it voluntarily gave it up. They gave it up in 1893 for the express reason, I am informed, that they were not willing that the Government should control their schedules. I am not minimizing at all the handicap that this is to the railroads. I am merely stating the facts of this case, because I desire that Senators who are interested should be familiar with these facts, and probably, being on the committee, I have given it a little more thorough investigation than some of my colleagues. I have no prejudice or favoritism in the matter. I have tried to present the facts, as I understand them, fairly and accurately.

Mr. FOSTER. Will the Senator yield?

Mr. SIMMONS. Certainly.

Mr. FOSTER. I understand from your statement that really the railroads are rendering better service in this matter now than they did prior to 1904?

Mr. SIMMONS. This 97 being put on, I should suppose it would give better service. Its schedule is faster—over 40 miles an hour, I think; 37 is a relatively slow train—35 miles an hour, I think. These are the two so-called "special facility" trains.

Mr. President, when this appropriation was first made in 1881, the condition of the South was very different from what it is to-day. By reason of its sparse population; by reason of the fact that it was largely an agricultural country and that interest but poorly developed; by reason of the smallness of its traffic and its travel and the lightness of the mails, it is manifest that there were reasons, which do not now exist, why its railroads could not, for the regular transportation pay of mail, afford to run as many mail trains on as fast schedules or as many of them as were necessary to give that section the facilities and expedition in this regard which different conditions made attainable in other sections of the country.

There is still a difference in this regard against our section and some other sections, but it is not nearly so great as it was then, and it is daily growing less. I am happy to believe that the time is not far away when it will altogether disappear.

There have been in recent years great changes in the conditions in these regards in the South. The agricultural products of that section of the country in the last ten or fifteen years—certainly since the first appropriation for this special service was made—have more than doubled. The manufacturing products of this section within that time have trebled. The mail that is carried by the great railroads which traverse it is more than twice as great as was carried at that time.

All of these systems now maintain a high standard of passenger service and equipment. Competition between them for passenger business, and especially winter travel, is active and keen. It has led to great improvements in equipments and facilities, and to increased speed of trains. Why is it not reasonable to presume that if the through mail matter for this section were made the subject of competition between these systems instead of being given to only one of them it would bring about a competition which would lead to further improvements in this direction?

Mr. President, the amount paid by the Government for carrying mails over the Southern Railroad from Washington to Charlotte in my State during the past year was, I am told, something like \$500,000. This was outside of the special-facility pay we are now discussing.

The part of this special-facility pay due between here and Charlotte, after deductions last year, was only, I believe, a little over \$23,000. It is claimed that the much-talked-of extra or special train, known as "No. 97," which carries only mail and express, is a profitable train; that it is not a burden—run at a loss—but that it yields a larger sum per mile actually run than the average regular mail and passenger trains of the Southern, and that it can live and prosper without this special appropriation.

All of these things need to be inquired into and the facts ascertained and determined. The Postmaster-General tells us it has not been done in the past and he does not know what the facts are. Surely, if the facts are as contended, this great system which is and has been such a factor in the development of the South, and which is reaping to-day such a rich reward as the result of that development, will not refuse its patrons in that section needed mail facilities if this appropriation is withheld, or if the Department should say, "Come, let us settle this matter on a business basis."

Mr. President, in conclusion I want to say that I am the last man in the Senate who would deny the southern country any mail facilities to which it may be entitled or which its representatives in Congress have a right to ask the Government to provide for it. If business conditions in that section will not admit of as rapid mail expedition as the balance of the country enjoys, it is not unjust to ask Congress in its interest and in the interest of the whole country to supply this deficiency by providing special and exceptional facilities. If the South needs this special appropriation of \$142,000 in order to put it upon a parity in the matter of mail facilities with the balance of the country, I am ready to vote it or even a larger sum. What I seek through this amendment to accomplish is to have the facts investigated and ascertained, and if it shall be found that these facilities can be secured only through a special contract, that that contract be made by the Post-Office Department with due regard to the value of the extra service stipulated for, and that the Department do not blindly, as it seems to be doing now, turn over a given sum without any idea of whether the service rendered represents value received. If we need to hire a special mail train or trains to give this section equal and needed facilities, let us hire them and pay for them. But, Mr. President, there is no reason why we should pay for them more than a fair price or more than the service is worth.

The Postmaster-General tells us that he does not know whether or not the service is worth the amount of this appropriation. He has made no investigations. He has not ascer-

tained the facts. He is blindly carrying out what he regards as the will and direction of Congress, and handing over the appropriation without asking any questions. Is that proper? The Southern Railroad is a great system. It is not in need of a subsidy. It does not, as I understand it, ask for any. It says this is not a subsidy. It claims that the Government gets value received for its money. Is this contention and claim true? That is one of the questions I want the Department to investigate and decide and later advise us about. The railroad is one party to this contract, the Government is the other. I do not think Congress should be willing to accept without question the railroad's estimate of the value of this service.

Mr. President, I am opposed to subsidies. My chief purpose in introducing this amendment was, as I have before said, first, to get the facts, and next, if there is any subsidy in this appropriation, to squeeze it out of it. In the committee I opposed the pneumatic-tube service. The bill appropriates \$900,000 for this pneumatic-tube service. That is a facilitation of the mails in the great cities to the extent, I think, of from ten to fifteen minutes. I do not attack that service. I do not deny that it is a great convenience and advantage in the facilitation of the great business of the cities in which it has been installed.

But, Mr. Chairman, the plants which supply this service are, I am advised, comparatively inexpensive. They dig a trench, put into it a tube with a little machinery, and the Government pays the owner every year for this service, in some instances about as much as the plant is worth. That makes it a subsidy. The convenience of the service, the advantages and the benefits of the service, however great, do not change that fact or make it any less a subsidy.

The Government ought to buy those plants. If it can not buy them, by reason of the indisposition of the owners to sell them, then, if it can, it ought to condemn them. If there is no law providing for their condemnation, because they are protected by patents, then it ought to say to the owners: "We will pay you for this service a reasonable profit upon your investment, and if you are not willing to take that, we will withdraw the service and leave you to get business where you can." In that case, as soon as the patent expires, the Government ought to install its own plant. In the committee I declared myself as opposed to this appropriation to pneumatic tube service because it seemed to me that under the present arrangement the Government was making it a matter of subsidy and bounty instead of a business transaction. I repeat one of the reasons I am insisting on my proviso to the item under consideration is because I want to put this transaction on a business footing, if it is to be continued. I have had petitions from citizens and boards of trade and chambers of commerce in the cities in my State served by this railroad asking my support of this appropriation. I do not want to deny or abridge any advantage or privilege the good people of these thrifty and enterprising communities now enjoy.

I want them to continue to have as good service as they now have. I think they are entitled to it. But if the Postmaster-General shall find that it is necessary to hire a special train or trains to get it, if he shall find that the regular transportation pay, paid by the Government, which is always liberal, is not sufficient inducement to the carrier to give quick and prompt service, I want him to be able to say: "I will pay you what the service is worth; you have no right to exact any more, nor will I pay more."

Mr. President, I beg pardon of the Senate for having consumed so much time. It was not my purpose when I began these remarks to amplify and enlarge them to the extent that I have.

Mr. MALLORY. Mr. President, I shall not consume very much of the time of the Senate. I will go as far as the Senator from North Carolina [Mr. SIMMONS] in undertaking to limit the compensation for mail service to what it is actually worth, and the amendment which I have presented to the committee amendment, I think, is a step in that direction. It is a step in that direction and a better step, in my judgment, than that furnished by the proposition offered by the committee.

The language of the paragraph, as changed by the amendment of the committee, is as follows:

*Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall consider and so find that such expenditure is necessary to secure needed expedition of the mails; and in such case no greater sum shall be paid for such facilities than is, in the judgment of the Postmaster-General, a fair compensation for the services to be rendered by said trunk line or lines.

The amendment which I propose in lieu of that is this:

*Provided, however*, That the Postmaster-General shall not be authorized to use the money hereby appropriated, or any part thereof, unless it be necessary in order to provide the same or as good a service as is now provided.

I do not think it is open to controversy as to whether this



service or this expedition is needed. Between Washington and New Orleans lies a country principally agricultural and far less densely populated than the country of the Middle States and of the East. The Southern Railroad is the most direct route between New York and the commercial metropolis of the South—New Orleans. On each side of it for a distance of 150 miles there are farming communities and a number of manufacturing towns. All of these are more or less benefited by the expedited mail service, not to speak of the great benefit which arises from affording rapid communication between the cities of New Orleans and New York.

Therefore, Mr. President, I think it is hardly necessary for us to discuss here the question whether this expedited service is desirable. Under the amendment proposed by the committee, of which the Senator from North Carolina is the author, the very question of the necessity of this expedited service is, in my judgment, submitted to the Postmaster-General for determination. It may not have been, and it was not, I believe, the intention of the Senator from North Carolina to submit that to the judgment of the Postmaster-General; but the language is such that if the Postmaster-General chooses to construe it to mean that, he can very readily do so. He is to consider and to find that such expenditure is necessary—a very strong word—to secure needed expedition of the mail. He is to consider, first, in my judgment—for that is, I believe, the meaning of this clause—whether expedition of the mails is desirable; and then, if expedition of the mails along this route is desirable, the Postmaster-General is to determine whether the expenditure is necessary for it.

Under the amendment offered by me the same object—that is, the inquiry sought for by the Senator from North Carolina—can be obtained; but at the same time it does not do away with the advantages and benefits flowing from the establishment of this special facility for the mails. It prohibits the Postmaster-General from expending any part of the sum herein appropriated unless it be necessary, and that means necessary in his judgment, in order to provide the same or as good service as is now provided. If in his judgment it is necessary, in order to provide the same or as good service, he can make the expenditure. If in his judgment it is not necessary, he is under this provision prohibited from making the expenditure. He has to determine whether it is necessary or not, and in order to reach that conclusion he has to have an inquiry and an investigation into the facts, the very thing which the Senator from North Carolina declares here is the principal object in framing his amendment in the way he has done.

Mr. President, we are, as the Senator from North Carolina has said, making appropriations here for expediting service in the cities. In the matter of pneumatic tubes we provide an appropriation of \$900,000, and in addition to that we provide for contracts running to the amount of about one million and a half more to expedite service in the large cities, where they already have frequent mail deliveries and almost every advantage which ingenuity can devise for the rapid transmission of the mails. The country through which this road runs has but two trains a day. It is true it is developing, it is becoming a large manufacturing center as well as an agricultural region, and the business is increasing.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Florida yield to the Senator from North Carolina?

Mr. MALLORY. Certainly.

Mr. SIMMONS. Do I understand the Senator to say that the section of country to be supplied by the service to which this appropriation is applied has only two trains a day?

Mr. MALLORY. That is my understanding.

Mr. SIMMONS. If the Senator will pardon me, my understanding is that they are running from here to Charlotte, in my State, along this road, six trains a day, three each way.

Mr. MALLORY. That may be true, but from here to Charlotte is not the entire route. It is not even one-half of the route. I am speaking of the entire route. I do not know how many trains there are a day between here and Charlotte, but there are only two fast mail trains, I believe, unless I have been misinformed, between this point and New Orleans.

Mr. SIMMONS. If the Senator will pardon me, I will say to him that I think he has fallen into an error there. There is what is known as No. 31, which is nearly as fast a train as No. 97. It does not get any part of this appropriation, but it runs nearly as fast.

Mr. MALLORY. When does No. 31 leave Washington?

Mr. SIMMONS. It leaves Washington at 11 o'clock in the morning.

Mr. MALLORY. I do not think that the trains make very

close connections below Atlanta or at Atlanta. My impression, from what information I have gotten on the subject, is that there are but two trains that carry mail from here to New Orleans in a day.

Mr. SIMMONS. I will state to the Senator, if he will pardon me, that No. 31, which leaves here in the daytime, is the fastest mail train which the Southern operates.

Mr. MONEY. Two each way?

Mr. MALLORY. Of course, two each way. I will not dispute here whether there are two or three. The fact is, however, Mr. President, as I said here yesterday, I know from my own experience—and I think Senators here who live along the line of this mail route will corroborate what I say—that the establishment of this particular mail line has been of immense advantage to the people of the section affected by it. I know that from Atlanta down to New Orleans an immense benefit is derived from it. My own home is approximately on the line, being only 44 miles off from the main line, and our mail from New York or our mail from Washington is from seven to eight hours ahead of what it would be without this expedited mail service. I think the same can be said of almost all the other points of importance—Mobile, Montgomery, and other points along the line, besides the cities and towns and communities for 150 miles on each side of the route.

Mr. President, the point I insist on is, if the Senator from North Carolina only desires to have the matter of the value of this service inquired into, he can accomplish that by the amendment which I have offered. I am unwilling to leave the matter to the judgment or decision of the Postmaster-General or the Post-Office Department. We are the proper authority to determine whether or not this expedited service is necessary, and I am opposed to submitting that to a departmental officer or bureau chief.

The other part, as to the amount of expenditure which is desirable, can be very properly confided to such an officer, but when the Postmaster-General tells us that, in his judgment, this will not tend to the promotion of the interests of the postal service, and when we have a gentleman of such standing and authority as Mr. Shallenberger stating before the committee that, in the judgment of the Department, it will not be necessary to promote the interests of the postal service, it strikes me that a delegation of the matter of determining whether this service should be continued or not to gentlemen who have already expressed themselves to a certain extent, at least, as of the opinion that it is not necessary to the interests of the postal service, would be confiding it to judges who have already expressed an opinion on the subject.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from North Carolina?

Mr. MALLORY. Certainly.

Mr. SIMMONS. I desire to ask the Senator from Florida if he does not think, from the reading of the testimony, that both the Postmaster-General and the Second Assistant Postmaster-General, Mr. Shallenberger, were predicating their observations upon the general postal service and the interests of the general postal service of the country?

Mr. MALLORY. No; I can not say that I do. They were discussing this particular service. The question was put point blank by the Senator from North Carolina himself to Mr. Shallenberger:

Then you did reach the conclusion that it was necessary to promote the interest of the postal service?

That is in reference to a previous remark made by Mr. Shallenberger; and he answered:

In the judgment of the Department, not; in the judgment of Congress, yes.

This is about all I have to say, Mr. President. I shall insist on the amendment I have offered, because I believe it gives the Postmaster-General the opportunity to inquire into the question of the value of the service rendered by the railroads, but at the same time requires the continuation of the service for the benefit of the very large number of people in this country who are deriving benefits from it to-day.

Mr. MONEY. Mr. President, I quite concur in the opinion expressed by the Senator from North Carolina that the language as it has heretofore existed in the proviso should be stricken out. I have not the slightest doubt, knowing the Senator as well as I do, that he is perfectly honest in advocating his amendment to the bill in the belief that he will promote the postal interests. But I ask the question, What are considered to be the postal interests of the United States? I know from long experience, and not by any means reflecting upon any public functionary who has been connected with the Department in any important grade since I have been here, that they are men who have been

very anxious to do their duty, and I think the present Postmaster-General and his chiefs of bureaus have that intention.

Mr. President, the Post-Office Department have never considered the postal service as Congress and the people of the United States have considered it. They have considered it as a business, and they have brought, through the administration of that office, very great benefits. They have bent their energies to do everything to carry out as far as they can the laws of Congress to distribute the mails throughout the United States and to make the service pay its way; in other words, to use the language of the Senator from South Carolina, to put everything on a business basis.

Now, I will say you can not put the postal service of the United States on a business basis and do properly the function of government. The United States is not neglecting its business when it carries mail and receives pay for doing it. It is performing a function of government. The postage on the mail is not to be considered as a compensation for the service rendered, but it is simply a tax that is laid upon correspondence and upon other mail matter, just as a tax is laid upon whisky and other things that are produced in the United States. It is a tax that is easily distributed and easily paid, and it is paid by its beneficiaries, the proper persons to pay a tax. It is no more to be expected that the Post-Office Department shall pay its expenses than that Congress shall pay its expenses and the Army and Navy and the judiciary shall pay their expenses. We are to conduct this postal service as a function of the Government, and for the benefit of the people of the United States, who pay all the taxes.

When a thinly peopled section of the country calls for expedited or unusual facilities that are generally accorded the peopled sections, there should be no complaint made from the great centers of population because the correspondence is done with them. It is through the expedited service that merchants in the cities of New York, Philadelphia, Baltimore, Boston, Louisville, Chicago, etc., get in communication and do business with their correspondents in the country towns and in the remote sections of the country; every expedition that goes to one place must come from somewhere else, and each terminal of the line will feel the impetus and the quickening impulse of that correspondence. Letters are the primordia rerum of the whole commercial world; without them there can be no commerce.

#### THE PANAMA CANAL.

The PRESIDING OFFICER. The Senator from Mississippi will suspend for a moment. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. KITTREDGE. I ask that the bill be temporarily laid aside.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered.

#### POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16953) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes.

Mr. MONEY. Mr. President, it is the duty of Congress to see that proper mail facilities are performed and carried to the farthest extremities of this country. While the people in the country look upon ten or twelve daily deliveries and pneumatic tubes with something of a dislike, for what seems to be a discrimination, in fact they should not do so, because it is just as much to their interests to have mail expedited and delivered quickly in the city as it is that the cities should be interested in the swift communication of their correspondence in the country. All sections should unite in sustaining Congress in its effort to make a proper and immediate distribution of mails everywhere.

It is unfortunate, as I said, that almost always in the Department, without any reflection upon anybody, the attempt has been made to cut down mail facilities because of the Department desiring to make both ends meet—in other words, that its receipts should equal its expenditures. That, of course, is a very desirable result. We would all be very glad if we could devise a way by which Congress could pay its expenses, and the Army could pay its expenses; but it can not be done. So in performing this function of government we are not to consider too closely what its cost is, except that there should be rigid economy and great honesty in the administration of that Department and in the expenditure of the moneys which Congress votes for the purpose.

Now, it is not a question in my mind in this particular case whether the Postmaster-General shall determine what is the best for the postal interests. As for me, I do not care whether it is better for the postal service in the light in which he considers it. I consider the postal interests to be promoted when the best possible communication is given from one part of this country to the other part. The whole country is served with railroads, with steamboats, and by star routes, and we need all these things. In the city we need frequent deliveries, we need rural delivery in the country, and expedited schedules in one or two places in order that the system may be perfected as far as possible without too great an expense. I am not willing to go into a very large expenditure to increase the facilities, but here is a facility that has been standing here by the will of Congress and against the will of the Executive Department for many years. We know already what the opinion of the Department is.

I had the pleasure not long ago of being told by a gentleman who is administering one of the great bureaus of that Department that I was responsible for the very worst law that had ever been passed. I said, "What is that?" He said, "You are the author of the bill that gave the newspapers the privilege of a rate of 1 cent a pound, and they have loaded down the mails so that we have to pay very much more than we receive from that particular source of income." I did not think I was doing anything for the benefit of the Department nor for the benefit of the newspapers, but I was doing something for the people of the United States. I was putting within their reach the great metropolitan papers, conveying the news of the country, and instructing the people upon the affairs of the world as well as their own domestic concerns. It was not a question with me whether the Department should make money out of this carriage of newspapers at 1 cent a pound or whether they should lose it. I expected them to lose it. But, on the contrary, they are carrying letters at a most tremendous rate and making a great deal of money on that. So we do not take these things into consideration at all.

Now, as to this particular amendment, I would have, I say, these words stricken out and not leave anything to the Postmaster-General except his business as administrator of that great Department to perfectly understand what the cost should be. He is not asked to determine exactly what the great lines of railroad throughout the country shall be paid. As far as the railroads go, we fix the price ourselves, determining it by the weight and space; and then he is left to make the grade by the annual weighing, which comes off according to law not less frequently than once in four years, but practically every year; and that determines it for him. He is not left to determine whether he will do it or not. When he comes to the star route the lowest responsible bidder, if he can give a bond, gets it. There is no discretion left to the Postmaster-General there.

It is not a question here whether the Southern road or the Seaboard line shall carry this mail to Atlanta. Atlanta is the half-way house. There are four roads that get the benefit of this appropriation. There are four roads that carry special fast mail trains containing two postal and express cars and no passengers going there; and as these four roads are sharing this sum it is not a question particularly how you get to Atlanta. As far as I am concerned, I am perfectly willing that the two roads mentioned shall compete for this and say what they will carry it for. It is nothing to me what road gets it. But I will say in this connection that in the genesis of this thing it was designed for and given to the Seaboard Air Line. They carried it for twelve years, and having carried it for twelve years, surrendered it on the ground that it did not pay for the cost which the road incurred in the transportation. Then it was transferred to the other route, and it is yet to be expedited through to Savannah. It was expedited through to New Orleans, and the effect of that expedition is felt at El Paso. You will find here, I presume, on the files of the committee—I speak without knowledge, but from my own experience of the past—petitions from every board of trade from San Antonio and Houston along up to near Washington asking that this service shall be continued. These commercial bodies know their business; they know what they want; they feel the lack of a good service, and they want it.

I believe the effect of the proviso offered by my friend from North Carolina [Mr. Simmons] would be simply to leave the matter in the discretion of the Postmaster-General whether we ought to have expedited mail or not. If in his judgment there should be no expedition, there will be none. He has already said that he does not believe in favoring one section as against another, or one line as against another. We can predicate a pretty sound opinion upon his previous utterances, and we pretty well know now that he will say that it ought not to go at all.



I am not in favor of devolving any legislative function or any discretion upon a gentleman, however distinguished he may be. I know he is a very able and a very good man; I have no fault to find with him; but he has put himself on record. He forgets, of course, that in the more prosperous section, where there is such a thickly populated country and the commerce or traffic is so great that it must have eight or ten or twenty railroads a day, there is no need for it. I have been on the Hudson and I have seen ninety-two trains a day run past one point on one railroad, with a railroad on the other side with just about as many—and the river full of steamers going up and down also—and all of them making 40 or 50 miles an hour. What is the need of expedition there? But it is different down here.

I recollect that in the beginning of this thing there was only one transcontinental line, and their schedule was 18 miles an hour. They declined to go into any negotiations; they declined to accept the schedule that had been prepared by the Postmaster-General at any price upon the ground that their material was so dear—their cross-ties of metals—that they could not possibly expedite the service; that there would be such wear and tear on the rolling stock and roadbed that they would not be paid for the extra expense. So they declined, and it was the only line by which the expedition could be effected. It then began at Boston and ended at Savannah. They all declined the proposition until some years ago a special train was put on from Kansas City to Newton, Kans., and it had but one single object, to get the morning papers from Kansas City to Newton and intervening points and distributed at railroad centers. The only reason why it was put on was on account of the morning papers of Kansas City.

Now, as far as the Seaboard and the Southern roads are concerned, let them compete if necessary before the Postmaster-General for the carriage to Atlanta, and then we will consider also how many people are to be served on one or the other side. Unfortunately, by reason of its location, one road has the Atlantic Ocean on one side, and there is very little mail from that quarter except from cities on the border. On the other side there are lines going into the interior, communicating with the large cities of the West and of the South. I had once a compilation made showing the proportion of people served, and it was a great deal more than I had expected. I thought it would be a great deal; it was immense.

This matter is unimportant to those who live off this line and who are not representing constituencies to be affected by the discontinuance of this very great mail facility, but it is important to the people in the South, at least where I live and beyond. I have heard from a great many upon this subject. I have generally been in the habit of getting a pocketful of telegrams about this time. This year I have not received a word from anybody. I suppose they thought I had no connection with the Committee on Post-Offices and Post-Roads, and, therefore, they addressed no communications to me; but I do not believe that they have changed their minds within a year. I know what they have done heretofore. I know the necessity of this service.

I have no objection to the Postmaster-General inquiring into what would be a proper compensation, and I do not want anything greater than a proper compensation paid. I do not want any subsidy; but I do not call it a subsidy to a pneumatic tube covered by a patent nor to a railroad which is simply rendering a service as cheaply to the Government as it would be rendered to anyone else.

The Government is at liberty to decline if the railroad will not take a good offer. I think myself that we might invest some sort of discretion as to the amount to be paid, so that it would be reasonable compensation, but I am not willing, under the utterances of the Postmaster-General, to allow him to say whether this expedition is needed or not. That is a thing that the people of the country affected have long since determined for themselves.

I believe there will be a general concurrence of opinion among the Senators who represent the Southern States, with the exception of my distinguished friend from North Carolina, who I know is just as zealous and as honest as I or anybody else can be, because I know him well enough to say that, and I say it with great sincerity. I do hope that in this instance his contention will not prevail, but I want to say it is just about as good as the language that was in the act, because that, in my opinion, made it just as much the duty of the Postmaster-General as the amendment. In fact, it says whatever in the judgment of the Postmaster-General is necessary. How can he come to a judgment unless he makes an investigation? How can he reach a judgment unless he has ascertained the facts and the reasons upon which to base a conclusion? If he has not done that, he has simply failed to do his duty; he has

simply failed to obey the law. In my opinion, in a case like this the law is mandatory. In my opinion, it is mandatory all the time.

Mr. SIMMONS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from North Carolina?

Mr. MONEY. With great pleasure.

Mr. SIMMONS. I desire to state to the Senator that the Postmaster-General said—I started to read it, but was interrupted and did not finish it—that he would regard the present proviso as simply directory; that he would not regard the proviso proposed by the committee as mandatory upon him, and he would exercise the judgment and discretion imposed on him to find the facts and to pay for the service no more than what he regarded it to be worth.

Mr. MONEY. If I thought the Postmaster-General would adopt the interpretation which the Senator himself puts upon it—

Mr. SIMMONS. That is his interpretation. I have it here. I can read it to the Senator if he would like to hear it. The Postmaster-General himself said it.

The VICE-PRESIDENT. Does the Senator from Mississippi yield further to the Senator from North Carolina?

Mr. MONEY. Of course; I desire to bring out all the information we can get. I am glad to have the Senator interrupt me, because he is much better informed than I am upon this subject.

Mr. SIMMONS. This is in two forms, and I will read it in the briefer form. Toward the close of the examination I find this:

Senator SIMMONS. Suppose the committee, by reason of your knowledge of the matter, you being supposed to understand this situation better than we do, shall say that we will recommend this sum or so much as may be necessary, and we will leave it with you to decide whether the conditions are such as to justify this expenditure. In that condition of things, would you hold that it was incumbent upon you to exercise your discretion and employ this service and spend this money or not, just as you might conclude the service was necessary and in the interest of the postal service?

Postmaster-General CORTELYOU. To spend it or not as I thought was necessary?

Senator SIMMONS. Suppose this amendment should be adopted to strike out the present proviso and insert—

Then I read the first section of my proviso—

"Provided, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall consider, and so find, that such expenditure is necessary in order to promote the interest of the postal service."

If that proviso should be adopted in that form, would you not then consider it necessary and incumbent upon you to decide and to find, before you expended any part of this money, that the service was necessary in the interest of the postal service?

Postmaster-General CORTELYOU. Yes, sir.

Senator SIMMONS. Suppose that proviso should proceed further and say—

This is the second part of the proviso—

"And in such case no greater sum shall be paid for such facilities than is, in the judgment of the Postmaster-General, a fair compensation for the service that shall be rendered by said trunk line or lines."

If there is any element of subsidy in this appropriation, if Congress should accompany this appropriation with that condition and that qualification and limitation and proviso, would you not consider it your duty then to put this contract upon the basis of a purely business transaction?

Postmaster-General CORTELYOU. Yes, sir; in the interest of the postal service and the people of the whole country.

Senator SIMMONS. Therefore, if this proviso should be adopted, you would consider it your duty to decide the question of whether this service was necessary?

Postmaster-General CORTELYOU. Yes, sir.

Senator SIMMONS. Then you would consider it your duty in making the contracts for this service with the railroads to base their compensation upon what the service to be rendered by them was actually worth?

Postmaster-General CORTELYOU. Yes, sir.

Mr. MONEY. Well, Mr. President, the Senator from North Carolina has kindly read me this testimony, and I want to say that it condemns his proviso; it condemns it absolutely. Here is the statement of the very Postmaster-General who is going to construe the law. I was going to say that he will pass away and other Postmasters-General will come in, who will not, perhaps, construe the law as he says he will construe it, if the law should be still on the statute books and should not be repealed, but here he himself says he will judge whether it is necessary to have any expenditure or not. That is a legislative function which I do not propose to submit to him if I can prevent it. I propose for Congress to retain in its own hands the right to dispense this service or to dispense with it, not for the Postmaster-General or any of the executive officers to step in and say whether it is necessary or whether it is unnecessary. But when Congress has said "We desire this to be done," then I am perfectly willing for the Postmaster-General to investigate, and it is his duty to do so, without any requirement in this proviso or in any other law that is not already on the statute

books, and to say what will be a reasonable compensation, although he has not been required to say that in regard to any of the contracts we have made. In all the contracts for railroad service and star routes and steamboats in this country the Postmaster-General has not been required to say what he thought was a reasonable and just compensation, but he has had to pay according to the law in every instance. In a case like this I think, however, there should be a deviation and that his judgment should be consulted as to the amount which might be necessary, but at the same time the railroads also are to be consulted. Every railroad in this country can to-day lay down its contract and refuse to carry any mail if it chooses to do so. We are not arbitrarily to fix the burden upon the railroads of the country. They are not to be required to perform the service, however much they may desire to do it, without just compensation. We must not fail to recollect that they are the great promoters of civilization, that they are the promoters of business, and that they must be paid a fair and just compensation for this as well as for any other service which they may perform for the Government or for the citizens of this great country. So the railroads themselves must be consulted as to what is a reasonable compensation. The Postmaster-General might say that it was worth \$1,000 a month, and the railroads might say "We can not do it for that sum."

My friend from North Carolina [Mr. SIMMONS] said a while ago that the great railroads would not voluntarily put a mail contract down, even if it did not get paid, because they would thereby incur the disfavor of their patrons along the route. That would seem to be a very good argument, but we have an instance right before us here. The Seaboard Air Line did put down its mail contract.

Mr. MALLORY. The Senator refers to the Atlantic Coast Line, I presume.

Mr. MONEY. True; I got those two routes confused for the moment. The Atlantic Coast Line, which had one of these contracts, put down that contract without any fear of incurring the disfavor of the people along its route.

Mr. SIMMONS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from North Carolina?

Mr. MONEY. Certainly.

Mr. SIMMONS. The Senator from Mississippi is right. The Atlantic Coast Line did put down a contract, to use his own language, and declined to enter into a contract again; but the Atlantic Coast Line continued to give the same schedules afterwards that it had given before.

Mr. MONEY. Then, certainly that road could not have been under good business management if they continued without compensation the same service for which they had received \$142,000. It was not well managed if it did that.

Mr. SIMMONS. The Atlantic Coast Line repudiated that contract because they said that they were unwilling that the Post-Office Department should exercise a control over their schedule. They put it on that ground.

Mr. MONEY. Yes; that is the ground on which they put it. The fact is that when the Atlantic Coast Line found that the service would be continued for the benefit, not of any railroad, but for the benefit of the southern people as well as the northern people in communication with them, the Atlantic Coast Line again applied for the contract, but did not get it. They were very willing, though having once thrown up the contract, to again apply for a contract to carry the mail rather than have their competitor carry it, and they asked again to be allowed to carry it, at a loss, I presume, or at least at inconvenience, having an unwillingness to comply with the schedule which the Postmaster-General imposed upon that road.

All this postal business is done under schedules prescribed by the Postmaster-General. He tells the roads where and when they shall start and at what time they shall get to their destination; and while the Senator from North Carolina is very much more familiar than I am with the law as it is now, the law as it was some years ago I know not only mulcted the pay of the road, but that they were absolutely fined for a failure to make schedule time unless they could show some good cause—such as a washout or an overflow or a burned bridge or some difficulty of that sort—that had prevented them, and they had to offer a very good excuse, too.

I happened at one time to be interested in this matter. I was an attorney for one of the great railroad lines of this country. One of their greatest troubles was that they were being mulcted, not only failing to get their compensation, but being fined for not being able to make connections. There was great difficulty in making the Department see that the circumstances which obstructed the carrying of the mails were such

as to justify them in remitting the fines in cases where the railroads were absolutely not at fault.

At any rate, Mr. President, I am satisfied of one thing, that with this proviso in the bill, it means—I will not say the Senator from North Carolina means it, because he does not; that is not his purpose, I am quite sure of that—but I say the effect of it will be, if the present Postmaster-General should die or if that good man should go out of office, the next man and the next might conclude that it was not necessary to have anything down there except the regular trains. Perhaps it is not. That is a matter of inquiry for the people who live down there, the residents of that section of the country, for, although I have had some letters from them, I know that this movement comes from the boards of trade, the chambers of commerce, the business men's leagues, and similar organizations. It is that class of people who generally organize for the purpose of effecting things, just as they do in this case, and that is one of the purposes of those organizations—to secure proper mail facilities, to get mail in due time to transact their business, to get it off, and to get a return in a short time. Time is the essence of contracts in every kind of commerce—the *primordia rerum*.

I recollect an instance, which has just occurred to me, that in correspondence many years ago with a banker in Denver, Colo., he stated that the interest on the time drafts between New York and Denver would pay the full cost of facilitating the mails. The railroads, then, would not at any price follow the schedule laid down, or which would be probably laid down by the Postmaster-General, owing to the great cost of constructing the roads.

At any rate, Mr. President, I give my opinion that if this amendment prevails, it means a discontinuance of this service, and that would mean very great dissatisfaction in my section of the country; it would mean a great many letters and telegrams and appeals to me and to others who represent Southern States asking for a return of this service.

I venture to say that the commercial bodies of New York, of Philadelphia, of Boston, and of Baltimore are just as anxious to see this service continued as are the people of New Orleans, Houston, Galveston, Atlanta, Nashville, and other places that are affected by it, because the correspondence it carries is largely between the parties who sell in the North and those who buy in the South. The money goes north, and the people up there are just as much interested in this matter as the people who are in the southern cities and towns.

Mr. BACON. Mr. President, I have but a word to say, and that of a practical character. I very heartily favor the amendment offered by the Senator from Florida [Mr. MALLORY], and I as earnestly object to the amendment proposed by the committee at the instance of the Senator from North Carolina [Mr. SIMMONS]. The only interest I have in this matter is that the present mail service to the South shall be maintained. That service is essential to the business interests of a very large section of this country. The business of that large section of the country has become adjusted to this particular service, and to take it away would disarrange everything and produce an amount of dissatisfaction resulting from deranged business which would find no compensation in any small economy of the amount expended.

Whatever may have been said in the past under the previous provisions of law as to whether or not this was a subsidy or a gratuity, there can be no such claim made if the amendment offered by the Senator from Florida is adopted. I do not regard the law as it now stands as a subsidy, but as a compensation for expedited service. The amendment proposed by the Senator from Florida is in these words. After the appropriation provided for in the bill, the amendment is to this effect:

*Provided, however,* That the Postmaster-General shall not be authorized to use the money hereby appropriated, or any part thereof, unless it be necessary in order to provide the same or as good a service as is now provided.

There is practically a square, emphatic provision that, in the first place, the present service shall be maintained, which is the great desideratum, and then the equally emphatic provision that, with that service maintained, there shall only be paid such an amount as is necessary thus to maintain it.

I quite agree with what has been said by the Senator from Mississippi [Mr. MONEY] about the Post-Office Department not being a business Department. It is true it is very important if it can be done that it shall be made a paying Department, but that is not the first consideration. The first consideration is the service to the people of the United States in giving to them not only good mail facilities, but the very best mail facilities. There is no Department of the Government from which the people so universally receive the direct benefits as from the



Post-Office Department, and there is no Department in which the people are as willing that there should be, if necessary, an excess of expenditure over receipts.

Take a most recent departure in the service of the mails—the free rural delivery service. Who stops to consider whether or not it pays, in view of the great benefits which are growing from it? I am not on the Committee on Post-Offices and Post-Roads and I can not say whether that service repays or not the amount expended for it; but regardless of that, that service is to be maintained. Its value to people in the rural districts can not be expressed in money value.

Here is an immense area of country in which special service from Washington to Atlanta and New Orleans is the great facility by which prompt and expeditious mail service is secured, not only to those cities but to practically the whole of seven or eight States. I repeat, whatever may have been said in the past as to whether or not this was a gratuity or a subsidy, this amendment puts it upon the secure ground of compensation for service rendered.

The reason why I favor the amendment of the Senator from Florida and why I oppose the amendment which has been ingrafted on the bill at the instance of the Senator from North Carolina is that in one case it leaves in doubt the question as to whether or not this particular service shall be maintained, and in the other case it fixes that as a certainty; and that is what we wish to maintain.

Now, Mr. President, I am just going to read for a moment a statement which will show the character of the service. I want to premise it by saying first, however, that while I have not had an opportunity to read at length the testimony before the Post-Office Committee, I have listened to the portions which have been read by Senators and I have read a little in addition thereto, and, so far as I can gather, there is not in this testimony any statement, either by the Postmaster-General or by the Assistant Postmaster-General, to the effect that this appropriation is not necessary to secure this particular service. It is true that there is a statement to the effect that it is not necessary to what they consider to be the essential or necessary service; but with the service now rendered to these States, there is no testimony on their part that the appropriation is not needed for the purpose; on the contrary, reading the testimony of Mr. Shallenberger, it will plainly be seen that this is not the construction which they put upon it. Mr. Shallenberger, in his testimony, says this:

The Department having exercised its discretion under the proviso and notified Congress of the manner in which the discretion was exercised and the specific routes on which it was exercised, the terminal points between which the discretion was exercised having been named in the appropriation of Congress to provide a special and additional service, the Department, I repeat, had to assume that the special service was desired, and provided for it.

Thereby evidently implying that, with that special service maintained, this appropriation was needed. I do not know, however, that I will pursue that any further, except to call attention to one other statement in the succeeding answer, where Senator SIMMONS asked him this question immediately following the foregoing:

Senator SIMMONS. Then you did reach the conclusion that it was necessary to promote the interest of the postal service?

Mr. SHALLENBERGER. In the judgment of the Department, not; in the judgment of Congress, yes.

By which he meant that, in the judgment of the Department, it was not necessary for the southern country to have this expedited service, but that Congress, having determined that it was necessary, that it should have this expedited service, the appropriation necessarily was made by the Department in order to secure it.

Now, just one moment, Mr. President, and then I will not further trespass upon the time of the Senate. I will state a few facts relative to the arrangements which led to the present service.

The Post-Office Department was anxious to have a train, leaving Washington at 8 o'clock, with the New York, Philadelphia, Baltimore, and Washington papers and mail, connecting with the train that left New York between 2 and 3 o'clock in the morning and run through the South. The Department proposed to the Southern Railway that if they would put on a special mail train, leaving Washington at 8 a. m., and run through to New Orleans and there connecting with the Southern Pacific for all points in Texas and through to California, and would run this train 41 miles per hour, regardless of all stops, from Washington to New Orleans, and agree not to change the schedule without the consent of the Post-Office Department, and agree that, if they fail to make the schedule time at the end of the different routes (there being five routes between Washington and New Orleans), they should lose the pay for the special

facilities for that day, and that the Southern Railway should run train No. 37 as it now runs, and should not change the schedule without the approval of the Post-Office Department, that they would give the line from Washington to New Orleans \$125 per mile per annum, which amount would be divided according to mileage between the Southern Railway, Washington to Atlanta, Western Railway of Alabama, Atlanta to Montgomery, and Louisville and Nashville Railroad from Montgomery to New Orleans. While Congress appropriated \$142,728.75 per annum for this service for the calendar year 1905, the Post-Office Department only paid out \$106,567.67, the balance being deducted for failure to make the schedule.

Now, as to the way in which this service operates.

A letter leaving New York Monday at 2 a. m. and Washington at 8 a. m. arrives at Atlanta at 11.07 p. m. same day, and leaves there at 11.15 p. m. for New Orleans, Montgomery, Birmingham, Macon, Brunswick, and Savannah, and arrives at New Orleans next morning—Tuesday morning—at 11.15.

In other words, Mr. President, a letter leaving New York this morning at 2 o'clock is in New Orleans to-morrow morning at 11 o'clock, and without this facility it would not get there for at least twelve hours later than that hour. Other intermediate and lateral points are, according to distance, served in the proportionate time.

The Southern Pacific holds their train at New Orleans for this connection, and leaves there for Texas points at 11.55 a. m., taking the mail to Houston, San Antonio, El Paso, Austin, Galveston, and California points. For example, take Birmingham, Ala. Train 97's mail arrives at Birmingham at 5.20 a. m. The mail is distributed at Birmingham, and also given to the rural free-delivery carriers leaving there at 7 o'clock, and is distributed all through the country. Now, let us suppose that 97 was not running. This mail would reach Birmingham at 12.01 p. m., too late to be carried out in the city of Birmingham for the morning delivery and would compel the rural free-delivery mail to lay over twenty-four hours. The same applies to Savannah and Macon and other points—I might say to almost all other points in seven or eight great States.

I repeat, Mr. President, that the interest I have in this is the public interest of a very great section of this country. The amendment proposed by the Senator from Florida distinctively relieves it of every possible feature of a gratuity and puts it upon the simple basis, first, that the present service shall be maintained, which is the great and important desideratum for all that great section of the country, and, second, that the Postmaster-General shall only pay so much as is necessary to maintain for that large section of the country the present service or equally as good service.

Mr. FOSTER. Mr. President, I shall only occupy the time of the Senate for a very few moments. The people of my State, and especially of New Orleans, are very much interested in the continuance of this appropriation and of this service. Under this special service, for which special and extra pay is given by the Government, the mails are received in New Orleans some six or eight hours earlier than they would be by the regular trains. If the amendment of the Senator from North Carolina [Mr. SIMMONS] prevails, in my judgment, the practical effect of it will be the discontinuance of this service. In the first place, it leaves the matter to a tribunal which has practically prejudged the case. If this amendment prevails, according to the expressed opinion of the Postmaster-General as I read it, this service will necessarily be discontinued. On page 58 of the hearings the Senator from North Carolina [Mr. SIMMONS] asked the Postmaster-General this question:

Senator SIMMONS. Now, I want to ask you, General, the direct question: In your judgment, is the appropriation for this service necessary in order to secure proper mail facilities in the section of country served? Postmaster-General CORTELYOU. I think not.

The opinion of the Postmaster-General is that this service is not necessary, according to the answer which he gave to the Senator from North Carolina. On page 66 the same Senator asks the Postmaster-General this question:

Therefore, if this proviso—

Referring to the proviso in the amendment—

should be adopted, you would consider it your duty to decide the question of whether this service was necessary?

The answer is "Yes, sir."

So the opinion of the Postmaster-General is that, under this amendment, it would be left with him, first, to decide whether the service was necessary, and then he has expressed an opinion that the service is not necessary. Therefore, in my judgment, Mr. President, the adoption of this amendment would mean practically the discontinuance of this very important service,

which is not only important to the South, but important to the West and important to the great Northeast.

The discontinuance of this service would practically break up all the business arrangements now in the cities benefited by it, because, as has been said, time is not only an important factor, but it is almost the essence of a contract during these days of rapid and swift business transactions. Before we deprive this section of the country of these expedited postal facilities which they have enjoyed for years, and without assigning any reason why they should be changed, but, on the contrary, admitting that the service is better to-day than it has ever been, there ought, in my judgment, to be presented a better and more potent argument than has thus far been made. I simply wish to make this statement—

Mr. SIMMONS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Louisiana yield to the Senator from North Carolina?

Mr. FOSTER. Certainly.

Mr. SIMMONS. I did not interrupt the Senator when he read from the hearings a moment ago what the Postmaster-General said; but I now wish to call his attention to another statement of the Postmaster-General which, to my mind, clearly qualifies the answer made to the interrogatory which the Senator read a little while ago. I have taken the trouble to find it in the hearings. On page 65 this colloquy occurred:

Senator SIMMONS. I understand, Mr. Postmaster-General, that you do not express directly the opinion that this service is not needed.  
Postmaster-General CORTELYOU. I am not prepared altogether to say that it is not needed.

Senator SIMMONS. You are not prepared to say that it is needed?

Postmaster-General CORTELYOU. No.

Again, on page 68:

Senator SIMMONS. When you pay this money to these railroads, do you regard it as a subsidy to the railroads? You speak of it as a subsidy in your reports, I believe?

Postmaster-General CORTELYOU. No; I carefully avoided calling it a subsidy.

Senator SIMMONS. Then it is the Second Assistant Postmaster-General who sometimes refers to it as a subsidy?

Postmaster-General CORTELYOU. Simply because I did not know whether I regarded it as a subsidy or how I did regard it. I have been looking into the matter for some time, but I did not want to characterize it because we regarded it in the Department as largely the act of Congress.

Senator SIMMONS. Then you did not want to express any opinion about it?

Postmaster-General CORTELYOU. I did not.

Mr. FOSTER. That is all very true, Mr. President; but anyone who will look over and analyze the answers of the Postmaster-General, especially when the direct question is put to him, must conclude that the question is practically prejudged in the mind of the Postmaster-General; that the Postmaster-General considers this service not necessary, and, further, that if this proviso is adopted, that he shall judge whether it is necessary or not, the practical operation of the amendment when enacted into law will be the discontinuance of this very important service.

Mr. PETTUS obtained the floor.

Mr. FORAKER. Will the Senator from Alabama yield to me for a moment?

Mr. PETTUS. Certainly.

#### ADJOURNMENT OVER MEMORIAL DAY.

Mr. FORAKER. I move that when the Senate adjourns to-day it be to meet on Thursday next.

Mr. PENROSE. Before the motion is put I should like to make an inquiry as to whether it has been usual for the Senate to thus adjourn over?

The VICE-PRESIDENT. This is not a debatable question, except by unanimous consent.

Mr. PENROSE. I ask unanimous consent to make an inquiry.

I am anxious to have the Post-Office appropriation bill disposed of. I shall have to leave town in a day or so, and, although I have the greatest respect for the ceremonies that will take place to-morrow, an adjournment over will seriously embarrass me personally. If the Senate has not been in the habit of adjourning over that day, I should like to have a session to-morrow, in the morning at least.

Mr. FORAKER. I think every time since I have been a member of the body that the Senate has been in session when Memorial Day came it has adjourned out of respect to the day.

Mr. PENROSE. If that is the Senator's belief in the matter, that the Senate has always adjourned over, I shall not object.

Mr. FORAKER. I can not be positive about it, but that is my recollection.

The VICE-PRESIDENT. The question is on agreeing to the motion made by the Senator from Ohio.

The motion was agreed to.

#### POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16953) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes.

Mr. PETTUS. Mr. President, I am in favor of the continuance of this mail service on this line. All of the gentlemen who have spoken on the subject seem to be in favor of it. It is one of the most important matters that I know of to the people along this line. It is stated that the business associations all along this line have unanimously asked that this service be continued. The bankers on this whole line through the South and many of those in New York insist on its being continued. The bankers are more interested in this quick motion of the mails than almost any other class of people.

I wish to suggest to those who desire this service continued that the best way to do it is to strike out of this bill the amendment which the committee has brought in and to take the House provision as it stands. We know what that means, and we know what it will effect; and the Senator from North Carolina does not seem to be certain what his amendment would produce. To my mind it is absolutely certain that his amendment would produce the discontinuance of this service entirely. Unless the Postmaster-General is so changeable that we can not depend upon his own statement of his own opinion, this service would be discontinued the moment of time arrived for the application of this provision.

Mr. President, I do not see any reason why the Committee on Post-Offices and Post-Roads made this change. I can not understand it; and I especially do not understand why they did not make the same change, if they thought it was essential, in the paragraph which follows this provision. The two provisions came from the House in the same identical words, with the same proviso, and they amended one and did not amend the other. Why was this? I should like for some gentleman on the committee who favors this amendment to the House bill to explain why they did not put it on the other paragraph. If it was essential to one, why was it not essential to the other? I could myself give a reason and a very good one, I think. The roads run in the wrong direction.

I hope that the amendment reported by the committee will not be agreed to, and that the substitutes which have been offered will also be rejected, and that we will leave the bill as it came to us from the House. We know what that means, and we know what service it will produce. To reject the amendment will also take a very considerable item out of the committee of conference.

I hope those gentlemen who are in favor of continuing this service will see that that is the best mode to arrive at it.

Mr. PENROSE. As I have already stated, so far as I personally am concerned, I have no objection either to the substitute of the Senator from Florida or the suggestion made by the Senator from Alabama, to revert to the provision of the House bill.

The VICE-PRESIDENT. The question is on agreeing to the substitute proposed by the Senator from Florida [Mr. MALLORY] for the amendment of the committee. The substitute will be stated.

The SECRETARY. It is proposed to strike out the proviso on page 25, at the bottom of the page, and to insert in lieu thereof the following:

*Provided, That the Postmaster-General shall not be authorized to use the money hereby appropriated, or any part thereof, unless it be necessary in order to provide the same or as good a service as is now provided.*

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SIMMONS. I desire to ask if it is in order to offer an amendment to the substitute just adopted?

The VICE-PRESIDENT. It is not now in order, the amendment as amended having been agreed to.

Mr. SIMMONS. When will it be?

The VICE-PRESIDENT. It will be when the bill is in the Senate.

The Secretary resumed the reading of the bill.

Mr. PETTUS. I desire information as to the situation of the amendment proposed by the Senator from North Carolina [Mr. SIMMONS].

The VICE-PRESIDENT. It is not now in order, but it will be in order when the bill reaches the Senate. The Chair understood the Senator from North Carolina to withdraw it.

Mr. PETTUS. Then this subject has not been acted upon at all?

The VICE-PRESIDENT. That specific amendment has not been acted upon.



The reading of the bill was resumed. The next amendment of the Committee on Post-Offices and Post-Roads was, on page 27, line 13, to reduce the appropriation for manufacture of adhesive postage stamps, special delivery stamps, and books of stamps from \$550,000 to \$450,000.

The amendment was agreed to.

The next amendment was, on page 27, line 18, after the word "Government," to strike out "at any higher rate than offered for the same work by any responsible private contractor, nor shall the bid of such Department or bureau be at a price;" and in line 21, before the word "cost," to insert "labor;" so as to make the proviso read:

*Provided*, That no contract for the manufacture of adhesive postage stamps, special deliver stamps, or books of stamps shall be made by the Government with any Department or bureau of the Government below the labor cost of such work to the Government.

The amendment was agreed to.

The next amendment was, on page 27, line 23, to reduce the appropriation for manufacture of stamped envelopes and newspaper wrappers from \$1,075,000 to \$1,023,000.

The amendment was agreed to.

The next amendment was, on page 28, line 3, to reduce the appropriation for manufacture of postal cards from \$250,000 to \$202,000.

The amendment was agreed to.

The next amendment was, on page 28, line 14, to reduce the appropriation for travel and miscellaneous expenses in the postal service, office of the Third Assistant Postmaster-General, from \$1,000 to \$500.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Fourth Assistant Postmaster-General, Supplies for Postal Service," on page 28, line 24, to increase the appropriation for stationery, including all money-order offices, from \$75,000 to \$85,000.

The amendment was agreed to.

The next amendment was, on page 30, line 17, to increase the appropriation for wrapping twine and tying devices from \$175,000 to \$200,000.

The amendment was agreed to.

The next amendment was, on page 31, line 8, to increase the appropriation for pay of letter carriers and clerks in charge of substations of rural delivery service from \$28,200,000 to \$28,700,000.

Mr. CLAY. Mr. President, this bill carries \$28,000,000 for free rural-delivery service, an increase of \$7,000,000 over the last post-office appropriation bill for the same class of service. The history of rural free-delivery service is both interesting and gratifying to the farmers of the United States. This service was put in operation in the year 1896, less than ten years ago. Its growth has been phenomenal. The earliest date of establishing an experimental rural free-delivery route was October 1, 1896. Only \$40,000 was appropriated for this entire service in the year 1897, and only eighty-three routes were in operation at the end of the fiscal year 1897. When the Post-Office Department began the experiment of sending the mail to the doors of more than 20,000,000 farmers throughout the length and breadth of this great country, this laudable work met with most strenuous opposition. It was predicted that the expense would be enormous, and that the task would never be accomplished.

Thoughtful men realized the value of such service and pressed the work with great energy and untiring industry, that the farmers of every State in the Union might receive their mail daily at their homes, thus enjoying the pleasures and profits derived from reading daily newspapers. In this way farm life was to be made more attractive and the farmer was to come in daily contact with the social and business world. In my opinion more real benefit is derived from this appropriation than any other appropriation made by the Government for public service. I do not undervalue the importance of the strength and power of our Navy and Army. Both are essential to the security and protection of the American people. But with a happy, contented, intelligent rural population the future of the American Republic is safe.

The following table will show the rapid progress this service has made since 1896.

On June 30, 1905, 32,055 routes were in operation. Mark you, only 83 routes were in operation in the year 1896. In a period of less than ten years this service has grown from 83 routes to 32,055. Only \$40,000 was appropriated for this service in the year 1897, and in the year 1905 \$21,116,600 was appropriated for the same service. The growth of the rural service year by year is shown by the following table:

[Page 671, Postmaster-General's Report for 1905.]

Fiscal year.	Appropriation.	Routes in operation.
1897	\$40,000	83
1898	50,000	148
1899	150,000	391
1900	450,000	1,276
1901	1,750,000	4,301
1902	3,933,740	8,466
1903	8,054,400	15,119
1904	12,921,700	24,566
1905	21,116,600	32,055

Since June 30, 1905, 6,119 additional routes have been established; hence we now have in operation in the United States 38,174 routes. Say that each route serves 100 families and that each family, on an average, consists of 4½ members. This shows that 17,178,750 persons in the country on the farms are receiving the mail daily. This number embraces more than half of the farmers of the entire country, and this work should never cease until the mail is carried to the door of every farmer in the United States. The purpose of rural free delivery is to carry the mails daily to the farmers in the country, who otherwise would not receive a daily newspaper. The interest in this work has never abated in the least. The country people are hungry and eager for the daily mail service.

The total number of petitions filed for new routes during the fiscal year ending June 30, 1905, was 8,955, of which 7,572 were accepted for investigation. I again reiterate that the interest of the people in this service has shown no signs of abatement. I give below a table showing the number of routes in operation in each State June 30, 1905:

[Page 673, Postmaster-General's Report for 1905.]

State.	Cases referred up to June 30—		Adverse reports received up to June 30—		Routes in operation June 30—		Cases pending June 30—		During fiscal year 1904-5.		
	1904.	1905.	1904.	1905.	1904.	1905.	1904.	1905.	Petitions filed.	Adverse reports.	Routes established.
Alabama	824	1,280	239	464	301	525	284	291	456	225	224
Arizona	9	12	1	1	8	8	0	3	3	0	0
Arkansas	130	349	14	34	74	193	42	122	219	20	119
California	267	320	54	65	200	233	13	22	53	11	13
Colorado	129	147	48	59	70	81	11	7	18	11	11
Connecticut	250	265	25	32	207	229	18	4	15	7	12
Delaware	120	127	12	16	101	105	7	6	7	4	4
District of Columbia	4	8	1	3	3	3	0	1	4	2	1
Florida	48	93	11	20	22	32	15	44	48	9	10
Georgia	1,839	2,441	535	962	804	1,181	434	298	608	367	377
Hawaii	1	1	1	1	0	0	0	0	0	0	0
Idaho	47	82	17	26	26	38	4	18	35	9	12
Illinois	2,747	3,229	452	565	2,123	2,536	172	128	482	113	413
Indiana	2,173	2,536	367	446	1,658	1,978	148	112	893	73	320
Indian Territory	12	23	3	8	2	11	7	7	14	5	9
Iowa	2,453	2,800	449	547	1,868	2,107	144	146	347	101	244
Kansas	1,633	2,020	331	443	1,157	1,433	165	114	307	112	306
Louisiana	41	89	16	30	13	24	12	35	43	14	11
Kentucky	646	932	174	254	320	594	132	174	346	80	244
Maine	436	527	67	96	311	398	58	83	91	20	87
Maryland	427	459	56	71	330	359	41	29	32	15	29
Massachusetts	245	285	28	37	187	232	30	16	49	9	45
Michigan	1,868	2,225	319	402	1,350	1,694	199	129	357	83	344
Minnesota	1,409	1,765	299	362	964	1,210	146	193	350	63	246
Mississippi	411	669	54	137	153	235	204	207	238	143	112
Missouri	1,723	2,237	249	390	1,245	1,614	229	233	514	141	369
Montana	26	44	8	18	11	22	7	4	18	10	11
Nebraska	1,100	1,287	257	364	723	873	120	50	187	107	150
Nevada	3	3	1	2	1	1	1	0	0	1	0
New Hampshire	209	240	27	43	161	186	21	11	31	16	25
New Jersey	210	255	23	40	155	190	27	25	45	12	35
New Mexico	3	3	0	0	3	3	0	0	0	0	0
New York	1,885	2,101	282	362	1,428	1,653	175	86	216	80	225
North Carolina	1,347	2,065	464	743	578	975	305	347	718	279	397
North Dakota	176	285	65	97	72	131	39	57	100	32	59
Ohio	2,657	3,149	558	690	1,816	2,275	253	184	432	132	459
Oklahoma	480	760	67	159	218	532	805	69	280	102	314
Oregon	171	229	23	45	128	168	17	16	58	17	42
Pennsylvania	2,003	2,411	322	482	1,432	1,778	249	151	408	160	346
Rhode Island	31	36	4	8	22	24	5	4	5	4	2
South Carolina	845	1,060	398	476	351	476	116	138	245	73	145
South Dakota	322	450	109	135	174	249	89	66	128	25	75
Tennessee	1,924	2,388	407	725	1,019	1,376	498	287	464	318	357
Texas	1,299	2,141	208	518	717	1,320	374	303	842	310	603
Utah	52	62	16	19	30	42	6	1	10	3	12
Vermont	294	390	52	79	212	258	30	23	66	27	46
Virginia	1,141	1,525	350	560	517	731	274	234	884	210	214
Washington	160	234	27	45	110	160	23	29	74	18	50
West Virginia	207	273	45	47	136	163	26	63	66	2	27
Wisconsin	1,391	1,683	174	221	1,076	1,380	141	82	292	47	304
Wyoming	9	11	4	6	5	5	0	0	2	2	0
Total	37,851	48,072	7,770	11,415	24,565	32,055	5,516	4,602	10,221	3,645	7,490

At that time my State, Georgia, led all other Southern States except Texas and Tennessee. I insert as a part of my remarks a letter received from the Department of Commerce and Labor, of date April 27, 1906, which will be of special interest to the people of my State:

Hon. A. S. CLAY.

*United States Senate, Washington, D. C.*

DEAR SIR: In accordance with the request of your secretary by telephone last evening, I respectfully report that according to the returns of the 1900 census the number of farms in Georgia was 224,691. If it be assumed, as seems just, that each farm supports an average of  $4\frac{1}{2}$  persons, the total number of farmers and dependents of farmers upon farms in Georgia would be 1,011,109.

There are 282,347 agricultural laborers, according to the census in the State of Georgia. It will probably not be safe to multiply this by more than two in order to secure the number of dependents upon agricultural laborers, for two reasons. First, many agricultural laborers have no families; and secondly, many women, particularly among the negroes, are classified as agricultural laborers, being cotton pickers; hence I ventured the personal opinion to your secretary that two was an ample multiple. If that be accepted, 564,690 people are either agricultural laborers or their dependents, a total of 1,575,799.

The total population of Georgia at the Twelfth Census was 2,216,331, leaving 640,458 persons in the State who are neither farmers, members of farmers' families, agricultural laborers, nor members of agricultural laborers' families. Of course this figure is entirely approximate, but I am inclined to believe your observation of conditions in your State will confirm its general accuracy.

Along the line of verification of this figure, I call your attention to the fact that by a census analysis recently completed of the urban and rural population of the various States of the Union, it appears that 15.3 per cent of the inhabitants of Georgia resided in towns and cities of larger than 2,500 inhabitants, while 84.7 per cent resided in the rural districts. This means that approximately 340,000 persons resided in towns, and 1,876,000 in rural districts, a proportion which seems to me to excellently conform with the calculation made above, since it is, of course, true that not everyone residing in rural districts is a farmer or farm dependent of some sort. By putting these calculations together you will perceive that 300,000 persons of the total rural population of the State are not accounted for in the first calculation above concerning farmers and farm laborers, which seems to show that the calculation is approximately correct.

Respectfully, yours,

W. D. ROSSITER, *Chief Clerk.*

At the end of the fiscal year, June 30, 1905, 1,181 routes were in operation in Georgia, each route supplying, on an average, about 100 families. Since that period about 120 routes have been established in the State. Thus it will be seen, at this time 1,301 routes are in operation in Georgia. Calculating that the average family consists of  $4\frac{1}{2}$  members, only 585,450 persons on the farms of Georgia are receiving their mail daily. Quoting the figures from the Department of Commerce and Labor, it appears that there are 224,691 farms in Georgia and that each farm supports an average of  $4\frac{1}{2}$  persons, making the total number of farmers and dependents of farmers upon farms in Georgia 1,011,109. It also appears that there are 282,347 agricultural laborers in the State, making the total number 1,575,799 persons residing in the country and who ought to receive the daily mail by the free rural delivery service. This calculation gives a family of two to each laborer. I hope the time is not far distant when every farmer in my State and throughout the entire country will have his mail daily sent to his own door. This service may not be self-sustaining for years to come. It will probably cost more than \$50,000,000 per year to put in operation this service throughout the length and breadth of the entire country, and a part of the expense will necessarily have to be borne by the Government. But I predict the time will come, at no distant day, when this service will be self-sustaining. The benefits that accrue to all classes on account of this service are incalculable.

At no period in the history of my State have the farm lands increased so rapidly in value as during the last ten years, since this service was put in operation. The enhancement of the value of farm lands during this period has more than doubled in many sections of the country and better prices have been obtained for farm products. The people realize that in order to keep this service they must necessarily have good roads, and in many sections of the country hundreds of miles of country roads have been graded in order to obtain rural free delivery. The farmers are now subscribing for magazines and daily newspapers, and are in close daily contact with the business world, and country life is more attractive than at any other period in the history of the Republic. In my judgment, the rural carriers should be given permission to carry packages for the accommodation of their patrons. The privilege should be given to the farmer's wife to purchase small necessary family articles at the village shop through the rural carriers when it is inconvenient for them to go to the markets. The farmers should realize that rural free delivery of mail can never be made a thorough success except in localities possessing good thoroughfares, insuring rapid transit at all seasons of the year. The farmers bear a large part of the burden of taxation and they are justly entitled to some of the privileges accorded to others. The only way the farmer's family can be kept satisfied with country life is to put

them in close touch and intercommunication with the world's thought and action, or they will migrate from the country to the already overcrowded cities. The farmer must be given the opportunity to take daily papers and monthly magazines, and to be put in touch with all the elevating, refining, and educating influences of the day. Of all men, the farmer needs the daily papers. He is enabled thereby to keep in touch with the world's advance, to be posted on current events, and to understand daily markets. Man is a social creature. He can not live by himself. He is anxious to communicate with others and to know what is going on in the social and business world. Isolation and loneliness bring about dissatisfaction with country life. The rural carrier each day brings sunshine and happiness to the country home.

The extraordinary extension of rural free delivery during the past ten years has proved to be most salient, significant, and far-reaching. The frequent and rapid distribution of the mail in great cities was nothing more than was expected, but to undertake the daily delivery of the mail at the individual and isolated farmhouse on the country road was a much more difficult task. It indeed was a new conception. The plan of embracing the country road and the rural home as well as the city street and the solid block within the Government agencies of communication was thought by some to be a task that could not be performed. The timid regarded it as too costly and burdensome to be admissible. This movement encountered most serious opposition when first proposed, and reluctantly Congress authorized the experiment. It took time and argument to develop and enforce the view that the great body of the country people, who live outside cities and towns, are entitled to share in advanced mail facilities. When we consider the task, we should not be surprised that many doubted its success. To undertake to deliver the mail daily to every farmer in the United States was a herculean task. The men who have given their time and thought to this great work deserve the good will of the American people. Who can calculate the benefits that have thus far accrued from this service? The farmer is brought into direct daily contact with the currents and movements of the business world. The Postmaster-General tells us in his annual report that a more accurate knowledge of ruling markets and varying prices is diffused, and the producer, with his quicker communication and larger information, is placed on a surer footing. Well does he say that the rural free-delivery service has become a great factor in the social and economic tendencies of American life. We know that the disposition to leave the farm for the town is a familiar effect of our past conditions. This tendency doubtless has been greatly checked by the free rural-delivery service. Well has it been said that rural free delivery brings the farm within the daily range of the intellectual and commercial activities of the world, and the isolation and monotony which have been the bane of agricultural life are sensibly mitigated. Wherever it has been extended the schools improve and the civic spirit of the community feels a new pulsation. The standard of intelligence is raised, enlightened interest in public affairs is quickened, and better citizenship follows. The Postmaster-General in his annual report for the year 1900 has described the powerful effect of this service on country life so well and truly that I most cheerfully adopt the same.

The Postmaster-General says the mails attest the visible presence and service of the Government, and not the least among the merits of the rural free delivery is its creation of the satisfying conviction of the farmer that he shares with the townsman the manifest advantages of which the Government is the direct minister. He feels that the organized and helpful agency of his country comes to his door, and the effect is to stir his conscious pride and stimulate his loyalty and patriotism. With all these results clearly indicated by the experiment, as thus far tried, rural free delivery is plainly here to stay. It can not be abandoned where it has been established and it can not be maintained without being extended. It is a service in which there can be no backward step. Those who enjoy its advantages will not consent to surrender them, and every new route creates a demand from contiguous territory for the same service. We are thus confronted with the problem of gradually extending the delivery service over the whole area of the country where it is physically feasible or where the population is not so sparse as to make it unreasonable. A project of such comprehensive and colossal character may seem formidable and deterrent, but while its difficulties are not to be underestimated, they are shown, when examined in the light of practical tests, to be far from insurmountable.

To make this service a success we must not neglect the rural carrier. He must be paid reasonable and fair remuneration



for his services. He must be taught to feel a pride in his work, and that faithful service on his part will be appreciated and rewarded by the Government. The rural carrier, like all other employees of the Government, needs and must have a short vacation. He should be given at least fifteen days' vacation each year. I repeat, this splendid work in behalf of the farmers, now half completed, should be pressed vigorously and carried to completion within the next ten years. No candidate or political party disloyal to this service deserves the sympathy and support of the American people.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 31, after line 11, to insert the following additional proviso:

*Provided further*, That rural letter carriers after twelve months' service be allowed annual leave, with pay, not to exceed fifteen days; the substitutes for carriers on vacation to be paid during said service at the rate of \$600 per annum: *And provided further*, That in the discretion of the Postmaster-General the pay of rural carriers on water routes who are employed only during the summer months may be fixed at an amount not exceeding \$500 in any one calendar year.

Mr. FORAKER. I move to amend the proposed amendment by inserting in line 14, after the words "fifteen days," the following: "Exclusive of Sundays and holidays."

Mr. PENROSE. That amendment is simply using the phraseology of the provision as to holidays for city letter carriers, and there is no objection to the adoption of it.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. After the word "days," in line 14, insert "exclusive of Sundays and holidays."

The amendment to the amendment was agreed to.

Mr. BURNHAM. I move to amend the amendment, in line 19, page 31, by striking out, before "dollars," the words "five hundred" and inserting in lieu thereof the words "seven hundred and twenty."

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

The SECRETARY. In line 19, at the end of the line, strike out "five hundred" and insert "seven hundred and twenty."

Mr. PENROSE. This part of the bill applies only to some seven or eight cases in the whole postal service, a peculiar condition incident to summer travel in connection with some of the lakes. There is no objection to the amendment to the amendment.

Mr. CLAY. What is the amendment to the amendment? Let it be read again.

The VICE-PRESIDENT. It will be again read.

The SECRETARY. In line 19, of the committee amendment, strike out "five hundred" and insert "seven hundred and twenty;" so as to read:

That in the discretion of the Postmaster-General the pay of rural carriers on water routes who are employed only during the summer months may be fixed at an amount not exceeding \$720 in any one calendar year.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was continued to page 32, line 2.

Mr. LATIMER. On page 32, line 2, after the word "dollars," I offer the following amendment—

The VICE-PRESIDENT. The amendment will not be in order until after the committee amendments have been acted upon.

Mr. LATIMER. This is not a committee amendment.

The next amendment of the Committee on Post-Offices and Post-Roads was, on page 32, line 5, to reduce the appropriation for travel and miscellaneous expenses in the postal service, office of the Fourth Assistant Postmaster-General, from \$1,000 to \$500.

The amendment was agreed to.

The next amendment was, on page 32, after line 5, to strike out:

That hereafter no article, package, or other matter shall be admitted to the mails under a penalty privilege, unless such article, package, or other matter would be entitled to admission to the mails under laws requiring payment of postage.

The amendment was agreed to.

The next amendment was, on page 32, line 14, after the word "association," to insert the following proviso:

*Provided*, That this provision shall not apply to any committee composed of Members of Congress.

So as to make the clause read:

That hereafter it shall be unlawful for any person entitled under the law to the use of a frank to lend said frank or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization, or asso-

ciation: *Provided*, That this provision shall not apply to any committee composed of Members of Congress.

The amendment was agreed to.

The next amendment was, on page 32, after line 16, to insert:

That there shall be appointed a joint committee of Congress, consisting of three Senators, to be appointed by the President of the Senate, and three Members of the House of Representatives, to be appointed by the Speaker of the House, whose duty it shall be to investigate, consider, and report, by bill or otherwise, to Congress its findings and recommendations regarding the second class of mail matter. The said joint committee shall have power to employ clerks and stenographers, administer oaths, send for persons and papers, and do all things necessary for the carrying out of its objects. For the payment of such actual and necessary expenses as may be incurred by the said joint committee in traveling and for the rental of quarters, printing, and other miscellaneous expenses of the joint committee the sum of \$25,000 is hereby appropriated.

The amendment was agreed to.

The reading of the bill was concluded.

The VICE-PRESIDENT. The first amendment passed over is on page 17.

Mr. PENROSE. On page 26, line 23, I desire to offer an amendment which was overlooked and which is particularly requested by the Postmaster-General.

The VICE-PRESIDENT. The Secretary will read the amendment.

The SECRETARY. On page 26, line 23, after the word "piers," insert:

And not exceeding \$5,000 for payment of indemnity for the loss of registered articles in the international mails, in accordance with the provisions of treaty stipulations.

Mr. PENROSE. The amendment does not add to the appropriation, but simply provides that that amount may be devoted to that purpose.

The amendment was agreed to.

Mr. PERKINS. I desire to offer an amendment on page 16.

The VICE-PRESIDENT. Is it a committee amendment?

Mr. PERKINS. It is not.

The VICE-PRESIDENT. The committee amendments have not yet been disposed of.

Mr. PERKINS. I beg pardon.

The VICE-PRESIDENT. The amendment of the committee on page 17 which was passed over will be stated.

The SECRETARY. On page 17, in lines 9, 10, and 11, the committee reported to strike out the words "Cincinnati, Kansas City, and Pittsburg" and to insert "Baltimore, Md.; Cincinnati, Ohio; Kansas City, Mo.; Pittsburg, Pa., and San Francisco, Cal."

The amendment was agreed to.

Mr. HOPKINS. I ask unanimous consent to recede from the vote taken yesterday on the committee amendment in lines 3, 4, and 5, on page 17, and to adhere.

The VICE-PRESIDENT. There is a committee amendment which has not yet been acted upon. The Chair will recognize the Senator from Illinois after that is disposed of. The amendment passed over will be stated.

The SECRETARY. Beginning at the foot of page 18 the committee proposes to strike out lines 24 and 25 and all of the bill down to and including the word "freight," on line 11, page 19, and to insert:

For pay of freight or expressage on postal cards, stamped envelopes, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps and stamped newspaper wrappers, \$250,000. And the Postmaster-General shall require, when in freightable lots and whenever practicable, the withdrawal from the mails of all postal cards, stamped envelopes, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps and stamped newspaper wrappers, in the respective weighing divisions of the country immediately preceding the weighing period in said divisions, and such postal cards, stamped envelopes, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps and stamped newspaper wrappers, shall be, whenever practicable, transmitted by either freight or express.

Mr. STONE. I offered on yesterday an amendment to that amendment.

The VICE-PRESIDENT. The Secretary will read the amendment to the amendment.

The SECRETARY. At the end of the amendment, after the word "express," line 2, page 20, insert:

*Provided*, That from and after the passage of this act the Postmaster-General shall include periodical publications issued in magazine form by alumni associations of any university as second-class matter, and the same shall be admitted to the mails as such, and the postage thereon shall be the same as on other second-class matter and no more.

Mr. STONE. Mr. President, I desire to make a statement to the Senate and then appeal to the Senate, particularly to the Senator from Pennsylvania who has charge of this bill, to do a simple act of justice to a number of my constituents. I regret that there are so few Senators in their seats, for I have absolute confidence that if Senators were present, and I could have their attention and make them understand the matter I rise to

speak about, I would have no difficulty in getting their approval and assistance in what I am endeavoring to accomplish.

I have had this matter before the Senate on two former occasions and many Senators have some familiarity with it. About a year ago the Alumni Association of the Missouri State University began the publication of an alumni magazine. It was submitted to the postal authorities for admission to the mail as second-class matter, and was denied. My attention was called to the action of the Department by the editor of the magazine, and I was asked to communicate with the Post-Office Department and see if I could be of assistance. Since then I have had correspondence with the Third Assistant Postmaster-General, and I have personally interviewed him, and by reason of this and from other sources I have come to understand the situation.

Mr. President, I exhibit to the Senate a copy of this publication. [Exhibiting.] This is the issue of December, 1905. It contains sixty-nine pages of printed matter relating to a number of subjects. I was informed by the Post-Office Department that it was denied admission to the mails as second-class matter because it did not contain information of a public character, nor was it devoted to literature.

The law—that is, the act of 1879 classifying mail matter and providing the rates of postage—provided for the admission as second-class matter of newspapers and other publications which are issued at stated intervals, as frequently as four times a year, and which came within the provisions of sections 12 and 14 of the act. Section 14 provides:

That the conditions upon which a publication shall be admitted to the second class are as follows:

First. It must regularly be issued at stated intervals, as frequently as four times a year, and bear a date of issue, and be numbered consecutively.

Second. It must be issued from a known office of publication. Third. It must be formed of printed paper sheets, without board, cloth, leather, or other substantial binding, such as distinguish printed books for preservation from periodical publications.

Fourth. It must be originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or some special industry, and having a legitimate list of subscribers.

The Third Assistant Postmaster-General held that this publication did not come within the limitations of that statute. I do not concede that, but for the present I will not join issue as to that. For the present I will waive that. Upon inquiry I found that exactly similar publications were being admitted to the mails as second-class matter. I found that an exactly similar publication was being issued by the alumni of the Pennsylvania University, and was going through the mails, and had been for several years, as second-class matter. I hold in my hand a sample copy of that publication. I also found that a similar publication, a copy of which I hold in my hand, was issued by the Wisconsin University Alumni Association, and that it was being admitted as second-class matter, and had been carried as such for more than seven years.

Mr. HALE. May I look at it?

Mr. STONE. Certainly; I am glad to have the Senator look at it.

I also here exhibit a copy of the Michigan Alumni Monthly, published under the auspices of the Alumni Association of the University of that State. This is No. 5, volume 11, and is of the same character as this Missouri publication. It is absolutely the same, as any Senator can see who cares to compare the two.

I now exhibit the Harvard Graduates' Magazine, another publication of exactly the same character. There can be no dispute about the exact similarity of the publications.

Mr. HOPKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Illinois?

Mr. STONE. Certainly.

Mr. HOPKINS. What reason does the Third Assistant Postmaster-General give to the Senator, if any, for admitting the publications he has mentioned, published at Cambridge, Ann Arbor, and other college towns, and declining to permit to pass in the mails the college publication he refers to as published by the University of Missouri?

Mr. STONE. In a general way, I think I can say it is claimed by the present Third Assistant Postmaster-General that these publications which have been admitted were inadvertently admitted, or mistakenly admitted. He holds that—

Mr. HALE. And were afterwards thrown out of that class?

Mr. STONE. No; they have not been thrown out, as I will show to the Senator in a moment.

Mr. FULTON. Mr. President—

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

Mr. STONE. Certainly.

Mr. FULTON. I was on the subcommittee to which this matter was referred, and I call the Senator's attention to the fact that at the time of the hearing of the subcommittee the Third Assistant Postmaster-General stated that before the Department had decided upon the policy, or rather before it had given the construction that is now given to the statute, these other publications had been admitted, and that he had finally given the construction which bars the magazine of the alumni of the University of Missouri. I think I should state that it appeared in the investigation that subsequent to denying the alumni magazine for the University of Missouri a magazine of exactly similar character published by the alumni of Dartmouth, I think, was admitted. He was not able to explain why that was so, except to say that it must have been done through either incompetency or inadvertence on the part of some of the subordinates.

Mr. BAILEY. Mr. President, I should like to ask if, after his attention was called to it, the Third Assistant Postmaster-General made any effort to rectify either the one mistake or the other?

Mr. FULTON. He stated this—

Mr. HALE. He should put them on the same level.

Mr. BAILEY. Precisely. Not only as to the entire number, but having excluded the publication issued by the students of the University of Missouri and having admitted the one issued by the student body of Dartmouth, I want to know if he afterwards excluded the Dartmouth publication; and if not, why not?

Mr. FULTON. In answer to the Senator, I will state that I called his attention to the fact that it was claimed the Dartmouth publication had been admitted. I had not at that time seen the publication. I subsequently saw it. He gave this answer, and I take it that is his answer, because he furnished no other subsequently, or rather after he had made the investigation: He said that it was the intention of the Department to exclude all these publications from the mail that did not come up to the standard which he had required in the case of the Missouri institution's publications; that they had not yet proceeded that far in their investigation, but they expected in time to get around to it.

I am bound to say, so far as I am concerned—that is my judgment—that, as it now stands, a very unjust discrimination is made against the publications of the alumni of the University of Missouri. I think all such publications should be excluded, or that this should be admitted. That seems to me to be clear.

Mr. BAILEY. This, Mr. President, is the most extraordinary and indefensible conduct I have ever known a Department to be guilty of. It might have been a good excuse that these publications were admitted before the present administration of the Department, which established another rule; but the same rule that would have kept these new ones out would have excluded the old ones under its operation. After they had excluded one publication, to admit another and a similar publication, and then exclude the admission of the second one upon the ground of inadvertence—which, I think, ought to have been described as incompetence—is one of the most extraordinary exhibitions of Departmental tyranny and arbitrary rule that I have ever known.

Mr. GALLINGER. If the Senator will permit me a moment—

Mr. STONE. Certainly.

Mr. GALLINGER. I understand that Dartmouth College, in my own State, has a publication similar to this, which is admitted. Am I correct in that supposition?

Mr. STONE. Yes, sir; and it has been admitted since the Missouri publication was excluded.

Mr. GALLINGER. That makes it all the worse. I quite agree with the Senator.

Mr. STONE. If the Senator from New Hampshire will pardon me, I have a copy of the magazine to which he refers.

Mr. GALLINGER. I have not seen it, and shall be glad to examine it.

I quite agree with the Senator from Missouri [Mr. STONE] and the Senator from Texas [Mr. BAILEY], that there ought to be an inflexible and uniform rule governing this whole matter. My impression is that the difficulty is that the Department has not fixed a standard; and that they have got some sort of a notion that such publications ought to have a list of subscribers, but they do not say how many; that each publication ought to have some general literary matter in it, though they do not say how much; and that it ought to be published for the information of the public generally, rather than a particular class.

I think the same difficulty applies to other publications. As an illustration, the Episcopal bishop, who lives across the street from me at my home in Concord, N. H., is very much aggrieved



that a church publication, which has a great deal of general news in it, most of it pertaining to the Episcopal Church, has been excluded, and he suggested to me that he thought other publications of a similar nature were going through the mails as second-class matter. I have not looked into it very particularly, except that some time ago I called the attention of the Department to that particular case, but I got no satisfaction.

There ought certainly to be a uniform rule concerning all these publications, and no discrimination whatever should be practiced. So I have no apology to make for the fact that the Dartmouth Bimonthly is going through the mails and the publication issued by the alumni of the University of Missouri is excluded. There is no excuse for it that I can discover.

Mr. TILLMAN. Mr. President—

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

Mr. STONE. Certainly.

Mr. TILLMAN. Mr. President, I want to suggest to the Senator from New Hampshire [Mr. GALLINGER] that, in my judgment, he would have used a better word if he had said "a law" instead of "a rule." There is too much rule and too much arbitrary dictation and assumption of authority, apparently or actually, by the Post-Office Department to satisfy me; and I will illustrate that by a little incident in my own affairs to show just how dictatorial they are. Three or four months ago I sent out some letters to certain rural free-delivery carriers in my State, asking them to send me the names of the principal patrons on their respective routes—those who would appreciate public documents and things of that character. I wanted it for my own use, to distribute public literature, seeds, etc. Of course in a small State like mine, or like that of the Senator from New Hampshire, he can understand what is meant by that, while Senators who represent large constituencies, where they run up into the millions, do not care about these little things and their constituents do not expect them.

Some of those carriers notified me that it was against the rules of the Post-Office Department for them to furnish such names to anybody. I thereupon wrote a letter to the Post-Office Department making inquiry as to whether I could not get the names of my own constituents for a perfectly legitimate and proper purpose, and asked that the regulations be modified so far as Senators and Representatives were concerned; but they sternly refused to do so, and said it was against their custom. Therefore I could not get them to do anything.

I can understand why it is not desirable that such names should be distributed generally, because there are certain instrumentalities of fraud practiced on unsuspecting people to get the names of bona fide residents so as to send them all sorts of circulars and all that kind of thing. I thought, however, it might be permitted that a rural carrier should send to a representative of his State or of his district in Congress the names of his constituents; but the high muck-a-mucks up here did not think it was permissible, and I had to submit.

I would suggest, instead of having so many abominable rules and regulations, as I will point out a little later—and I have been waiting for such an opportunity—that we ought to have a little more specific legislation, statutory law, regulating the Post-Office Department, so as to get rid of such complaints.

Mr. STONE. Mr. President—

Mr. GALLINGER. If the Senator from Missouri will further permit me—

Mr. STONE. Certainly.

Mr. GALLINGER. I quite agree with the Senator from South Carolina [Mr. TILLMAN], and I think the Committee on Post-Offices and Post-Roads, if I understand the provision aright, had that in view in the appointment of a commission to take up this entire matter and report to Congress. I have not read the proposed amendment very carefully—it may not be in good form—but I think the committee have that in view.

Mr. CARTER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Montana?

Mr. STONE. I yield.

Mr. CARTER. I will say to the Senator from New Hampshire, in connection with his observations, that the recommendation of the Postmaster-General was in effect that a mixed commission be appointed to investigate the questions involved in the second-class mail matter and the alleged loss to the Government in connection with it. It was the belief of the committee that the two Houses of Congress could investigate, for the use of Congress, to better effect and in a more satisfactory manner than could the mixed commission suggested; and in consequence the amendment proposed is that a joint committee of the two Houses of Congress shall be charged with the duty of investigating all matters relating to the transporta-

tion of magazines, newspapers, and other forms of literature and matter under the second-class rate. We believe that good results could not be expected, at least to the satisfaction of Congress, from the mixed commission proposed.

Mr. GALLINGER. Just a word more. In view of the fact that our mails are loaded down with the cheapest possible trash, in some cases carloads going out from a single city, and that a small city, in the country, literature that in the very nature of things can do no one any good, and that all sorts of pernicious printing is being circulated in that way, I want to put in the Record my feeling that the best interests of the people of the entire country dictate that publications of this kind, emanating from the colleges, publications issued by church organizations that tend for the uplift of the American people, ought certainly to be admitted pending an inquiry such as is proposed.

I trust the Post-Office Department will exercise more liberality in that regard than they seem to have done in the past. I should be very sorry indeed to have the Dartmouth Bimonthly excluded from the mails, it having been admitted—I do not know upon what representation—but I also want the publication in which the Senator from Missouri is interested likewise admitted.

Mr. STONE. Mr. President, I do not want to be tedious, yet I want the Senate to understand this matter. I have read the material part, so far as it applies to the present consideration, of the act of 1879. The Post-Office Department at first admitted publications under that act which, under a later ruling, the Department excluded. Numerous complaints were made because of the subsequent ruling of the Department. Growing out of those complaints Congress, in 1894, passed an amendatory act, providing specifically that certain kinds of publications should go into the mail as second-class matter. Publications of the character of these magazines were admitted under that amended act of 1894. There was no difficulty about them being admitted. They were admitted as a matter of course.

Wanting to be entirely fair to the Department, I wish now to say that these publications issued by Harvard, by the Pennsylvania University, the Michigan University, the Wisconsin University, and by other alumni associations whose publications I have exhibited, were let in as second-class matter under the more liberal construction of the law which obtained up to about 1901. When Mr. Madden came in as Third Assistant Postmaster-General he changed the rule and applied a more restrictive rule regarding admission to the second class of mailing matter. It was after this new ruling of the Department that application was made for the admission of this Missouri University alumni magazine. My complaint, if I have any at all specially to urge against the Department as being unfair and unjust, lies in the fact that after the Third Assistant Postmaster-General had actual notice for approximately a whole year that these publications were passing through the mails as second-class matter, he took no steps to right the wrong. I called his attention to the fact myself, personally and by letters addressed to him months ago.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. STONE. I do.

Mr. GALLINGER. I assume that the Senator from Missouri did not ask that they should be excluded.

Mr. STONE. I did not, and I do not ask it now.

Mr. GALLINGER. I think they ought to go in the mail as second-class matter.

Mr. STONE. Yes; they are all meritorious publications.

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

Mr. STONE. If the Senator will pardon me until I can complete my answer to the Senator from New Hampshire, I will say that I did insist to the Department that if the Missouri magazine was to be excluded the others should be excluded also.

Mr. GALLINGER. That is what I meant to say, that the Senator's contention was that if the others were continued, the magazine in which he is interested should be included.

Mr. STONE. Yes.

Mr. GALLINGER. That is right.

Mr. HALE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Maine?

Mr. STONE. Certainly.

Mr. HALE. Mr. President, I am free to say that there seems to be here some question as to the consistency of the ruling of the Third Assistant Postmaster-General upon these magazines, especially as shown in the two cases of the Missouri University magazine, which was excluded, and the Dartmouth alumni magazine, which was afterwards admitted. One can understand

that if the present Third Assistant Postmaster-General established a more stringent rule, it might take some time to cast out those that have already been put in; but these two cases, as I say, seem to show a difference of consideration to two institutions that apparently are on the same level. I can not believe that this has been done with the intention of inflicting any injustice.

I have had some experience with the matter of second-class mail. At one time I, with other members of the Maine delegation, spent a good deal of time in traveling back and forth to the Third Assistant Postmaster-General, trying to get established certain rules affecting second-class matter. I got the impression then that the Third Assistant Postmaster-General, beset by many difficulties, met with a very great task, and with divers, almost innumerable magazines and periodicals, was trying to do the right thing; that he meant to be just and to hold an even balance; and I can not now, with the impression which I got then, believe that there has been any intention of doing injustice or of discriminating in two cases that are exactly alike.

Mr. TILLMAN. Will the Senator from Missouri—

Mr. HALE. I was going to ask the Senator if he has laid this matter lately before the Third Assistant Postmaster-General and has, to use a common phrase, "had it out with him?"

Mr. STONE. Yes, I will answer the Senator; but first I want to submit to the inspection of the Senator from Maine the Dartmouth Bimonthly, an alumni publication, and the Missouri publication. [Handing magazines to Mr. HALE.] The Senator from Maine can observe that the bimonthly was entered as second-class matter October 26, 1905.

Mr. HALE. That is the Dartmouth publication?

Mr. STONE. That is the Dartmouth publication. Two months before that, and only two months before, or less than that, this Missouri publication was denied admission.

Now I come directly to the Senator's question. I did not call the attention of the Third Assistant Postmaster-General to the Dartmouth magazine until about a month ago, for I did not know about it until then; but I did call his attention to the other publications which I have shown to the Senate, and which have been running in the mails for a greater or less time.

About a month ago, or a little less, there was a hearing before the Committee on Post-Offices and Post-Roads. I introduced a resolution here in the Senate covering this subject—and the resolution was debated more or less at the time—calling upon the Committee on Post-Offices and Post-Roads to inquire, ascertain, and report to the Senate whether discriminations were made in the admission to the mail of this character of publications. That was one of the things that they were to inquire into. Upon the hearing growing out of that resolution the Third Assistant Postmaster-General was present and was examined. The whole matter was gone over. Just a few days before this hearing I was informed by the editor of this Missouri publication of the existence of the Dartmouth College publication. At the hearing the matter was gone over with the Assistant Postmaster-General, and he thoroughly understood it then; but still nothing has been done. I am not asking that anything shall be done in the way of excluding the Dartmouth Bimonthly or any of the publications previously admitted to the mails, but I do insist—and I have the right to insist—that if the Postmaster-General will not give my constituents, the alumni of the University of Missouri, relief from this discrimination, then that the Senate and the Congress shall step in and see that justice is done.

Mr. HALE. Yes; I see how the Senator feels. I should hope, from my impression about the Third Assistant Postmaster-General, that the publication of the university of his State will at no very distant day be given the same privileges that other publications have. Why it has not been done up to this day I do not know; but I can not yet believe that it is with any thought of doing injustice to that institution.

Mr. TILLMAN. Will the Senator from Missouri allow me?

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

Mr. STONE. I will in a moment. I want to say one word further to the Senator from Maine. It is almost inconceivable, I admit, that the Postmaster-General or any of his assistants would make deliberate discrimination against one university or college in favor of another. I do not know just what to say about it; but I know that the fact is that the post-office officials are fully informed of all these matters. I have gone over this personally with those officials, and I have written to them. The editor and publisher of this magazine, employed by the alumni association of the university to conduct it, has also written them letter after letter. The matter has been before

the Third Assistant Postmaster-General for months. He was before the Committee on Post-Offices and Post-Roads something over a month ago. The whole matter was gone into at that time. He was examined and made his statement of the case. I will say in this connection that it was developed on that hearing that Assistant Postmaster-General Madden did not personally inspect these magazines when they were offered for admission to the mails—

Mr. HALE. That is quite likely.

Mr. STONE. But they were sent to a clerk—I suppose a \$1,200 or \$1,400 clerk—and he passed upon them, and that was the end of it. I asked him if the same character of publication would go to the same clerk, and he said, "Ordinarily, yes."

Mr. PENROSE. Mr. President—

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

Mr. STONE. With pleasure.

Mr. PENROSE. Perhaps I should have advised the Senator from Missouri earlier in his remarks that I am willing to accept his amendment, so far as the committee is concerned—

Mr. DOLLIVER. Before that is done—

Mr. PENROSE. The Senator will wait one moment, please—although I think the complaint will be amply—at least I hope it will be—met by the amendment at the end of the bill, providing for a joint committee of both branches of Congress to consider these matters and to report next December the proper remedy for these abuses, if any exist. While I have no disposition to cut short the Senator's speech, I simply desire to advise him that I shall not oppose the amendment.

Mr. STONE. I am perfectly willing to have my speech cut short. I want to say to the Senator from Pennsylvania, however, that I approve of the amendment added to the bill providing for this joint committee or commission to revise the laws relating to second-class mail matter. It ought to be done. The whole subject needs revision. But here is the trouble, Mr. President, so far as this particular matter is concerned. This commission will not meet until after Congress adjourns. We know how slow the processes of these investigations are. We do not know just what will come up. If you undertake to change the law or to increase the postage rate, there will be protests coming here to Members of the House and members of the Senate, and there will be a diversity of views.

I can not tell, nor can any Senator tell, when the legislation that this commission may initiate will be brought to a conclusion; the matter may run on indefinitely. The only thing I ask of the Senate and of the Senator from Pennsylvania, as chairman of the committee, is that alumni publications in the form of magazines, issued by the alumni of universities—I have confined it to the alumni of universities—shall be admitted as second-class matter. It is, at most, only a slight enlargement of the present provisions of the law. I believe they are entitled to admission now, but no harm can come from making it clear. I want them specifically named in the statute. I see no other way to make sure of remedying this injustice. Of course, I suppose it will be done after awhile. The Department itself may remedy it in the course of time. I do not know what the Department may do. The Senator from Maine [Mr. HALE] has said that the Department would certainly correct it after a while. Yes, and judgment day will come after a while. We have been running on in this way for months, almost a year, trying to get this done, and we are now where we were at the beginning. If this discrimination is intentional, if it is possible to conceive it to be intentional, then it is a shameful outrage; and even if it is unintentional, it is so unjust that every Senator's sense of justice must and ought to revolt against it. It seems to me that this amendment ought to go on the bill and ought to be kept in the bill. That is the important thing—to keep it in.

Mr. DOLLIVER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. STONE. Certainly.

Mr. DOLLIVER. I desire to offer an amendment to the amendment which has been presented by the Senator from Missouri [Mr. STONE].

Mr. STONE. I do not suppose that is in order; but I should like to hear it read.

Mr. DOLLIVER. I think the Senator will accept it.

The VICE-PRESIDENT. The Secretary will state the amendment of the Senator from Iowa to the amendment of the Senator from Missouri.

The SECRETARY. It is proposed to add to the amendment the following:

*Provided further, That all regular periodical publications issued from a known place of publication at stated intervals and as frequently as*



twelve times a year, by or under the auspices of charitable, educational, or religious institutions, which institutions are not conducted for pecuniary profit, if such publications are made to further the objects and purposes of such institutions and are formed of printed paper sheets without board, cloth, leather, or other substantial binding, such as distinguish printed books for preservation from periodical publications, are under the true meaning of existing law entitled to be admitted to the mail as second-class matter, and at the rate of postage fixed for second-class matter and no more, and the existing laws with reference to second-class mail matter shall hereafter be so interpreted.

Mr. STONE. Mr. President, personally I have no objection to the amendment of the Senator from Iowa as I heard it read; but I can not consent to modify my amendment. I offered a bill covering this subject, as well as the resolution to which I have adverted. Now I have to put all that aside, and I have narrowed the scope of my bill, which covered a good many things besides the publications of university alumni associations, simply with a view of remedying this one wrong, and to reach that only. That is all I am seeking to do; and I hope the Senator from Iowa will not press his amendment, because, if he does, I am satisfied that it—

Mr. FULTON. Mr. President—

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

Mr. STONE. Certainly.

Mr. FULTON. I ask the Senator if he has not narrowed the proposition too much? He confines it to universities, if I understand his amendment.

Mr. STONE. I do.

Mr. FULTON. Well, would that admit the publication of college alumni publications?

Mr. STONE. I will say to the Senator, I first wrote it "colleges and universities," and I struck out "colleges" and left "universities."

Mr. FULTON. I ask the Senator if the publications of colleges should not be admitted equally with university publications?

Mr. STONE. I think so.

Mr. FULTON. I would also suggest that the amendment suggested by the Senator from Iowa [Mr. DOLLIVER] is not wider than the present law, if it is so wide; it certainly is not wider, and under the construction given by the Post-Office Department these publications will still be excluded.

Mr. SPOONER. On what ground?

Mr. FULTON. Because they are not publications of the colleges themselves, but are alumni publications.

Mr. SPOONER. The Senator refers to the amendment of the Senator from Iowa [Mr. DOLLIVER]?

Mr. FULTON. I refer to the amendment of the Senator from Iowa. These alumni publications are not college journals, strictly.

Mr. STONE. No.

Mr. FULTON. At least, the Post-Office Department makes that distinction, I recall.

Mr. STONE. Yes. If they were printed by the colleges or the universities—

Mr. FULTON. Or under their auspices.

Mr. STONE. They would come in under the very terms of the law.

Mr. FULTON. They are not printed under the auspices of the colleges.

Mr. STONE. No; they are not.

Mr. FULTON. Hence the amendment suggested by the Senator from Iowa would exclude them.

Mr. STONE. I will say to the Senator from Oregon that I was induced to strike out the word "colleges" from the amendment as I first prepared it because of an apprehension that an objection might be made on the ground that it would admit business colleges or any school which went under the name of a college. While I have no objection to including colleges, I did not wish to imperil this amendment.

Mr. FULTON. Still, the Senator is aware that there are many schools that go by the name of colleges which are of just as high character as those that go under the name of universities.

Mr. STONE. Undoubtedly so.

Mr. FULTON. When you employ the term "universities" you exclude all publications by college alumni associations.

Mr. STONE. Yes. But I must conclude. I am growing too prolix.

I want to say to the Senator from Oregon that my purpose was simply to meet this particular case, so that this publication might go into the mails along with other similar publications and enjoy that privilege until the law shall be amended on the line of the suggestion contained in the committee amendment to the bill. That is all I am seeking to do. I am perfectly frank about it, and there is no reason why I should not be.

Mr. FULTON. Will the Senator allow me? The Senator, I think, understands that I am in full sympathy with his desires in the matter. I have said that the investigation I have made convinced me that an injustice was being done the University of Missouri in excluding as second-class matter the publication he mentions. I do not think it was an intentional injustice. I think it grew out of the fact that some subordinate in the Post-Office Department was either incompetent or negligent in the matter. But the amendment the Senator offered, it seems to me, will exclude many publications that are equally as meritorious and in reality of the same class as that which the Senator is seeking to have admitted, and therefore I thought he should broaden his amendment and make it apply both to colleges and universities.

Mr. STONE. Mr. President, am I correct in understanding that the Senator from Pennsylvania, in charge of the bill, said he would agree to this amendment as I proposed it?

The VICE-PRESIDENT. Did the Chair understand the Senator from Pennsylvania to say he is willing to accept the amendment proposed by the Senator from Missouri?

Mr. PENROSE. I will accept the amendment of the Senator from Missouri and also the amendment of the Senator from Iowa.

Mr. SPOONER. What is the objection to inserting "or quarterly?"

Mr. PENROSE. I will accept the suggestion of the Senator from Wisconsin.

Mr. STONE. I, of course, assume that the Senator from Pennsylvania is accepting these amendments in all seriousness. I have no right to assume anything else. I want to be dealt with, of course, with perfect frankness and fairness in this matter. The mere acceptance of the amendment, with a view to striking it out in conference, would do no good. I should like to have an expression of the Senate upon it, and will ask a vote on my amendment unless I can be assured of perfectly fair treatment.

Mr. PENROSE. If I am appointed one of the conferees on the part of the Senate, as I suppose I may be, I should consider it, of course, my duty to press to the best of my ability the bill as passed by the Senate. I can not answer for the House conferees on this subject.

Mr. STONE. I was led to make that remark, I will say to the Senator, by the liberality which he displayed in accepting every amendment proposed, without regard to number or character.

Mr. PENROSE. Because I recognize that these cases involve great hardship, they have my deepest sympathy; and it is because they have my deepest sympathy that my heart goes out to them, and I am willing to accept the various remedies suggested.

The committee considered these matters very carefully, and went to the point of referring the particular case of the Senator from Missouri to a subcommittee, which gave several sessions in hearing his complaints. It was thought that this remedy, especially recommended by the Postmaster-General, as modified by the committee, recommended at the instigation of the periodical publishers themselves, would meet this condition, and that everybody would be satisfied with it. But now that is impressed on my mind by this debate that that satisfaction has not been obtained, I am willing to accept these amendments and shall in good faith endeavor to defend them.

The VICE-PRESIDENT. The Secretary will report the amendment as modified. The Senator from Pennsylvania accepts the amendment of the Senator from Missouri, which has been reported, and he also accepts the amendment of the Senator from Iowa.

Mr. SPOONER. I move an amendment to the amendment offered by the Senator from Iowa. It is to insert the words "or quarterly."

The VICE-PRESIDENT. The Secretary will state the proposed amendment.

The SECRETARY. If amended, it will read:

All regular periodical publications, issued from a known place of publication, at stated intervals, and as frequently as twelve times a year, or quarterly.

Mr. GALLINGER. "As frequently as four times a year."

Mr. SPOONER. I think the word "frequently" ought to be stricken out. Let it read "monthly or as frequently as four times a year."

Mr. GALLINGER. "At least four times a year."

Mr. NELSON. I should like to have the entire amendment reported with all of these accepted amendments.

The VICE-PRESIDENT. The Secretary will report the amendment as modified.

The SECRETARY. On page 20, line 2, after the word "express"

in the amendment of the committee, it is proposed to insert the following:

*Provided*, That from and after the passage of this act the Postmaster-General shall include periodical publications issued in magazine form by alumni associations of any university as second-class matter, and the same shall be admitted to the mails as such, and the postage thereon shall be the same as on other second-class matter and no more.

*Provided further*—

Mr. BAILEY. Mr. President, I was in hearty sympathy with the effort of the Senator from Missouri [Mr. STONE] to remove the discrimination against the magazine published at the university of his State, and also with the effort to admit to the privilege of the mail all college magazines. I can not conceive of any publication which the Government could so well afford to carry at a loss as these magazines published at our various institutions of learning. But it seems to me we are now about to practically abolish all limitations upon second-class mail matter. I believe the Police Gazette is now entitled to the privileges of the mail and to the cheap rate of postage. Just exactly how any officer of the Post-Office Department or any Senator or Representative could ever evolve it from his consciousness that the public good could be served by having the Government carry a publication like that at a loss is beyond my comprehension.

Mr. SPOONER. There are some worse.

Mr. BAILEY. The Senator from Wisconsin says the mails carry some worse publications, and so they do, because the Police Gazette, I believe, confines itself to publishing what is true, although bad, while some magazines of semirespectable standing not only publish what is bad, but go outside of the truth to find something to publish. I readily agree that there are publications of somewhat less respectable standing than the Police Gazette, but I believe we have not attempted to classify them as respectable and disresponsible.

But what I rose to protest against is this: The Government is to-day carrying second-class mail matter at a loss of over \$20,000,000 annually. The Senator from Georgia [Mr. CLAY], who is a member of the committee and who is always accurate, suggests to me that the loss is \$27,000,000. I put it to the Senate whether it is better to let the people who publish the magazines or those who read them pay this \$27,000,000 or lay it as a burden of taxation upon the people who do not have the time to read them, and compel them to contribute to carry cheap and sometimes unwholesome literature to those who are well able to pay a small increase in price, which would cover the cost of transportation.

As for my part, I believe the Government ought no more to carry a magazine at a loss than it ought to perform any other service at a loss. Originally it was not contemplated that magazines and other forms of merchandise should become a part of the postal system. It was organized for letters and newspapers, and if it were properly confined to-day to the object of its original organization, it could supplement the liberal appropriation which is now made for the free rural delivery, and instead of a deficit there would be a surplus. The letter mail of the United States to-day not only pays its own expense, but contributes a round sum toward meeting the losses incurred by the Post-Office Department in carrying other matter; and it seems to me that, instead of increasing the deficit which arises from carrying this second-class matter and leaving the taxpayers of the country to meet this deficit, we ought to exclude from the mails some of those things which are now carried at a loss.

Of course, we have grown into the habit of feeling that if the Government performs a service for us at a loss or for less than we can obtain that same service from some other source we have gained that much; and perhaps the man for whom the particular service is performed does gain that much. But whatever he gains somebody else must lose. It is trite—so trite as almost to offend the Senate—when I repeat that the Government has no money with which to perform these services at a loss, and whatever the Government does somebody must pay for the doing of. Either the person for whom it is done or the taxpayers for whom it is not done must bear the expense.

Mr. President, I protest against burdening the taxpayers of this country in order to give cheap transportation to the publications that are issued for profit. The college magazine for which the Senator from Missouri speaks is not issued for profit. There is no thought of that in the minds of the young men who edit such publications; and if they are carried at a loss there is complaint, because complaint lies against any losing transaction; but surely that complaint is reduced to a minimum of force. But when the Government is asked to carry the various publications, every one of them published for the sake of profit, at a loss, it is an injustice to the taxpayers of the country—an injustice which is already great enough and one which ought not to be made greater.

Mr. President, suppose I should say—I am not sure but that the time will come when it will be said, and it will probably become a popular proposition—that as a means of spreading the Gospel we will carry all religious publications free. Surely, if the Government is to engage in a work of that kind, there would be no just criticism in that. Of course some of us would rather have less of the Gospel and pay for it out of our own pockets. But the real thrifty people, who think that everything they get from the Government is that much saved, might want to insure the salvation of their souls through a governmental expense.

I see no reason why, if we are going to carry many publications at a loss, we should not carry some publications for no charge at all. Let us say to all the religious denominations of the country, "We will carry your papers free," because those religious papers are not published for the sake of profit. I doubt if any of them declare large dividends. I doubt if many of them pay extravagant salaries. They are conducted for a high and an unselfish purpose, and no Senator here and no man elsewhere begrudges them an increase in their circulation. We know that their prosperity means the spread of a better rule of life, and we welcome an extension of their circulation. But shall we extend it by taking money from the taxpayer's pocket, when that taxpayer does not happen to be a Christian, in order even to teach him and his children a better way to live?

There are other publications almost as well deserving of free transportation in the mails as these. But nobody proposes to carry them free. Yet, Mr. President, it is a difference in degree and not in principle. When the Government carries them at a loss, it is only another step until it carries them for no charge at all.

But I leave all that aside, and I raise my protest against this extension of the privilege of cheap mails to those publications which are issued solely and only for profit, publications that do not scruple to appeal even to a vicious and a morbid taste if only they can thus extend their circulation and so increase their profit. Let all such, Mr. President, if admitted to the mail at all, pay the Government for carrying them all it costs the Government to perform that service.

Mr. PENROSE. Mr. President, the remarks of the Senator from Texas [Mr. BAILEY] are absolutely correct, and, striking as is his statement, he hardly goes to the full limit of facts. The abuses under the second-rate mail privilege are becoming so colossal as to startle the imagination and even to test our credulity. Sixty per cent of all the mail matter carried by the Post-Office Department consists of this second-class mail matter. It was originally intended to apply to those publications the purpose of which was the dissemination of useful information to the public. That purpose has, under various pretexts, been grossly abused and widely departed from. It was originally intended that those publications whose purpose was the dissemination of useful knowledge should be received by bona fide subscribers, and that element of the original law has likewise been widely departed from, until to-day most of these publications are simply pretexts for the circulation of large numbers of pages of advertising and are given away to an alleged subscription list which does not contain 10 or 20 per cent of bona fide subscribers. The people of the United States are practically being called up to pay nearly \$30,000,000 a year in order that advertisements of automobiles and soaps and patent medicines and farming implements and all the various and multitudinous items which people in various sections of the country are interested in may be advertised free of the charge of transmission, solely for the benefit of those engaged in trafficking in such merchandise.

Not only does this matter constitute the bulk of our mail matter, but there are being started every day in the United States from eight to fifteen alleged periodicals, all claiming the privilege of second-class mail matter. The pending bill this year carries an appropriation of \$192,000,000. It is only a question of a few years when it will pretty nearly double that amount. Four or five hundred million dollars in the Senatorial life of many Senators here present will be the amount carried by this bill.

The deficit, owing to the extension of the rural free delivery and other improvements of the service, has been increasing with a dangerous rapidity, and unless something is done courageously by the Government to confine the privilege of the second-class matter to its original and legitimate purpose, the whole postal system will be threatened with an absolute breakdown. It may be that there are inconsistencies in the rulings of the Department. I take it for granted that that must be the case, because these abuses have been accumulating since the act of Congress providing for the privilege of second-class mail matter down to the comparatively recent period of Mr. Madden's in-



cumbency of his present position, when he, acting under the direction of the Postmaster-General, began his present vigorous and systematic investigation and correction of these abuses.

If periodicals are still being carried through the mails which are equally open to objection as those concerning which the Senator from Missouri complains, I take it that it is because they have not been reached; that it has been physically impossible to prune the whole system of these abuses rather than that there has been any favor or any discrimination in the allowance of these privileges.

Mr. CLAY. Will the Senator from Pennsylvania permit me, in connection with what he is saying, to call attention to the report of the Postmaster-General in regard to second-class matter. The Postmaster-General says:

During the last fiscal year the total weight carried at 1 cent a pound and free, was 663,107,128 pounds. If it cost the Government as much as 5 cents a pound to handle this matter in the mails, it will be seen that the amount paid out was \$33,155,356.40. The actual revenue was \$6,186,647.54.

This shows that the Government of the United States paid nearly \$28,000,000 more money for handling this mail than it received. Is it not true that about 85 per cent of the revenue derived from handling the mails comes from first-class matter? I believe the Postmaster-General time and again has recommended that the cost of carrying second-class matter is so great that the postal charge on the same ought to be increased.

Mr. PENROSE. The Senator from Georgia is entirely correct, and the appropriation of some \$30,000,000, expended for this service, is practically a philanthropic benefaction to the vendors of merchandise. Not only are there many cheap periodicals daily started, and, under various catching terms, given an appearance of bona fide character, but even the older periodicals of the country are gradually degenerating into the same condition; and anyone who buys a magazine, whether it be the Atlantic Monthly or any other old periodical, has only to observe that three-quarters of its weight is made up of advertising matter, with a streak of literary effort, generally feeble and ineffective, running through the center.

Mr. McCUMBER. Mr. President—

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

Mr. PENROSE. I yield.

Mr. McCUMBER. I should like to ask the Senator from Pennsylvania, as he has pointed out this injustice and these wrongs, why it is that no attempt has been made in the bill to correct them?

Mr. PENROSE. There is an attempt.

Mr. McCUMBER. Or if there is an attempt, what that attempt is, and why it can not be made broad enough to entirely eliminate the evil?

Mr. PENROSE. The attempt, as I have already several times stated, is found in the last amendment to the bill, inserted on the recommendation of the Postmaster-General, providing for the appointment of three members of the Senate and three Members of the House to thoroughly investigate this question and report remedial legislation to Congress next winter. The matter is extremely complicated, and it was thought impossible and impracticable to report any complete system of legislation at the present session of Congress.

Mr. FULTON. Mr. President, I must oppose this amendment unless the Senator who offered it will consent to insert the words "or college" after the word "university." Otherwise it will simply extend this privilege to universities and will deny a like privilege to colleges.

Mr. STONE. If the Senator will permit me, the amendment I proposed has been agreed to.

Mr. FULTON. I do not understand that it has yet been adopted. The Senator from Pennsylvania said he would accept it, but I do not understand that it has been as yet adopted by the Senate.

Mr. STONE. I understood the Chair to state that it had been agreed to.

Mr. FULTON. I agree entirely with the Senator from Pennsylvania that the rate on second-class matter should be increased, and I think some discrimination should be made between publications. For instance, newspapers probably should pay a less rate of postage than magazines. Daily newspapers are necessary to everyone; magazines are not so necessary. I think a discrimination should be made there, but in the meantime there ought to be no discrimination between publications of this character. It is in order to obviate that discrimination pending some reform of the law that the amendment of the Senator from Missouri is offered; but I ask that the words "or college" be inserted immediately after the word "university" in the amendment offered by the Senator from Missouri.

The VICE-PRESIDENT. The Secretary will read the amend-

ment of the Senator from Iowa as accepted by the Senator from Pennsylvania.

The Secretary read as follows:

And provided further, That all regular periodical publications issued from a known place of publication, monthly or quarterly, by or under the auspices of charitable, educational, or religious institutions, which institutions are not conducted for pecuniary profit, if such publications are made to further the objects and purposes of such institutions and are formed of printed paper sheets, without board, cloth, leather, or other substantial binding such as distinguish printed books for preservation from periodical publications, are under the true meaning of existing law entitled to be admitted to the mail as second-class matter and at the rate of postage fixed for second-class matter and no more, and the existing laws with reference to the second-class mail matter shall hereafter be so interpreted.

The VICE-PRESIDENT. The Senator from Oregon [Mr. FULTON] proposes an amendment to the amendment, which will be stated.

The SECRETARY. After the word "university," in the proviso offered by the Senator from Missouri [Mr. STONE], insert "or college."

The VICE-PRESIDENT. Without objection, this amendment is agreed to. The question is on agreeing to the amendment of the committee as modified.

The amendment as modified was agreed to.

#### COMPULSORY EDUCATION IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I ask the Chair to lay before the Senate the message from the House of Representatives relating to Senate bill 1243.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1243) providing for compulsory education in the District of Columbia.

The amendments of the House of Representatives were, on page 1, line 3, after "person," to insert "residing."

Page 1, line 10, strike out "his" and insert "the."

Page 1, line 10, after "control," insert "of such person."

Page 2, line 2, strike out all after "term" down to and including "elsewhere," line 3.

Page 2, line 9, after "evidence," insert "to the superintendent of schools."

Page 2, line 9, strike out "he" and insert "such child is being or."

Page 2, line 9, strike out "already."

Page 2, line 9, after "been," insert "within said year."

Page 2, line 11, strike out "he" and insert "such child."

Page 2, line 11, strike out "already."

Page 2, line 12, strike out "his" and insert "the."

Page 2, line 12, after "condition" insert "of such child."

Page 2, line 13, strike out all after "instruction" down to and including "thereof," line 14.

Page 2, line 15, strike out "his."

Page 2, lines 16 and 17, strike out "consecutive."

Page 2, line 17, after "six," strike out "consecutive."

Page 2, line 19, strike out "him" and insert "such person."

Page 2, line 21, strike out "his" and insert "the."

Page 2, line 21, after "control," insert "of such person."

Page 3, line 1, strike out "the attendance officer" and insert "an officer empowered under this act."

Page 3, line 4, strike out "fifty" and insert "twenty."

Page 3, line 5, strike out "or by imprisonment not to exceed sixty days."

Page 3, lines 8 and 9, strike out "is incorrigible, vicious, or immoral" and insert "can not be controlled by the regular school discipline."

Page 3, line 9, after "committed," insert "by the board of education."

Page 3, lines 14 and 15, strike out "may be incorrigible, vicious, or immoral in conduct" and insert "can not be controlled by the regular school discipline."

Page 3, lines 17 and 18, strike out "presented by the teacher in charge for his restoration" and insert "furnished the board of education by the teacher in charge whereupon such child may be restored."

Strike out all of section 4 and insert:

SEC. 4. The board of education of the District of Columbia is hereby authorized, empowered, and directed to appoint two truant officers at a salary of \$600 per annum each, who, together with the inspectors provided for in the bill to regulate the employment of child labor and the probation officers provided for in the bill establishing a juvenile court shall, under the direction of the board of education, carry out the provisions of this act.

Page 4, line 3, strike out all after "That" down to and including "and," line 10.

Page 4, line 11, after "to," where it occurs the second time, insert "be."

Page 4, line 11, strike out "himself."

Page 4, line 12, after "or," insert "who knowingly."

Page 4, line 15, strike out "fifty" and insert "twenty."

Page 4, line 15, strike out "or by imprisonment for not more than sixty days."

Page 4, line 16, strike out "attendance officers" and insert "the officers empowered under this act."

Strike out all of section 8 and insert:

SEC. 8. That this act shall take effect on July 1, 1906.

Strike out all of section 10.

Mr. GALLINGER. I move that the Senate agree to the amendments made by the House of Representatives.

Mr. BAILEY. As I caught the reading, it establishes a compulsory system of education in the District.

Mr. GALLINGER. It does.

Mr. BAILEY. I have always had some doubt about the justice of a law which taxes one man to educate the children of another man, but I have surrendered that doubt to the almost universal judgment of my countrymen. I can not, however, go beyond that and admit the right of the Government to supersede parental authority in the matter of educating all children, and I must therefore vote against this bill.

Mr. GALLINGER. As a rule, the proposition is to go on the street for the children and send them to school.

Mr. BAILEY. In this enlightened age, with so many charitable and religious people, it looks to me like you could influence them to go to the schools you have provided for them without compelling them to do so.

I did not happen to be here when that bill was passed. I simply am unwilling that any bill establishing a compulsory system of education shall pass a body of which I am a member without my saying that I am opposed to it.

Mr. GALLINGER. Let the question be put on agreeing to the amendments.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from New Hampshire that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

#### POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16953) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes.

Mr. TILLMAN. Mr. President, yesterday afternoon I asked that the amendment on page 18 be reconsidered for the purpose of offering an amendment. Is such an amendment now in order?

The VICE-PRESIDENT. It is now in order.

Mr. TILLMAN. I send to the desk the proposed amendment.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. On page 18 of the bill, at the end of line 23, add the following:

*And provided,* That the Postmaster-General shall require all railroads carrying the mails under contract to comply strictly with the terms of said contract as to the time of arrival and departure of said mails, and it shall be his duty to impose and collect fines for delay at the rate of 20 per cent of the value of each train carrying mail, when such delay is not caused by unavoidable accidents and when such delays on any given route shall aggregate in any month more than five hours or on any day shall be more than two hours.

Mr. PENROSE. I should like to ask the Senator whether there would be any objection to adding after the word "accidents" the words "or conditions," so as to read "unavoidable accidents or conditions?" I suppose a condition of storm—

Mr. TILLMAN. I do not know what the Senator means by the word "conditions."

Mr. PENROSE. A violent blizzard or storm might delay trains. A washout of a track, perhaps, might not be an accident.

Mr. TILLMAN. Of course, I am after simply getting the mail delivered with reasonable regard for the contracts, and I do not want to have the conditions of delivery made burdensome or unreasonable. If it is thought best to broaden the provision a little, I have no objection.

Mr. PENROSE. I think it would strengthen the Senator's amendment by making it a little more practical and reasonable. That is the only reason why I suggest it.

Mr. TILLMAN. I hope the Senator will incorporate it in it.

The VICE-PRESIDENT. The modification will be stated.

The SECRETARY. After the words "unavoidable accidents" insert the words "or conditions."

Mr. TILLMAN. Now, Mr. President, my reason for offering this amendment will occupy some little time, although I shall be as brief as possible; but I want to present the facts to the Senate in order that the Senate conferees may have something more than a mere guess, probably, as to the reasons actuating me.

Some time in the latter part of February I received a letter

from the president of the Charleston Chamber of Commerce complaining about the delays in the arrival of trains from Washington. The exhibit was so remarkable that I immediately took the matter up with the Post-Office Department. I wrote back to the president of the Chamber of Commerce and asked him to give me the facts and to state the reasons why he complained about the delays in the trains. I will send to the desk a letter written on the 24th of March by the president of the Charleston Chamber of Commerce, accompanied by a letter to the president of the Chamber of Commerce from the president of the Clearing House Association of the banks, showing just what the business interests of Charleston have had to put up with in regard to these delays which I am seeking to have remedied.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

CHARLESTON CHAMBER OF COMMERCE,  
Charleston, S. C., March 24, 1906.

Hon. B. R. TILLMAN,  
United States Senator, Washington, D. C.

MY DEAR SIR: Your esteemed favor of the 6th instant was much appreciated, and I regret that the reply to it has been so long delayed. The principal cause of this delay was the difficulty and the time consumed in getting the inclosed figures, and partly by absence from the city.

From Mr. Grice's letter you will note that during the period of fifty-five days covered by this statement the Southern Railway train No. 16 has been on time less than ten times and the Atlantic Coast Line train No. 85 less than twenty times. Mr. Grice's letter explains how these continued delays affect the banks, and I understand other branches of business complain also of the bad effect upon them.

Asking your help in this matter and thanking you for the willingness expressed in your letter to give us the assistance of your influence, believe me,

Yours, respectfully,

J. ADGER SMYTH,  
President.

Mr. TILLMAN. It has been suggested to me by the Senator from Maine [Mr. FRYE] that instead of having them read I might have these matters printed, and I will ask that the succeeding letter be treated that way rather than occupy the time of the Senate in hearing it read. It relates to the inconvenience and disarrangement or loss of time in regard to the receipt of the mail and the handling of checks and transactions by the banks.

The letter referred to is as follows:

THE PEOPLE'S NATIONAL BANK OF CHARLESTON,  
Charleston, S. C., March 21, 1906.

Hon. J. ADGER SMYTH,  
President Charleston Chamber of Commerce, City.

DEAR SIR: We are inclosing you a table showing the arrival at the post-office of mails by train No. 16, over the Southern Railway, and No. 85, over the Atlantic Coast Line, from January 15 to March 10.

You will note that No. 16, over the Southern, has come in less than ten days on time. The Coast Line less than twenty times. The Coast Line train is not so important, for the reason that the bulk of the northern mail comes in on the train due 11:30 p. m., but mail over the Southern Railway is very important.

As the banks make their daily clearings at 10 o'clock, unless they can get the mail from the post-office by 9 a. m. it is impossible to put checks through the clearing house that day, consequently items have to be held over until the next day, which amounts to a considerable loss in interest.

Should these trains arrive on time, the post-office department is able to distribute them to the boxes in ample time for our needs, but when they arrive, as they frequently do—No. 16, over the Southern; No. 85, over the Atlantic Coast Line, and the vestibule train—at the same time, it is utterly impossible for the clerks to distribute this mail to the boxes in less than several hours' time, which means that it is very often from 11 to 12 m. before we can get it.

We trust that you will be able to help us out in this matter, and any further information that you may want will be cheerfully furnished.

Yours, truly,

E. P. GRICE,  
President Clearing House Association.

Mr. TILLMAN. Some time the latter part of March I went to the Post-Office Department and had a talk with the Second Assistant Postmaster-General. I called his attention to the outrageous way, I will say, in which the railroads were treating that community. On the 2d of April I received a letter from General Shallenberger, who had had the matter under advisement, and I will read that, as it is quite brief:

POST-OFFICE DEPARTMENT,  
SECOND ASSISTANT POSTMASTER-GENERAL,  
RAILWAY MAIL SERVICE,  
Washington, April 2, 1906.

Hon. B. R. TILLMAN,  
United States Senate, City.

SIR: Referring again to your personal interview, at which time you called up the question of delays of mails for Charleston, S. C., I would state that careful inquiry has been made, and it is found that while there have been numerous delays to mails dispatched by Atlantic Coast Line train 85, at 3:45 p. m., there has been still greater trouble with mails dispatched over the Southern line, and which reach Charleston by express train No. 16, scheduled to leave Columbia at 1:40 a. m. and due at Charleston at 7:30 a. m., the latter train having been on time but five days from February 1 to March 30, 1906, inclusive. The record received thus far from train 85 of the Atlantic Coast Line indicates that it ran upon time ten days from February 1 to March 24, inclusive, and was late forty-two times, though these delays were not as great as



those affecting Southern train 16. The Department is giving this matter all the attention possible, and hopes that there will be a manifest betterment at once.

Very respectfully,

W. S. SHALLENBERGER,  
Second Assistant Postmaster-General.

In addition to that, Mr. President, I have here a table prepared by the president of the Clearing House Association, giving the dates upon which the train was late, beginning January 15 and ending March 10. I will ask to have that incorporated and printed along with the Postmaster-General's letter.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and permission is granted.

The matter referred to is as follows:

The following table shows the time of arrival at the Charleston, S. C., post-office of mails from trains Nos. 16 and 85, from January 15 to March 10, both inclusive.

No. 16, Southern Railway—due 7.30 a. m.

January 15	7.50 a. m.
January 16	8.00 a. m.
January 17	10.15 a. m.
January 18	7.45 a. m.
January 19	8.50 a. m.
January 20	7.50 a. m.
January 21	9.30 a. m.
January 22	9.50 a. m.
January 23	11.30 a. m.
January 24	7.50 a. m.
January 25	9.15 a. m.
January 26	11.10 a. m.
January 27	9.35 a. m.
January 28	8.00 a. m.
January 29	9.30 a. m.
January 30	10.05 a. m.
January 31	7.50 a. m.
February 1	9.25 a. m.
February 2	8.45 a. m.
February 3	7.50 a. m.
February 4	8.00 a. m.
February 5	9.40 a. m.
February 6	8.00 a. m.
February 7	11.25 a. m.
February 8	10.35 a. m.
February 9	8.50 a. m.
February 10	8.40 a. m.
February 11	8.20 a. m.
February 12	9.50 a. m.
February 13	10.50 a. m.
February 14	8.30 a. m.
February 15	9.50 a. m.
February 16	10.20 a. m.
February 17	10.45 a. m.
February 18	8.20 a. m.
February 19	10.05 a. m.
February 20	8.50 a. m.
February 21	8.15 a. m.
February 22	8.50 a. m.
February 23	9.15 a. m.
February 24	10.00 a. m.
February 25	9.40 a. m.
February 26	9.50 a. m.
February 27	10.15 a. m.
February 28	10.25 a. m.
March 1	9.45 a. m.
March 2	11.20 a. m.
March 3	9.45 a. m.
March 4	8.25 a. m.
March 5	9.30 a. m.
March 6	7.50 a. m.
March 7	8.45 a. m.
March 8	9.00 a. m.
March 9	9.15 a. m.
March 10	10.55 a. m.

No. 85, Atlantic Coast Line Railway—due 6.55 a. m.

January 15	7.20 a. m.
January 16	7.45 a. m.
January 17	8.00 a. m.
January 18	12.00 m.
January 19	1.00 p. m.
January 20	7.30 a. m.
January 21	9.05 a. m.
January 22	7.30 a. m.
January 23	7.20 a. m.
January 24	10.00 a. m.
January 25	8.10 a. m.
January 26	7.30 a. m.
January 27	7.25 a. m.
January 28	8.00 a. m.
January 29	7.35 a. m.
January 30	7.50 a. m.
January 31	7.25 a. m.
February 1	8.25 a. m.
February 2	9.20 a. m.
February 3	9.00 a. m.
February 4	8.00 a. m.
February 5	7.45 a. m.
February 6	7.50 a. m.
February 7	8.15 a. m.
February 8	7.25 a. m.
February 9	8.20 a. m.
February 10	8.20 a. m.
February 11	8.10 a. m.
February 12	7.25 a. m.
February 13	7.20 a. m.
February 14	8.30 a. m.
February 15	8.00 a. m.
February 16	9.10 a. m.
February 17	8.05 a. m.
February 18	7.30 a. m.

February 19	7.35 a. m.
February 20	7.30 a. m.
February 21	11.10 a. m.
February 22	8.30 a. m.
February 23	8.30 a. m.
February 24	7.50 a. m.
February 25	10.10 a. m.
February 26	8.20 a. m.
February 27	7.50 a. m.
February 28	8.15 a. m.
March 1	7.25 a. m.
March 2	8.50 a. m.
March 3	7.30 a. m.
March 4	7.25 a. m.
March 5	7.35 a. m.
March 6	7.20 a. m.
March 7	7.45 a. m.
March 8	7.40 a. m.
March 9	8.20 a. m.
March 10	8.25 a. m.

Mr. TILLMAN. I have here a letter of May 3 from the chairman of the railroad committee of the city council of Charleston, making complaint along this same line, and calling attention to the absolute failure of the railroads to comply with their contract. I ask to have that printed in the RECORD.

The VICE-PRESIDENT. Without objection, permission is granted.

The letter referred to is as follows:

CHARLESTON, S. C., May 3, 1906.

Senator B. R. TILLMAN,  
Washington, D. C.

DEAR SIR: On February 27 the Charleston Clearing House Association addressed to city council a petition in reference to delay of the mails arriving at the Charleston post-office. These papers were handed to me as chairman of the railroad committee of city council and sent to Postmaster Harris, of this city. Mr. Harris was kind enough to give me the information asked for in reference to time the mails should arrive at the post-office and the time they did arrive from a period covering from February 1 to March 16, and in his reply, returning papers, he suggested that I take the matter up with the honorable Second Assistant Postmaster-General at Washington.

I herewith inclose copies of letters of March 28 and April 23. As yet I have had no reply to either of these letters. You can readily understand that the business interests generally are suffering owing to delay in the arrival of the mails, and we assume that the transportation companies are under contract with the Government for the delivery of same. I would therefore ask, as a special favor, that you take this matter up and see if you can not get us relief from the present conditions.

I must apologize for bothering you with a matter of this kind, but knowing that you are interested in such matters, I would ask that you take it up at your earliest convenience.

Awaiting your commands, I beg to remain, yours, truly,

R. BEE LEBBY,

Chairman Railroad Committee, City Council, Charleston, S. C.

Mr. TILLMAN. I have another letter from the president of the railroad committee of the Charleston city council, dated May 7, transmitting a letter from Major White, Superintendent of the Railway Mail Service, which speaks for itself, and shows the absolute necessity for action by Congress if any relief is to be had.

The letters referred to are as follows:

CHARLESTON, S. C., May 7, 1906.

Senator B. R. TILLMAN,  
Washington, D. C.

DEAR SIR: Referring to my letter of the 3d, in reference to delay of mails arriving at Charleston, S. C., I am just in receipt of a letter from Mr. White, and inclose you copy.

You will note that he claims that the Department has no way of forcing the railroads to maintain schedules. This is rather a surprise, as I was under the impression that the Department could compel transportation companies to deliver mails with reasonable promptness in accordance with their schedules.

If you can help us in this matter I will appreciate it. Thanking you in advance for your attention, I beg to remain,

Yours, truly,

R. BEE LEBBY,

Chairman Railroad Committee, City Council, Charleston, S. C.

MAY 5, 1906.

Mr. R. B. LEBBY,  
Chairman Railroad Committee of City Council,  
Charleston, S. C.

SIR: I am in receipt of your letter of the 23d instant, addressed to the honorable Second Assistant Postmaster-General, relative to delayed running of trains into Charleston, and in response to your inquiry as to what action the Department proposes to take to secure relief, have to say that the attention of the railroad companies have been called to the matter and that the Department has urged that the trains be run on schedule time, but the question of railroad schedules is one over which the Department has no jurisdiction. I regret that it is not in a position to compel the companies to run the trains upon schedule time.

Very respectfully,

JAMES C. WHITE,  
General Superintendent.

Mr. TILLMAN. Mr. President, I want to do exact justice to the Post-Office Department. Among other things, I obtained from the Second Assistant Postmaster-General a copy of the order of the Department of October 2, 1905, in relation to the delay of trains. Having made application to the Postmaster-General to spur up these roads by collecting fines, he sent me this, and with it a letter stating that under the circumstances

the Department did not see its way clear to enforce the provisions of the order, showing that the Postmaster-General already has the authority to assess fines and spur up the roads, but has felt unwilling to do it. It was with a view of having the law specifically direct and compel him to do this that I have put in evidence the facts as set forth with the amendment which specifically relates to such conditions as will force the roads to pay when they fail to deliver their mails. I ask to have this incorporated also.

The VICE-PRESIDENT. Without objection, permission is granted.

The order referred to is as follows:

*Deductions on account of inferior service.*

OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL,  
Washington, D. C., October 2, 1905.

On account of the inferior service resulting from failures to observe the schedule on routes, or parts of routes, on which railroad mail service is not more frequent than seven times a week each way, it is ordered that in certifying to the performance of the service on such routes for, and subsequent to, the quarter ended December 31, 1905, deductions be made at the rate of 20 per cent of the value of each train that arrives at the terminal or junction points fifteen, or more, minutes late and the aggregate number of late arrivals is ten, or more, without satisfactory excuse in any one quarter, except that no deduction of less than \$1 will be made.

W. S. SHALLENBERGER,  
Second Assistant Postmaster-General.

Mr. TILLMAN. I do not know that there is anything more necessary to be said. The chairman of the Committee on Post-Offices and Post-Roads has assured me that he sympathizes with the purposes of the amendment and will endeavor to see that it does not go out in conference. I have given sufficient facts, I think, to warrant the effort on the part of Congress to compel the roads which are receiving, as I think, an excessive rate for the transportation of the mails to have some regard for the business interests which they serve, or which they fail to serve. These delays have been so outrageous in our part of the country, from one cause or another—mainly, I think, by reason of inadequate engines or something like that—I thought it was advisable, at least, to try to get Congress to incorporate a provision of this sort and make the rule general, so that the railroads would be notified hereafter that unless they were more cautious and exerted themselves to a greater degree to comply with their agreements with the Government and deliver mail on time they would have to pay for it.

Mr. PENROSE. I will accept the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

Mr. PERKINS. I desire to offer an amendment on page 16, line 11, to come in after the word "service."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 16, line 11, after the word "service," it is proposed to insert:

From a port of the Pacific coast of the United States via Hawaii and the Samoan Islands to Australasia, on steamships of the United States of not less than 16 knots speed, for a service once in three weeks at a maximum compensation not exceeding \$217,000 a year in addition to the compensation now provided pursuant to contract under the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce."

Mr. PERKINS. Mr. President, in support of this proposed amendment I desire to ask to have read at the desk a letter from the Postmaster-General.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

OFFICE OF THE POSTMASTER-GENERAL,  
Washington, D. C., April 24, 1906.

HON. GEORGE C. PERKINS,  
United States Senate.

MY DEAR SENATOR: Referring to the call of yourself and ex-Congressman Loud, and to your letter of the 17th instant, relative to the additional compensation which it is proposed to pay to the Oceanic Steamship Company, now under contract with this Department, for ocean mail service from San Francisco to Australia, by way of Honolulu and Pago Pago, I have to say that careful consideration has been given to the representations made as to the very great importance of this service and the wholly inadequate compensation which it is claimed by the company is now being paid for the same as provided by the act of March 3, 1891. The contracting company in written communications to the Department claims that they are now conducting the service at a heavy loss, and that unless relief comes speedily by a liberal increase in compensation, it will be unable to continue service under the contract after July 1 proximo.

In that event the Department can not look to the sureties for a continuance of service, as they would be without suitable vessels; nor could the Department hope to secure proposals under a new advertisement unless the compensation provided by the act of 1891 shall be materially increased. The efforts of the Department for a period of ten years succeeding the passage of the act failed to secure a proposal for service of this character, and it was not until 1901 that the proposal for this particular service, from San Francisco to Australasia, was secured and a contract executed; mails to be carried in fast steamers of over 6,000 tons register, with sailings maintained regularly every three weeks; with compensation at the rate of \$2 per mile, out-

ward voyage, as provided in the act mentioned for vessels of the second class. The contract is for a period of ten years, covering seventeen trips per year; the route is 8,329½ statute miles in length, yielding an aggregate compensation of \$283,000 per annum, in round figures. The volume of mail has largely increased since the beginning of the contract term.

The interests of the Government in the Philippines, and the Hawaiian Islands, and at the several naval stations in the Pacific Ocean, render it highly desirable to maintain mail service in vessels flying the flag of the United States and sailing with a frequency and speed equal at least to those of other countries. Both Canada and Japan are contesting more and more vigorously with this country for the carriage of mails from the Pacific coast to Australasia and the Orient. They are increasing compensation to regular steamship lines with a view to securing shorter schedules and better mail service from Vancouver and San Francisco.

These conditions seem to justify favorable consideration of the proposed increase of compensation provided by Senate bill 529, and in general of such legislation as will make it possible for vessels sailing under the flag of the United States to compete with foreign vessels for the mail service of the Pacific.

Very truly, yours,

GEO. B. CORTELYOU,  
Postmaster-General.

Mr. PERKINS. Mr. President, at this late hour I do not care to go into a discussion, for the reason that the Senate has already given its approval to this amendment in the passage of the bill known as the bill for the "development of the American merchant marine and American commerce." This is the exact phraseology and the exact amount that the Merchant Marine Commission recommended after hearing testimony. But I will trespass upon the Senate for a few minutes just to read an extract from their report. It was, as you know, a nonpartisan commission. They devoted nearly a year's time to the taking of testimony in the different commercial ports of the United States and to devising some means whereby we could resuscitate and rehabilitate American commerce. The minority of the Commission made a report, but nowhere in that minority report have I been able to find any objection taken to this special recommendation.

I will, Mr. President, with the permission of the Senate, read a brief extract from their report. It is stronger and more forcible than it is possible for me to otherwise present it. That report says:

In the first place, the American line to Australasia operates in Pacific waters, where the cost of fuel, labor, etc., is considerably greater than at Atlantic ports. Secondly, the line is required to maintain a very high speed. Furthermore, the ships of the company employ exclusively white crews, instead of the Asiatics utilized by many other Pacific companies.

This American line to Australasia not only performs the best service, but now receives the lowest compensation of all lines running to Australasian ports. This service is so regular and swift that great numbers of Australasian men of business, even when bound to Europe, are brought en route to the United States, and thereby become regular purchasers of American merchandise. The very heavy increase of our exports to British Australasia, from \$12,674,000 in 1896 to \$27,401,000 in 1904, is due, unquestionably, in a great degree to the extraordinary efficiency and regularity of the ill-paid American steamship service out of San Francisco.

The increase provided for in the present bill is \$217,000 a year, which, added to the \$283,000 now paid, will bring the compensation to the American line up approximately to the compensation paid European steamship companies and will a little more than restore the original rates of the postal-aid law of 1891, which were cut down, to the serious crippling of that measure, when the bill passed the House of Representatives.

It is announced authoritatively that unless the subvention to the line to Australasia is increased as proposed the service, which has been losing heavily every year, will have to be abandoned. In that case our increased Australian trade would inevitably go in large part to other countries, involving a loss of millions of dollars a year to American producers. The Merchant Marine Commission believes that it would be recreant to its duty if it did not provide for the continuance of an American steamship line which has fought so bravely against such heavy odds and has achieved such notable work in the expansion of American commerce.

This report was made after that commission had visited every port on the Pacific coast from Victoria to San Diego, where they took testimony, and where they investigated this whole subject-matter. There is no question but that it will be beneficial to the trade and the manufacturing interests of the country to continue this American line, the only one plying between the United States and Australia and New Zealand. Indeed, the British Government has seen the advisability of coming in and sharing this trade with the United States, by subsidizing a line of ships plying between Victoria, British Columbia, and Australia. We are only asking this for the Oceanic Steamship Company, operating ships built in American shipyards, built in the city in which the chairman of the Committee on Post-Offices and Post-Roads [Mr. PENROSE] resides, the money which was used in constructing those ships having been paid out to mechanics and laborers in his city and his State; those ships being manned to-day by American seamen, American citizens, or those who are capable of becoming American citizens; which pays the best wages that are paid by any line of steamships in the United States; whose ships travel a route of seven thousand two hundred and some odd miles, from San Francisco to Sydney, at an average speed of 15 knots, or nearly 17 statute miles per hour,



which is the fastest line there is in the world which passes through the Tropics; and yet, Mr. President, its owners have been operating it under great disadvantages.

The people who own that line, the Spreckels Brothers, a family who are among our most enterprising citizens, went into this new line of business to build up their trade. They have lost on an average \$360,000 a year in operating those ships; but their pride as American citizens in seeing Old Glory flying at the peak has impelled them to go on and keep this steamship line operating in energy and in force, as it is to-day, for the development of American trade and bringing the trade of the colonies of the South Sea into the United States.

Mr. PATTERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Colorado?

Mr. PERKINS. I yield with pleasure.

Mr. PATTERSON. I desire to ask the Senator from California if this is one of the subsidies that is contained in the shipping bill, which has already passed the Senate and is now pending in the other House?

Mr. PERKINS. It is a subvention, I should prefer my friend from Colorado to call it, rather than a subsidy.

Mr. PATTERSON. Well, we will not quarrel about that now; but I will suggest to the Senator from California that if that bill passes and this provision is incorporated in the pending bill, he will have the subsidy or subvention twice told.

Mr. PERKINS. Since I, as a boy before the mast, following the sea, saw the pride of the nation—ships built by Americans on the ocean—decline and go out of use, I have waited to see them revived, but "hope deferred maketh the heart sick," and so I would rather this would go into the pending bill, where my friend from Georgia, my friend from Texas, and my friend from South Carolina will put their little amendments, and they will go into conference, and if our conferees do not convince the conferees of the other House that these are proper amendments they will go the way of other amendments which have gone to that bourne whence no amendment has ever returned. [Laughter.]

Mr. President, the Senate has already given its expression by an overwhelming vote on this proposition. It is true my friend from Colorado [Mr. PATTERSON] made some slight objection, but he was frank enough to admit that, of all American steamship lines of which he had knowledge, the Oceanic Steamship Company was the most thoroughly American line; that it treated its sailors and its officers better and paid them better wages than were paid by any other steamship company in the world; and I think by his silence he acquiesced in the passage of the subvention bill, which was reported to the Senate and which passed the Senate and is now on file in the House of Representatives. I have several bills on file myself which, I think, when reached in due course, will undoubtedly pass.

I want, Mr. President, for the information especially of my friend from Colorado, to state that we would not ask for this appropriation—and when I say "we" I mean the people of the United States; I have no pecuniary interest in this matter; I am not interested, directly or indirectly, in any steamship business; that has passed away, but it has left me with experience, and I am investing now in lands, which will not burn up as buildings do when earthquakes and conflagrations come—we would not ask for this appropriation but for the fact that we have in competition, Mr. President, with this American steamship line six other lines, one French, one German, three British, and one Japanese. The Oceanic Steamship Company are making seventeen trips a year, or one every three weeks, between San Francisco, Sydney, Australia, via Honolulu, Pago Pago (Samoa), and Auckland, New Zealand. Those ships are, on an average, 6,000 tons, and receive a subvention—no, compensation—for transporting the mails of the United States of \$16,659 a trip, with an average speed of 15 knots an hour, equal to 17 statute miles.

The British ships plying between Victoria and Sydney make but fourteen trips a year. They are ships under 3,500 tons. They make twelve voyages—one a month—and yet they receive \$27,500 per trip, or nearly double what our ships that are nearly 3,000 tons larger receive; and yet, Mr. President, we would not come here as we do if it were not for this competition, if it were not for the fact that the French, the English, and other foreign governments are subsidizing their ships, and the Japanese are operating theirs for 58 per cent less than we are able to operate our American ships.

But aside from the fact that you are only paying them a fair compensation for the transportation of the mail in these ships, we are placed in direct communication with our naval station at Pago Pago, in Samoa, where, without them, the Navy De-

partment or the War Department would be obliged to operate transports or other vessels in carrying supplies and in attending the only naval station we have in the South Pacific.

I think, Mr. President, the compensation received for this service would not more than pay for operating one of our naval vessels or a United States transport. All this is in addition to the great commercial interest and the great commercial benefit which we derive from this line of steamers that is being operated by this company.

The hour is late, Mr. President, and I am afraid my friend from Pennsylvania [Mr. PENROSE], if I keep on talking, will not be strenuous in retaining this amendment in conference, while he would be disposed to do otherwise if I occupy no longer time. Therefore I hope he will accept this amendment, thereby only ratifying that which the Senate has heretofore done, and is a proposition on which, I think, the committee looked with favor.

Mr. PENROSE. Mr. President, the amendment offered by the senior Senator from California [Mr. PERKINS] was, in the opinion of the majority of the members of the Committee on Post-Offices and Post-Roads, a most meritorious one, and it has been ably and persistently advocated by the senior Senator from California and his colleague [Mr. FLINT] before that committee and with individual Senators. At the same time the committee thought that it was a subject regarding which there was great diversity of opinion between the two sides of this Chamber, and that it might lead to considerable controversy.

It was also thought that the matter was already provided for in the Gallinger shipping bill, which is now pending in the House of Representatives, and of the passage of which we are all hopeful, and that there was no real reason for making a discrimination in favor of the Spreckels line, leaving the numerous other interests provided for in that bill without any attention. In fact, the suggestion of this discrimination and apparent favoritism had caused considerable resistance and opposition from the friends of the Merchant Marine Commission measure, who thought that the whole subject ought to rest upon the final passage of that bill by the House. For these and other reasons the committee, while deeming the amendment very meritorious, thought that perhaps the Senator from California had better wait until the shipping bill passed, it being evident that when a thing is a good thing it can never come too soon and it is difficult to wait for it. However, this amendment has been offered, and it is for the Senate to determine whether it shall be inserted in the bill.

Mr. CLAY. I want to call the Senate's attention to the testimony in regard to this item. It is brief. Mr. Loud appeared before the committee and advocated this amendment. It was first adopted by a majority of the committee, the minority voting unanimously against it. The amendment was then reconsidered and rejected by the entire committee. Now, I want to read briefly some of the testimony in regard to the item involved. It will take only two or three minutes:

Senator TALIAFERRO. Is it a monthly service?

Mr. LOUD. No; once in three weeks.

Senator CULBERSON. You say the Government now pays this line \$283,000 a year for this mail service?

Mr. LOUD. Yes, sir.

Senator CULBERSON. Upon what basis does that rest?

Mr. LOUD. Two dollars a mile under the act of 1891.

Senator CULBERSON. They are paying all that is allowed under the present law?

Mr. LOUD. Yes, sir.

Senator CULBERSON. This \$217,000 would be in excess of the law on the subject?

Mr. LOUD. Yes. The reason we urge this particular amount is because the Senate has already passed this particular provision.

That is, in a general bill—the ship-subsidy bill—which included this item—

Mr. PERKINS. Mr. President—

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

Mr. PERKINS. I should like, if my friend from Georgia will permit me—

Mr. CLAY. Certainly.

Mr. PERKINS. To state that this company is only asking the rate which, under the act of March 31, 1891, a ship would get provided it could make a speed of 20 knots an hour. That is all. She now makes 17 knots an hour, but if she had a speed of 3 more knots an hour than she now has she would be entitled to it under the provisions of that act. Therefore it seems, considering all the conditions and the great disadvantages under which the company labors in plying their steamers to Australia as against those that ply the North Atlantic and receive a subsidy of \$4 a mile on the outward voyage, that it should apply to this company. Because ex-Representative Loud, of California, did not explain that, I venture at this time

to inject this explanation into the speech of my friend from Georgia.

Mr. CLAY. We are all glad to oblige the Senator from California at any time, but I think the reading of the testimony will convince the Senate that this item ought not to go into this bill at least.

I now resume the reading of the quotation from the testimony:

Mr. LOUD. Yes. The reason we urge this particular amount is because the Senate has already passed this particular provision.

Senator CULBERSON. Not unanimously, though, I think.

Mr. LOUD. I was present in the Senate, and I did not hear my friend from Texas object to it.

Senator PERKINS. I will state to the Senator that Mr. Mallory, who is on the committee, was very strongly in favor of this appropriation.

Senator CULBERSON. He was against the bill, however.

Mr. LOUD. If I may make the statement, I do not think there would have been so many Democratic votes against that portion of the bill as there were against the other portion.

Senator CLAY. You mean the mail service was more popular than the other.

Senator CARTER. What is the subsidy of that line?

Mr. LOUD. Three hundred and thirty thousand dollars. They make monthly service. They are comparatively small boats. One of them is of 4,000 tons, and there are two others of 3,200 or 3,300. Of course, it is not nearly as expensive a service to operate as ours. Ours make 15 knots from the hour of departure to their destination.

Senator CULBERSON. Mr. Loud, do you deny that the present law affords reasonable compensation?

Mr. LOUD. Absolutely. There are no lines operating under the act of 1891 except two or three little small lines that go now and then down to South America and Central America.

Senator CULBERSON. Probably you misunderstood my question. I will repeat it in a little different form. What I mean is this: Do you believe, taking it as an abstract and also as a practical question, that the \$283,000 for carrying a mail is or is not a reasonable price for the service rendered by this steamship company?

Mr. LOUD. I do not. They can not operate under it.

Senator SCOTT. He says they are losing money.

Senator CULBERSON. I am talking about the quantity of mail they carry.

Mr. LOUD. Of course the pay for the mail amounts to about \$90,000 a year, if that is the point you are aiming at.

Senator CULBERSON. I want to get your opinion as to that particular question. Considering the service rendered, the amount of mail carried, is \$283,000 a reasonable compensation for that service to the Government?

Mr. LOUD. I will answer it in this way, Senator: We could get the mail carried that is now carried for about \$90,000.

Senator CULBERSON. We pay, then, \$190,000 in addition to what it could be carried for by other people?

Mr. LOUD. Yes.

Senator CULBERSON. And you still want that increased by \$217,000?

Mr. LOUD. Of course it must be borne in mind that the act of 1891 was not absolutely a postal act. It considered the question of the commerce of this country.

Mr. President, just a word further. I do not wish to attempt to discuss in any way a subsidy bill at this time. I say that when we are here for the purpose of passing an appropriation bill which is to provide for paying the expenses of the Post-Office Department annually we ought not to take into consideration and incorporate into the bill a distinct subject that necessarily will lead to great discussion.

It is true that the ship-subsidy bill has passed the Senate and has gone to the House of Representatives. It is pending there now before a committee and contains this identical item. To take one item or two items or three items out of that general bill and insert them in the post-office appropriation bill, in my opinion, is absolutely indefensible. You might just as well get a dozen items, Mr. President, from that bill and insert them in this; you might just as well take the entire subsidy bill and insert it in the post-office appropriation bill. We have already inserted in this bill three or four items which, in my opinion, ought not to have gone into it and which are pure legislation. We are reaching the point where we enact half of our legislation on appropriation bills.

Mr. President, if you consider the rules of the Senate, I do not believe the amendment is in order. I call the attention of the Chair to the general rule on the subject, which is Rule II, on page 16, and I make the point that the amendment is not in order, being general legislation.

The VICE-PRESIDENT. The Chair is of the opinion that the amendment is in contravention of the rules of the Senate, and is not in order.

Mr. HOPKINS. I should like to ask, Mr. President, the status of the committee amendment at the top of page 17 of the bill?

The VICE-PRESIDENT. It has been disagreed to, which restores the text of the House bill.

Mr. HOPKINS. I move to reconsider the vote by which the amendment was disagreed to.

The VICE-PRESIDENT. The Senator from Illinois moves to reconsider the vote by which the amendment at the top of page 17 was disagreed to. The Secretary will state the amendment.

The SECRETARY. On page 17, line 3, after the word "years," the committee amendment proposed to strike out:

And with the right of termination at the discretion of the Postmaster-General of any such contract at the end of any year of the contract term after four years, on one year's notice.

The VICE-PRESIDENT. The question is on agreeing to the motion to reconsider.

Mr. PENROSE. I have no objection to that amendment remaining in the bill, so far as I am concerned.

Mr. GALLINGER. It seems to me, Mr. President, in view of the fact that some Senators who expressed an interest in that amendment are not present to-day, that we ought not to take action such as is contemplated. The Senate is very thin.

Mr. HOPKINS. It would simply put it in conference.

Mr. GALLINGER. I do not think so.

Mr. PENROSE. Yes; it would.

Mr. HOPKINS. Yes; it would put it in conference. That is the reason I wanted to have the vote by which the amendment was rejected reconsidered. I want to have the amendment adopted, so as to get a disagreement between the House and the Senate on the subject.

Mr. PENROSE. I think the Senator from New Hampshire does not understand the suggestion.

Mr. GALLINGER. I understand it now. I did misunderstand it. Personally I have no objection to the proposed action.

The VICE-PRESIDENT. The question is on the motion of the Senator from Illinois to reconsider the vote by which the amendment referred to was disagreed to.

Mr. PATTERSON. What amendment is it, Mr. President?

The VICE-PRESIDENT. The Secretary will again state the amendment at the request of the Senator from Colorado.

The Secretary again stated the amendment.

The motion to reconsider was agreed to.

The VICE-PRESIDENT. The question recurs on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. LATIMER. I offer the amendment which I send to the desk, to come in on page 32, at the end of line 2.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 32, at the end of line 2, it is proposed to insert:

Provided, That patrons on all rural free-delivery mail routes now established or that may hereafter be established may put up, for their individual use, boxes constructed of such material, either wood or metal, as they desire, and that carriers on all rural mail routes shall deposit mail in such boxes in like manner as in boxes now in use.

Mr. LATIMER. Mr. President, under the present rule of the Department, in order to get a free rural delivery route, it is necessary for the patrons along the route to buy at least seventy-five patented boxes. The result is that a great many rural delivery routes are denied to the people of the country, and where the routes are established a hardship is placed upon the people that is not required even in the star-route service, as it now exists. Even under the old star-route service the Department never required that approved boxes be bought and put up for the deposit of mail. Any citizen who lived along the route was allowed to make or buy his own box—any kind of a box he desired to have the mail put in. Such is true under the present star-route service, and in the cities, where the receivers of mail are not required to buy special patented boxes in order to have their mail delivered. The mail is deposited where the recipient of the mail directs that it shall be put, and in the manner, place, or receptacle pointed out by him.

I say it is a mere departmental ruling—it is not a law—that seventy-five of these patented boxes shall be bought in order to have a free-delivery route established. Such a condition is a financial hardship upon the people who live along the route, compelling them to buy boxes when they ought to be allowed to make their own boxes. They can be depended upon to provide boxes that will be satisfactory to them, be sufficiently secure, and therefore I think the amendment which I have offered ought to be adopted.

Mr. HOPKINS. Will the Senator from South Carolina yield?

Mr. LATIMER. For a question.

Mr. HOPKINS. I think, before any vote is taken on the amendment, it is proper to state that under the present system these boxes are furnished by the Post-Office Department, and the delivery of the mail in those boxes makes it mail until it is taken by the person to whom the mail is addressed, and papers or letters taken from those boxes are taken from the Post-Office Department precisely as they would be if taken from the post-office proper.

If the amendment of the Senator shall prevail, it will simply make each one of these boxes a free place, so that any thief



who comes along the highway can, with perfect immunity from prosecution under the postal laws, break into any of those boxes and take out the mail.

Mr. LATIMER. In answer to the statement made by the Senator from Illinois, I will say that he is in error in stating that these boxes are furnished by the Department.

Mr. GALLINGER (to Mr. HOPKINS). You are wrong about that.

Mr. LATIMER. The boxes are all bought by the patrons along the route from the postmaster or direct from the manufacturer, provided they are of the type approved by the Department.

Mr. HOPKINS. But they are under the control and supervision of the Post-Office Department, are they not, the Department requiring—

Mr. LATIMER. The Department has approved certain makes of boxes, and require that only these shall be used. I have a list here of the manufacturers whose boxes are approved. The patrons of the office are required to buy their boxes exclusively from these manufacturers.

There is one other remark I should like to make in reply to the statement made by the Senator from Illinois, and that is that I see no reason why the Federal law should not punish persons interfering with the mail of a farmer whether it was in an approved patented box or one of his own make, as they are all left open without a lock. It is a matter of common knowledge that in the rural free-delivery service throughout the United States boxes are left open. I know that in my county, where we have complete rural-delivery service, the mail carrier merely pushes the mail into the box, and there is no more protection in the present approved box than there would be in a wooden box made by a farmer, because the present approved boxes as a rule are open at both ends, and none of them are locked.

Mr. HOPKINS. But there is the protection of the law. The point I was making—it may not be sound—is that if we should change that rule it might fix it so that the recipient of the mail in a box of that kind would not be protected against thievery. It is a matter in which I have no interest one way or the other, and I only make the suggestion for the consideration of Senators before the vote is taken. It may be that there would be equal protection in one box as in the other.

Mr. LATIMER. I went over this matter with the Fourth Assistant Postmaster-General this morning, and he stated that on all star routes they have just such boxes as the patrons along those routes furnish, but that he thought there ought to be a uniform system. It was his opinion that the star-route patrons either ought to be required to buy approved boxes, such as are used in the rural free-delivery service, or that the discrimination against rural delivery patrons ought to be abolished, as it was unjust to require one and not the other to buy these specially approved boxes.

With regard to any meddling or tampering with the mail, I can see no reason why the law should not and would not punish the guilty party whether the mail was in one of the most expensive approved boxes or in one of the cheapest and most economical boxes a farmer would put up and be willing to have his mail deposited in. In either case, it is the intentional interference with another person's mail that is the crime, and such would doubtless or ought to be whatever the nature of the receptacle.

Mr. HOPKINS. If they are protected in one as well as the other, I can see some merit in the amendment.

Mr. LATIMER. That was the statement made to me this morning.

Mr. HOPKINS. It seems to me that if the box is prepared by the recipient of the mail the delivery of the mail would be precisely like it is in any house in a city.

In the city, where the mail is delivered in the house or office, after it is once delivered there the Post-Office Department has nothing further to do with it, and if the letters are gathered up either in the house or office, it is not a robbing of the mails in the sense that it would be if the mail was taken from a post-office box that was under the control of the Department itself.

Mr. LATIMER. We have had the star-route service for a long time, and the providing of boxes has been left entirely to the discretion of the patrons, and, so far as I know, there has never been the least bit of trouble of the kind which the Senator imagines might flow from the adoption of this amendment.

There is just one further statement I wish to make in this connection. Recently I saw a published notice that the Post-Office Department had ordered these boxes be painted. It will require at least \$30 on every rural delivery route throughout the country to paint these boxes, and there are at least 38,000 of these routes in the United States. Consequently I figure

it would cost about \$100,000 to paint these boxes. Adopt this amendment which I have offered and the people will be relieved from this expense, and each man will be allowed to provide his own mail box and get rid of this expense. I think that everyone is sufficiently interested in the receipt of his mail and its protection to provide an adequate receptacle.

Mr. TILLMAN. Mr. President, I desire to call attention to the fact that six or eight years ago, shortly after rural delivery became so popular, I made an effort here, with the very best possible ability that I possessed, to get the Government to furnish these boxes to the various patrons of the rural free-delivery route at cost. I then had substantial proof, in the shape of a box right on my desk, made out of galvanized iron, according to the specifications and pattern required by the Post-Office Department, offered in large quantities—by the twenty or forty thousand, I have forgotten the number—at, I believe, about 60 cents apiece, whereas the post-office regulations, which have been mentioned by my colleague, then, as now, although the price has fallen some, compelled every patron on a rural route who wanted his mail put into a box to buy one of a certain class of boxes that had been approved by the Post-Office Department. There would not be any rural free delivery established unless they did comply with the conditions imposed by the Post-Office Department. People throughout the United States have been compelled to spend in the last seven or eight or ten years, since the rural system has been in vogue—I do not know how many thousands of these boxes are in use, but certainly it is a very large number; perhaps my colleague can tell me—

Mr. LATIMER. There are seventy-five to a hundred on each route, and there are 38,000 routes.

Mr. TILLMAN. How many hundred thousand would that make?

Mr. FRYE. It does not make any difference.

Mr. TILLMAN. Anyhow, there has been a large expenditure of money by the farmers, who have been compelled by the Post-Office Department to purchase these boxes or not have the benefit of rural delivery. I agree with my colleague that it is an imposition upon the farmers of the country to compel them to purchase these boxes that are approved by the Department, under the specious plea that it offers protection against thievery. I hope the amendment will be adopted, because it is along the line of relieving the people of the country from an imposition.

I will mention, further, that at the time of the discussion in the Senate there were some very grave and serious accusations here against the Post-Office Department, and since then one of the officers has been convicted. But the charge was made—and I dare say it could have been proved if it had been pressed—that he was in collusion with manufacturers of these boxes and was getting a rake off for compelling the people to buy them. I do not know that any such thing exists now, but it would be along the line of relieving the farmers of the country and the users of the free-delivery service of a burden and an imposition if we could get the permission to have a man use such a box as he sees fit, and order his mail put in it and take the responsibility and be absolved from the necessity of purchasing a box approved by the Department.

Mr. PENROSE. I should like to ask the Senator from South Carolina whether he would object to an amendment to his amendment to the effect that the box shall be approved by the inspector having the route in charge?

Mr. LATIMER. I would, for the reason that there is where the trouble is now. The farmers have to buy a box that is approved by the Post-Office Department in order to get the route established. There is the trouble, and I propose by this amendment to relieve them of this order.

Mr. PENROSE. It does not seem to me that that is the trouble. Such an amendment would give permission to the farmer along the route to make his own box. He would not have to purchase an alleged patented article, but he could make his own, provided the design met the approval of the inspector.

The committee carefully considered the amendment of the Senator from South Carolina and took the view that the recipient was not the only individual who had rights in connection with the delivery of a letter. The sender of a letter has rights equally important, and he should not be placed at the mercy of the recipient who may design some cheap box. I suppose it would have a bottom, but it might have a hole in the bottom—and some of us would like to have a hole in the bottom of the box for some of the mail we receive.

In any event, it might not have a cover that would protect the mail from the elements, and thereby the destruction of notices of promissory notes and demands for the payment of bills and other little disagreeable features of our daily life would, under the amendment of the junior Senator from South Carolina, run riot. It seems to me the amendment is almost calcu-

lated to encourage delinquent debtors and those who desire to evade their just responsibilities rather than to eradicate graft from the Post-Office Department.

Mr. NELSON. Will the Senator from Pennsylvania yield to me for a moment?

Mr. PENROSE. Certainly.

Mr. NELSON. Is there any difference in law between a box that a farmer has to buy and one that he makes himself?

Mr. PENROSE. I am not willing to go into that point. I simply want the rural free-delivery system to be assured of a box that will properly protect the mail deposited therein from the elements by having a cover on it and from the ground by having a solid bottom in it.

Mr. NELSON. Will the Senator allow me? Does not the law of self-preservation apply in this case, and would not a farmer naturally want a box that would preserve and protect his mail?

Mr. PENROSE. The amendment leaves the standard to the farmer, while the Government takes the ground that it has a right to fix the standard, so as to protect the sender of the mail as well as the recipient of it.

Mr. LATIMER. I should like to ask the Senator a question, and then I shall be willing to have a vote on the amendment. His speech would indicate that the farmer ought not to be allowed to use discretion in this matter, while he is perfectly willing to accord that discretion to those who live in the cities, who are not required to put up boxes, and to those on the star-route service, where there is no requirement that a patented box shall be bought. Why discriminate in the rural free delivery and leave these other classes to use their own methods in getting their mail?

Mr. PENROSE. I do not understand that any such discretion prevails in connection with city delivery. There may be an apparent exception in connection with the star-route service, which is a peculiar and particular branch, forming but a small part of the business of the Government as a whole. It hardly furnishes a parallel to or example for city delivery or rural delivery.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from South Carolina [Mr. LATIMER]. [Putting the question.] In the opinion of the Chair the noes have it.

Mr. LATIMER. I demand a division. ["No!" "No!"]

The VICE-PRESIDENT. The Chair will again put the question. [Putting the question.] In the opinion of the Chair, the noes have it.

Mr. LATIMER. A division!

The Senate proceeded to divide.

Mr. GALLINGER. I ask for the yeas and nays. It is manifest that there is not a quorum present, and we may secure one on a roll call.

Mr. LATIMER. What was the decision of the Chair?

Mr. GALLINGER. I withdraw the call for the yeas and nays.

The VICE-PRESIDENT. The Chair was about to announce the result when the Senator from New Hampshire demanded the yeas and nays. He now withdraws that demand?

Mr. GALLINGER. I withdraw it.

Mr. PENROSE. I have stated to the Senate the reasons which had weight with us in not inserting the amendment in the bill, but I am willing to accept it, and see that it has a fair hearing in conference.

The VICE-PRESIDENT. The Senator from Pennsylvania accepts the amendment, and the amendment is agreed to.

Mr. BAILEY. I desire to offer an amendment. On page 31, after the word "substation," line 11, I propose to insert these words:

The Post-Office Department shall make no regulation which will prevent fourth-class postmasters or rural route carriers from furnishing a Senator from a State the names of those to whom he delivers mail, nor to a Representative the names of those to whom he delivers mail within the district so represented.

Mr. President, all Senators, of course, are aware that the Post-Office Department has adopted a regulation that forbids postmasters and rural carriers furnishing to Senators and Representatives the names of those to whom they deliver mail.

Mr. TILLMAN. It is denied to everybody.

Mr. BAILEY. I think it proper to forbid the furnishing of names to people generally. But they have extended the prohibition so as to include Senators and Representatives.

Senators and Representatives desire the names of those who receive mail only in order that they can distribute to them the vast number of Government publications which are printed and which are printed for that very purpose. The Senator from Arkansas [Mr. BERRY] very well suggests that the same is true of free seeds. It looks to me like an odd regulation that

prohibits the Senators and Representatives from securing the names of the very people to whom these Government publications and these Government seeds ought to be sent.

Mr. HOPKINS. Mr. President—

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

Mr. BAILEY. Certainly.

Mr. HOPKINS. I would suggest to the Senator that the names of these parties can be secured through private sources instead of compelling the Post-Office Department to furnish them. Now, speaking of my own experience as a Member of the House, I used to keep the names of all the people in the various sections of my district. Where it is divided up into counties and townships and smaller districts, it is an easy matter to secure an entire list, and the names can be furnished by private sources. It is an innovation in legislation to require any public official—

Mr. BAILEY. I did not require him to furnish it.

Mr. HOPKINS. Oh!

Mr. BAILEY. I do not require him. I said, under the present law, the postmaster could not furnish it if he desired.

Mr. PENROSE. Mr. President—

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

Mr. BAILEY. I do.

Mr. PENROSE. I do not understand that any Senator or Representative can not get this information.

Mr. BAILEY. But that is the fact.

Mr. PENROSE. I have frequently myself had occasion to send a clerk to the Department to get it. The Government had no clerical force, and it has not the money to spend to furnish this very voluminous material, but I think the Senator from Texas can go to the Post-Office Department or send half a dozen clerks there and get all this information. The fact of this matter is that this information would be sought after by every newspaper owner and periodical publisher and trafficker in patent medicines who would want to circulate his wares among those people.

Mr. BAILEY. The Senator does not understand this amendment.

Mr. PENROSE. I thought I did.

Mr. BAILEY. I do not seek in the amendment to relieve the carriers and postmasters against the rule which forbids them to do this, except as to Senators and Representatives.

Mr. PENROSE. Does the Senator propose in this amendment that the carrier shall be compelled to furnish the list?

Mr. BAILEY. I do not.

Mr. PENROSE. Then there is no objection to the amendment.

Mr. GALLINGER. I suggest to the Senator from Texas that it read "Senators, Representatives, and Delegates."

Mr. BAILEY. That is a very good suggestion.

Mr. CARTER. I suggest to the Senator that he strike out "fourth-class" and simply leave the term "postmasters."

Mr. BAILEY. I think that is also a good suggestion. I wish to say that, so far as I am concerned, I know nothing about the distribution of documents and seeds. The young gentleman who is my Secretary has been with me for fifteen years, and he drew this amendment. He tells me the difficulty that he experiences, and I readily see how it becomes impossible to reach the people who are entitled to the seeds and documents. I accept the suggestion of the Senator from Montana and the suggestion of the Senator from New Hampshire, and I will make it read now as follows:

The Post-Office Department shall make no regulation which will prevent any postmaster or any rural route carrier from furnishing a Senator from a State the names of those to whom he delivers mail in that State, nor to a Representative or Delegate the names of those to whom he delivers mail within the district or Territory so represented.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Texas.

The amendment was agreed to.

Mr. BAILEY. Here is another amendment along the same line:

Any mail matter entitled to free transportation under the frank of a Senator, Representative, or Delegate in Congress when addressed to a rural route and a numbered box thereon shall be delivered as addressed.

Mr. President, it happens in some cases, I am advised, that the initials are not known, or that possibly the name is not known, but they can deliver these things intended for distribution through addressing them to a box. I am not as sure about this as I was about the other. The Senator from Georgia [Mr. CLAY], who is a member of the committee, says there is some doubt about it, and I will withhold it for the time being until I can examine into it.

The VICE-PRESIDENT. The proposed amendment is with-



drawn. If there are no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### EXECUTIVE SESSION.

Mr. FRYE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m.) the Senate adjourned until Thursday, May 31, 1906, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate May 29, 1906.*

##### COLLECTOR OF CUSTOMS.

John W. Vann, of Texas, to be collector of customs for the district of Brazos de Santiago, in the State of Texas, to succeed Charles H. Maris, whose term of office has expired by limitation.

##### PROMOTIONS IN THE NAVY.

Commander James H. Bull to be a captain in the Navy from the 26th day of May, 1906, vice Capt. Charles S. Sperry, promoted.

Lieut. Commander Frederick C. Bieg to be a commander in the Navy from the 26th day of May, 1906, vice Commander James H. Bull, promoted.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate May 29, 1906.*

##### COMMISSIONER OF FISH AND FISHERIES.

George M. Bowers, of West Virginia, to be Commissioner of Fish and Fisheries in the Department of Commerce and Labor.

##### CONSUL.

George H. Pickerell, of Ohio, now consul at St. Michaels, Azores, to be consul of the United States at Para, Brazil.

##### UNITED STATES ATTORNEY.

James K. Barnes, of Arkansas, to be United States attorney for the western district of Arkansas.

##### POSTMASTERS.

###### GEORGIA.

Stephen B. Vaughn to be postmaster at Augusta, in the county of Richmond and State of Georgia.

###### INDIANA.

Albert J. Frost to be postmaster at Portland, in the county of Jay and State of Indiana.

Ezra Hayes to be postmaster at Lawrenceburg, in the county of Dearborn and State of Indiana.

William Sholto to be postmaster at Windfall, in the county of Tipton and State of Indiana.

James G. Stanley to be postmaster at Ridgeville, in the county of Randolph and State of Indiana.

Samuel H. Teeple to be postmaster at Geneva, in the county of Adams and State of Indiana.

##### INDIAN TERRITORY.

Logan G. Hysmith to be postmaster at Wilburton, in District 15, Indian Territory.

Roy W. Lovett, to be postmaster at Bristow, in District 8, Indian Territory.

###### KANSAS.

Luther M. Axline to be postmaster at Medicine Lodge, in the county of Barber and State of Kansas.

###### MAINE.

Charles S. Akers to be postmaster at Norway, in the county of Oxford and State of Maine.

##### MASSACHUSETTS.

Dexter Grose to be postmaster at North Abington, in the county of Plymouth and State of Massachusetts.

##### MICHIGAN.

Andrew L. Deuel to be postmaster at Harbor Springs, in the county of Emmet and State of Michigan.

##### MINNESOTA.

William T. Callahan to be postmaster at Long Prairie, in the county of Todd and State of Minnesota.

Guy A. Eaton to be postmaster at Duluth, in the county of St. Louis and State of Minnesota.

##### MISSISSIPPI.

Joshua Stevens to be postmaster at Macon, in the county of Noxubee and State of Mississippi.

##### NEW JERSEY.

William B. R. Mason to be postmaster at Boundbrook, in the county of Somerset and State of New Jersey.

##### NEW MEXICO.

Fred O. Blood to be postmaster at East Las Vegas (late Las Vegas), in the county of San Miguel and Territory of New Mexico.

##### NEW YORK.

Vernon A. Kent to be postmaster at Westfield, in the county of Chautauqua and State of New York.

##### NORTH CAROLINA.

Eliza S. Craft to be postmaster at Williams, in the county of Yadkin and State of North Carolina.

James H. Ramsey to be postmaster at Salisbury, in the county of Rowan and State of North Carolina.

##### PENNSYLVANIA.

Thomas A. Cochran to be postmaster at Apollo, in the county of Armstrong and State of Pennsylvania.

#### WITHDRAWAL.

*Executive nomination withdrawn May 29, 1906.*

John J. O'Connell to be postmaster at Marinette, in the State of Wisconsin.

#### HOUSE OF REPRESENTATIVES.

*TUESDAY, May 29, 1906.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read.

Mr. PAYNE. Mr. Speaker, I move the approval of the Journal.

The SPEAKER. The question is on the motion of the gentleman from New York that the Journal be approved.

Mr. McCLEARY of Minnesota. Mr. Speaker—

The SPEAKER. Does the gentleman from New York yield to the gentleman from Minnesota?

Mr. PAYNE. Certainly; I yield to the gentleman for a statement or a question. Whether I shall yield further than that I shall determine later.

Mr. McCLEARY of Minnesota. Mr. Speaker, it seems to me, in view of the fact that the proceedings at the close of the session last evening were quite unusual and became a hardship upon certain Members of the House, the proceedings relating to the arrest and bringing of Members before the bar of the House should be vacated, and I ask unanimous consent that that be done.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the proceedings of last evening in reference to the arrest and bringing before the bar of the House of Members be vacated. Is there objection?

Mr. MURPHY. Mr. Speaker, I object.

The SPEAKER. The gentleman from Missouri objects.

Mr. GAINES of Tennessee rose.

The SPEAKER. Does the gentleman from New York yield to the gentleman from Tennessee?

Mr. PAYNE. Does the gentleman desire time?

Mr. GAINES of Tennessee. I do.

Mr. PAYNE. How much time does the gentleman desire?

Mr. GAINES of Tennessee. Three or four minutes.

Mr. PAYNE. I yield five minutes to the gentleman from Tennessee.

Mr. GAINES of Tennessee. Mr. Speaker, I remained here at work in the House throughout the day yesterday, and until nearly 6 o'clock. The Committee of the Whole was rising to go into the House when I left. I then went home—or, rather to my hotel—for the purpose, of course, of quitting the labors of the day, but particularly to make a long-distance inquiry about the very serious ill condition of my brother, seven or eight hundred miles away from here. While at the hotel an officer of the House came up and asked me if I had voted. I said no, and asked him, "What is the vote on?" He replied that the House was without a quorum and that he wanted me to go to the House, and held a paper in his hand—a warrant, I presume. I said, "Well, I am not going now for anybody," and then explained to him the very distressing condition of my brother, whom I was trying to hear from, and told him I was extremely distressed. I was unable to communicate with the attending physician—and have been even to this moment—and the officer

very kindly excused me. I then went down into the restaurant for my supper. There I saw a number of Members of the House and told them the condition of the House; that a call for a quorum was being made, but that I could not go. They came up. After I had finished my meal I went up into the lobby of the hotel and met a Member, who said he had voted and left "some time ago." I then went outside to see if the flag had been taken down from the House—in other words, to see and determine whether or not the House had as yet secured a quorum and adjourned. I could not see any flag. I then went back and telephoned to the House. I was informed over the telephone that the "House is still twenty-nine Members shy."

I was unable to telephone during this time to my sick brother or hear about his condition, so I got on a car and started to the House to help make a quorum, after I was excused you see, and was overtaken about Seventh street, or, rather, was hailed by my friend from Alabama Mr. WILEY and by my friend from Arkansas Mr. WALLACE, and by a gentleman who was with them, a deputy I suppose, one of the officers of the House at all events. I do not now recall his name, but he is here present. I then got in the carriage with them and we came up to the House together. We came into the Speaker's lobby together; I was a few steps ahead. At about halfway the Speaker's lobby, the gentleman who handles the mace, whose name is Mr. Pierce, inquired if we had been arrested. I laughed and went on and came to the door of the Chamber, turned and saw that he had stopped the gentleman from Alabama [Mr. WILEY] and also the gentleman from Arkansas [Mr. WALLACE]. I waited for them to catch up. We walked on into the Chamber, and we were reported by this officer here at the bar as having been arrested. Now, that is the whole story as to myself. I state this and another fact, that hereafter we may improve on the manner in which the laws are administered in this House with reference to this kind of a matter. I stayed here in the House for a few moments, and then walked out into the Speaker's lobby and saw, with my own eyes, that Republican Members were not stopped and arrested by this officer of the House as we had been, but came in and simply voted, whereupon I asked this officer why he was drawing a distinction between Democrats and Republicans.

The Speaker is somewhat familiar with the language that I used at the door to this officer, as I would to anybody else under similar circumstances. I do not retract anything that I then said. I saw that he did not hail Republican Members that came by, he did not stop them and ask whether they had been arrested, and the fact that he did not stop them as he did the gentleman from Alabama [Mr. WILEY], and the gentleman from Arkansas [Mr. WALLACE], and as he would have stopped me if I had paid any attention to his order, is the point that I make against his conduct. I treated the whole matter, when he first addressed us, more as a matter of twitting us than otherwise. Of course, if I had known that the gentleman was really in earnest I, too, would have stopped. He had a little piece of manuscript in his hand. Now, Mr. Speaker, if Republicans are to be treated that way hereafter, all well and good. If Democrats are to be treated that way hereafter, all well and good; but I serve notice now upon the officers of this House that hereafter they shall treat all Members alike. I am willing to be arrested when I should be. If arrested in this case, I never was before. I have not been absent from the House very often, and would not have been this time except for the distressing conditions named overtaking me. I make no apologies now for my absence on this occasion. These facts speak for themselves, but I do insist that Democrats and Republicans be treated alike when the order of this House goes out to arrest its Members.

Mr. RUCKER rose.

Mr. PAYNE. Mr. Speaker, does the gentleman from Missouri desire some time?

Mr. RUCKER. I would not have gotten up if I had not wanted a few minutes.

Mr. PAYNE. I yield two minutes to the gentleman.

Mr. RUCKER. Oh, I would like to have five.

Mr. PAYNE. Very well; I yield five minutes to the gentleman.

Mr. RUCKER. Mr. Speaker, I am very much obliged to the gentleman for his kindness. It seems that we can not get anything here without placing ourselves under obligations to some gentleman of the House. Referring to the incident of last evening, I want to make a statement, inasmuch as this is going to be an experience meeting. I want to say, Mr. Speaker, that late in the evening I left this House to go to my hotel. Just about the time of going to supper, as I call it, dinner as gentlemen sometimes call it, I received a telephone message that the

House was being called. I had a conversation with one of my Republican friends—by the way, one of the most elegant gentlemen in this House, who lives at the same hotel—and we agreed that we would eat supper hastily and get over here in order to vote and relieve the Chair and not delay the business of the House. A few minutes later (the gentleman from Tennessee [Mr. GAINES] said an officer; I deny it) a usurper so far as legal authority is concerned, a usurper from this House having no authority to arrest presented himself and asked us to come here with him. I came here, and I was the first culprit arraigned before the bar of this House. Gentlemen present expressed surprise and I confess I myself was surprised. Last week, Mr. Speaker, these same officers, clothed with the same kind of process, went to the baseball park and, as I am informed, arrested a number of Members, including one not far removed from the White House family, the gentleman from Ohio [Mr. LONGWORTH], and brought them here, but there was no parade and their names did not appear in the Record. Other distinguished gentlemen on that side whom I see now were arrested and were even saved from the clutches of the very diligent officers of this city for running an automobile at a dangerous rate of speed and were brought here in custody of an officer, but no record was made.

Mr. SIBLEY. Mr. Speaker, the gentleman does not wish to make a mistake. A little newspaper pleasantry indicating that there had been a bicycle—

Mr. RUCKER. Mr. Speaker—

The SPEAKER. Does the gentleman yield?

Mr. SIBLEY. A little newspaper pleasantry stated that the party, in returning to the House, had been followed by a bicycle cop and placed under arrest. Such was an absolute misstatement of facts. We saw no bicycle cop. [Laughter.]

Mr. RUCKER. Does the gentleman have personal knowledge of the instance to which I referred?

Mr. SIBLEY. There was no policeman seen, and no one spoke to us or hindered our free progress, so the gentleman should not make that statement, for he has not been correctly informed. We neither ran in excess of legal speed nor were spoken to by anyone on our way to the Capitol.

Mr. RUCKER. I am glad the distinguished gentleman from Pennsylvania was only arrested once on that occasion, and I am also glad there was no record made of that. Mr. Speaker, last night, I say, I was the first man arraigned before the bar of this House. On investigation I found some forty or fifty Members came in before me, but no man was arraigned. I appealed to the Speaker, and I told the gentleman then occupying the chair that there was some discrimination being employed in this matter. After that the Speaker pro tempore issued an order from his chair to the Sergeant-at-Arms to show no discrimination, and subsequently, Mr. Speaker, you were not here, but the gentleman from Pennsylvania [Mr. OLMSTED] was in the chair. After that interview with the Speaker pro tempore my colleague from Missouri and my good friend from New Hampshire, one of the best and most faithful men on this floor, were arrested in order to appease my wrath, I suppose, and I regret exceedingly that it was so. So far as I am concerned, I have no favors to ask of this House. I am glad the gentleman from New York is pursuing the policy which has characterized his course all through this session. He is so bent on mortifying some few Members that he seeks now to vent his partisan feeling against five Democrats, although it involves three good men on that side. I ask no favors of him.

The SPEAKER. The time of the gentleman has expired.

Mr. RUCKER. Can I have a few minutes more?

Mr. PAYNE. Oh, certainly.

Mr. RUCKER. Five minutes?

Mr. PAYNE. Two minutes more.

Mr. RUCKER. Mr. Speaker, am I recognized for five minutes more?

The SPEAKER. Does the gentleman yield five minutes?

Mr. PAYNE. I thought you asked for two, but the gentleman can have five minutes.

Mr. RUCKER. Mr. Speaker, the gentleman is so genial this morning that I hardly have the heart to say what I would like to say. [Laughter.] And I apprehend that if I should say all I feel like saying and all that the occasion warrants, the gentleman would ask to have it stricken from the Record.

Mr. Speaker, I want to repeat again, as shown by the Record at the time the doors were closed, that there were about 260 Members absent from this floor. One member of the police force of the Sergeant-at-Arms, under the direction of the Chair, after making a most diligent effort, succeeded in bringing four Democrats and one Republican into this House. One other succeeded in bringing in two Republicans, and one other a Demo-



crat. So I say that, out of 260 absent Members, the RECORD shows that five Democrats and three Republicans only were arrested.

Now, I care nothing about it. But I say to you, Mr. Speaker, while I do not believe and do not expressly charge, or do not charge, that this discrimination was winked at or directed by the Chair, I say that the discrimination shown yesterday was foul and contemptible, and I say, sir, that, so far as I am concerned, the officers of this House may do what they please, and I will go forth with my head erect, unmortified and unhumiliated by anything that can be done in this House. Why is it that distinguished Members of the other party are permitted to come in here, according to the uniform practice prevailing here, and are permitted to vote and go undenounced by the RECORD of this House, while others are made a parade of? Then why is it that the gentleman from New York, who is the author of this dilemma, as some seem to think, objects to the motion of the gentleman from Minnesota [Mr. McCLEARY] to strike from the RECORD that which is unpleasant to some of his colleagues? Does he think that it humiliates me or any of my colleagues? If so, I want to relieve his mind as to that, because I tell him it is not in his power to humiliate me.

Now, let me say again that it is a little remarkable, if the Speaker did it, that he would issue a warrant yesterday evening to be served upon a lot of Democrats, when this same Speaker within the last few days had to send clear to the baseball park to bring in distinguished members of his own party in order to make a quorum on this floor and no record whatever made of it.

Now, Mr. Speaker, I am always good-natured, and I will not trespass upon the patience of this House, but place myself square with the gentleman from New York [Mr. PAYNE], by yielding back to him the time I have not consumed. [Applause on the Democratic side.]

Mr. WALLACE. Mr. Speaker, will the gentleman from New York [Mr. PAYNE] yield me a few moments?

Mr. MURPHY. Mr. Speaker, I rise to a question of personal privilege.

Mr. PAYNE. The gentleman from Missouri [Mr. MURPHY] can hardly take me off the floor for a question of personal privilege.

The SPEAKER. The gentleman from Missouri rises to a question of the highest personal privilege. The motion before the House is to approve the Journal. The gentleman from New York [Mr. PAYNE] has the floor. In the opinion of the Chair the gentleman from Missouri [Mr. MURPHY] can raise his question of the highest personal privilege when the gentleman from New York is not upon the floor.

Mr. GAINES of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GAINES of Tennessee. Does the gentleman state that his question of personal privilege grows out of the approval of the Journal?

The SPEAKER. No; nor has the Chair conceded that it would make any difference if it did, in the time of the gentleman from New York. The gentleman from Missouri can not take the gentleman from New York [Mr. PAYNE] off of the floor upon a question of personal privilege, in the opinion of the Chair.

Mr. WALLACE. Mr. Speaker—

Mr. PAYNE. Mr. Speaker, what does the gentleman [Mr. WALLACE] desire?

Mr. WALLACE. I am one of the arrested parties.

Mr. PAYNE. Was the gentleman arrested?

Mr. WALLACE. Yes.

Mr. PAYNE. How much time does the gentleman want?

Mr. WALLACE. Three or four minutes, I suppose—say five minutes.

Mr. PAYNE. Five minutes?

Mr. WALLACE. Yes, sir.

Mr. PAYNE. I yield five minutes.

Mr. WALLACE. Mr. Speaker, I am not in the least out of humor this morning, although I was subjected to the course of the law on yesterday afternoon. I simply wish to detail the situation in as few words as I can, regarding myself alone. I refer to this matter not as a partisan one, nor in that spirit do I ask the attention of this House.

Mr. Speaker, it may have passed your mind for the moment, but the RECORD will show that about the first of this month I was appointed upon the committee to investigate charges against the Government Asylum for the Insane. Of course you know how busy members must be on that kind of a committee. We held a meeting yesterday afternoon, and I came to the House with my bulk of testimony and remained here and cast my vote on the roll call for adjournment. Then thinking that would be the last call, I went down to my home for the purpose of

taking an early start and go through that testimony last night. But I was informed there was another roll call over here. I immediately returned to this House, and cast my vote upon that call, out of which grew the order for these arrests. I stayed here and cast my vote for a quorum on the roll call under consideration.

Now, Mr. Speaker, I feel that I did my duty toward this House on yesterday evening. I have explained to you why I could have no idea of dodging any duty or in any sense play the filibuster. I was simply undertaking to discharge my duty to this House as well as I could, and also to the committee of the House on which I was appointed. So, Mr. Speaker, when the officer came to my dinner table last evening and told me that I was wanted on a roll call—he did not know exactly what it was, and I was not certain. I did not finish my meal. I got up, went out, and took a delightful ride with him up to this Capitol; and in that particular I want to say he is the only gentleman, I believe, who has ever been so courteous and kind. [Laughter and applause.]

Now, Mr. Speaker, I feel, in regard to this matter, while I am asking nothing at the hands of the House, and do not ask it to vacate the record for me, I only want it to be understood that I was discharging my duty toward this House and toward the committee. In other words, I was working somewhat overtime in discharging the double duty of a committeeman and of a Member of this House. Under those circumstances I feel like I was simply the victim of a mistake. [Loud applause.]

Now, as to the rapidly changing customs and practices of the other side of the House, its inauguration of new and its revival of old methods, I think it might be in the mood this morning to repeat to itself the words of Oliver Wendell Holmes, to wit:

If I change with the winds that blow,  
It is only because they made me so,  
And the people would think it wondrous strange  
If I, a weathercock, should not change.

Mr. PAYNE. Mr. Speaker—

Mr. FITZGERALD. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FITZGERALD. Is it in order now to move that the record of these arrests be expunged?

The SPEAKER. It is not.

Mr. FITZGERALD. Is it in order, if the gentleman would yield for this purpose, to make a motion to amend the Journal by expunging these arrests? I ask the gentleman if he will yield for that purpose, in order to have that motion made?

Mr. PAYNE. Well, I will consider that later.

Mr. Speaker, it will not be denied that it is the duty of every Member of the House to be present in his seat from the time the House meets until it adjourns. That is what we are here for—our primary duties; and that has been the idea of Congress from time immemorial. Why, it has been enacted by statute that every Member who is absent shall forfeit his day's pay pro rata for his day's absence; and I can remember the time when this rule was enforced, and that some Members forfeited as much as \$100 and \$600 of pay. A number of Members were fined those amounts, and fined by the operation of the law itself.

Now, early in the history of Congress, a rule was adopted for bringing in absent Members, and I desire to read it to the House, because of the fact that many Members do not take the time to read the rules of the House for themselves. I desire to read the old rule under which a quorum was secured:

In the absence of a quorum, fifteen Members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent Members, and in all calls of the House the doors shall be closed, the names of the Members shall be called by the Clerk, and the absentees noted; and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by officers to be appointed by the Sergeant-at-Arms for that purpose, and their attendance secured and retained; and the House shall determine upon what condition they shall be discharged. Members who voluntarily appear shall, unless the House otherwise direct, be immediately admitted to the Hall of the House, and they shall report their names to the Clerk to be entered upon the Journal as present.

Now, under that rule—

Mr. MURPHY. Will the gentleman allow me?

Mr. PAYNE. I can not be interrupted just now; I will yield to the gentleman later. Under that rule older Members of the House have seen many Members brought in here and brought to the bar of the House and heard them arraigned by the Speaker, saying, "You were absent from the House during the sittings of the House, without leave of the House. What excuse have you to offer?" The gentleman was heard as to whatever excuse he might make, and they were generally discharged from arrest; but they were compelled to remain in attendance, with the doors closed, until the House adjourned. That was the operation under the old rule.

But in the Fifty-fourth Congress the House adopted an additional rule for the attendance of Members. I introduced a rule

to that effect in the Fifty-first Congress, but the first suggestion of it came from an eminent Democrat from the State of Virginia, who first proposed something like this method of obtaining a quorum; and the rule was, from this suggestion, drawn out and adopted as clause 4 of Rule XV, and it was under this clause 4 that the House was acting last evening. A vote had been reached upon the final passage of a bill. It developed that no quorum was present; whereupon the Speaker proceeded under this rule, as he is authorized by the vote of the House to do, as the House had directed him by this rule to do:

4. Whenever a quorum fails to vote on any question, and a quorum is not present and objection is made for that cause, unless the House shall adjourn, there shall be a call of the House, and the Sergeant-at-Arms shall forthwith proceed to bring in absent Members, and the yeas and nays on the pending question shall at the same time be considered as ordered. The Clerk shall call the roll, and each Member as he answers to his name may vote on the pending question, and, after the roll call is completed, each Member arrested shall be brought by the Sergeant-at-Arms before the House, whereupon he shall be noted as present, discharged from arrest, and given an opportunity to vote and his vote shall be recorded. If those voting on the question and those who are present and decline to vote shall together make a majority of the House, the Speaker shall declare that a quorum is constituted, and the pending question shall be decided as the majority of those voting shall appear. And thereupon further proceedings under the call shall be considered as dispensed with.

Mr. SHACKLEFORD. Will the gentleman permit a question right there?

Mr. PAYNE. Oh, yes.

Mr. SHACKLEFORD. If the rule authorized the proceedings to which you have referred, why is it that only 4 or 5 out of 250 were made examples of and these others excused?

Mr. PAYNE. Mr. Speaker, when we had reached a vote upon that bill, and it had been determined that no quorum was present, in order to relieve those who had stayed here all day performing their duty and not to compel them to wait until gentlemen who were absent had gotten their dinners, I moved to adjourn the House. The motion was defeated by a majority vote. Then there was no other way for the Speaker to perform his duty than the way in which he performed it.

Mr. SHACKLEFORD. Why arrest 5 out of 250?

Mr. PAYNE. Will you let me speak?

Mr. SHACKLEFORD. As soon as you answer that.

Mr. PAYNE. I do not propose to answer your question until I get to it. Does the gentleman understand that?

Mr. SHACKLEFORD. Not perfectly, but partially.

Mr. PAYNE. I am glad it is permeating. The Speaker promptly did his duty. He ordered a call of the House; he ordered the doors closed; he directed the Sergeant-at-Arms to bring in absent Members, and they were brought in. The gentleman from Missouri, who has made a census of the matter, says there were eight brought in—five Democrats and three Republicans. The first two that came in were a pair of twins—the gentleman from Missouri, a Democrat, and also with him a Republican—showing that the Sergeant-at-Arms in that instance was not using any favoritism. One Republican, he said, was brought in by himself. In that instance he was using no favoritism. It is very easy for gentlemen to get up here in their mortification and pitch into the Sergeant-at-Arms and the officer of this House who has no voice here to defend himself. It is very easy for gentlemen to go out there in the corridor and denounce an officer of the House while that officer is at a disadvantage because he is an officer or an employee appointed by the House. But the Sergeant-at-Arms was directed to do his duty. The gentleman from Missouri says he will not say the Speaker directed the officer to arrest Democrats and not Republicans when he confesses that the Sergeant-at-Arms brought in both Republicans and Democrats. And if he suspects or has the faintest suspicion that the Speaker of the House of Representatives directed, hinted, or connived at in any way any favoritism in bringing gentlemen into the House he is the only man in the sound of my voice that is unworthy enough even to harbor any such thought or suspicion. [Applause.]

If these gentlemen had been here doing their duty, they would not have been arrested by the Sergeant-at-Arms. If they had been here voting on the proposition and staying here, they would not have been arrested or even invited to come to the Chamber by the Sergeant-at-Arms. We have had some little experience in getting a quorum ever since the gentleman from Mississippi [Mr. WILLIAMS] adopted what seems to him to be some means to secure an end, and which every other gentleman in the Hall believes a means that will not have the slightest effect toward securing the end that he announces he has in mind. When the point of no quorum has been raised from day to day, and sometimes half a dozen times in a day, the Sergeant-at-Arms has invited men to come in here. The Sergeant-at-Arms did his full duty yesterday when he arrested men who did not come in here when he was inviting them to come. He exactly carried out the rule of the House. If he neglected to carry out the rule

of the House in arresting Members who did not come in on his invitation, then he did not do his full duty. Yesterday he did and some gentlemen came in here. They were put in the same category with many an honored Member of the House in times that are past that was brought in under the first rule I have read—brought up to the bar of the House and arraigned by the Speaker because they had not performed their duty, but had stayed away from the House.

Now, that is the record they have made, one by one. They come in and make an excuse and that has gone into the RECORD, and the excuse goes with the offense against the rules of the House, against the integrity of the House, against the interruption of the proceedings of the House because of their absence when they are needed here upon a vote.

I suppose they are content with the excuses they put upon the RECORD. So far as mutilating the Journal is concerned, it does not concern me one way or the other. You may expunge it, and, like the expunging at the other end of the Capitol so many years ago when the expunging did not expunge, it is there on the records to-day. You may expunge this proceeding, you may take it out of the RECORD; it does not matter to me one way or the other—it is there. The attention of the House has been called to this fact, that certain Members were absent and were brought into the House by the Sergeant-at-Arms. I do not think it will be a lasting disgrace to these gentlemen; I think they will outlive it. I think my friend from Missouri, who is so fearful that he will be humiliated, will recover from what occurred yesterday. It will answer a useful purpose if it calls the attention of the Members of the House to this rule, if it calls the attention of the Members of the House to the importance of their being present to do the business of the House. Some Members are asking every day when we are going to take a final adjournment. Well, our final adjournment is not hastened any by having to stop every few minutes and send out for absentees to get a quorum to vote on questions. It is important that Members should be here and perform their duty. Their first place is here in the House, and the rules are inaugurated for that purpose. I have no doubt that the Sergeant-at-Arms and the officers of the House did their full duty under this rule in arresting such Members as they ought to have arrested, without regard to whether they were Republicans or Democrats. It is said that two more Democrats were brought in than there were Republicans brought in. Well, naturally the Republicans ought to desire to dispatch the business of the House; they ought to come here more readily, and to come on a telephone call, than the Democratic Members of the House. The Republicans were not filibustering. Why, Mr. Speaker, I would not have been surprised if the officers going out to perform their full duty impartially and judiciously had caught nine Democrats out of ten Members from the ranks who I understand signed a paper agreeing to support the leader of the minority of the House in the filibustering tactics in the House. [Applause on the Republican side.] These officers have performed their duty here now for nine years, every one of them, and I have never before heard any complaint or criticism from any Member of this House, on either side of it, as to the manner in which they have performed their duty. Of course, when a man is in fault he wants to lay it on to somebody else; when a man is in the wrong he wants to put the wrong on other shoulders. Here are these gentlemen absent without an excuse, and the only excuse they seem to have is to try to raise a quarrel with the officers of the House who have no voice on this floor. Mr. Speaker, I move the previous question on the approval of the Journal.

Mr. FITZGERALD. Mr. Speaker, before that motion is put, I want to call the attention of the Chair to the fact that at the time I rose for the purpose of moving to amend the Journal the previous question had not been demanded, and under the precedents it was held that a motion to amend was not in order, because the previous question had been demanded.

The SPEAKER. The gentleman from New York had the floor.

Mr. PAYNE. Mr. Speaker, the gentleman from Pennsylvania [Mr. OLMSTED] asked me a while ago for the privilege of making a motion to strike out this matter, and I will withhold the demand for the previous question and yield to him for that purpose.

Mr. WILLIAMS. Mr. Speaker, before that is done, inasmuch as the gentleman from New York has referred to me in his talk, I hope he will yield to me.

Mr. PAYNE. Oh, I do not think the gentleman is called upon to make a speech.

Mr. WILLIAMS. Well, but the gentleman made a speech at my expense. However, I will get in later.



Mr. OLMSTED. Mr. Speaker, I move to amend by striking out in the Journal all reference to the arrest and the arraignment of the Members of the House before the bar at yesterday's session.

Mr. PAYNE. Mr. Speaker, upon the amendment and upon the motion to approve the Journal I now demand the previous question.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out in the Journal all reference to the arrest of absentees at yesterday's session.

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

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. Does that also strike it out of the RECORD?

The SPEAKER. The RECORD is under the control of the House and is not now under consideration.

Mr. OLMSTED. If it is proper, Mr. Speaker, I would include it now.

Mr. PAYNE. That would not be germane to the motion.

The SPEAKER. It is not germane to the Journal. The House has full control of the RECORD. The question is on the motion of the gentleman from New York, on ordering the previous question on the motion to approve the Journal, with the amendment thereto offered by the gentleman from Pennsylvania, Mr. OLMSTED.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 202, noes 69.

Mr. WILLIAMS. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 177, nays 77, answered "present" 18, not voting 109, as follows:

#### YEAS—177.

Acheson	Draper	Kahn	Payne
Adams, Pa.	Driscoll	Kelfer	Pearre
Adams, Wis.	Dunwell	Kennedy, Nebr.	Perkins
Allen, Me.	Dwight	Kinkaid	Pollard
Ames	Edwards	Klepper	Powers
Bede	Ellis	Knowland	Prince
Beldier	Esch	Lacey	Rhodes
Bennet, N. Y.	Fassett	Lafean	Roberts
Bennett, Ky.	Fletcher	Landis, Chas. B.	Rodenberg
Birdsall	Foss	Landis, Frederick	Samuel
Bonyne	Foster, Ind.	Le Fevre	Scott
Boutell	Foster, Vt.	Lilley, Conn.	Shartel
Bowersock	French	Littauer	Sherman
Brick	Fulkerson	Longworth	Sibley
Brooks, Colo.	Fuller	Loud	Smith, Cal.
Brown	Gaines, W. Va.	Loudenslager	Smith, Ill.
Brownlow	Gardner, Mass.	McCall	Smith, Iowa
Burke, Pa.	Gardner, N. J.	McCarthy	Smith, Samuel W.
Burke, S. Dak.	Gilbert, Ind.	McCleary, Minn.	Smith, Pa.
Burleigh	Gillett, Cal.	McCreary, Pa.	Smyser
Burton, Del.	Gillett, Mass.	McGavin	Southwick
Burton, Ohio	Goebel	McKinlay, Cal.	Sperry
Butler, Pa.	Graft	McKinney	Steenerson
Calderhead	Graham	McKinney	Sterling
Campbell, Kans.	Grosvenor	McLachlan	Stevens, Minn.
Campbell, Ohio	Hale	McMorran	Sulloway
Capron	Hamilton	Madden	Sulzer
Cassel	Haugen	Mann	Tawney
Chaney	Hayes	Marshall	Taylor, Ohio
Chapman	Hedge	Miller	Thomas, Ohio
Cocks	Henry, Conn.	Minor	Tirrell
Cole	Hepburn	Mondell	Townsend
Conner	Hermann	Moon, Pa.	Volstead
Cooper, Pa.	Higgins	Morrell	Wachter
Cooper, Wis.	Hill, Conn.	Murdoch	Wanger
Cousins	Hinsbaw	Needham	Watson
Cromer	Hear	Nevins	Weeks
Crumacker	Hogg	Norris	Wiley, N. J.
Curtis	Holliday	Olcott	Willson
Cushman	Howell, N. J.	Olmsted	Wood, N. J.
Dalzell	Howell, Utah	Olsen	Woodyard
Darragh	Hubbard	Overstreet	Young
Davis, Minn.	Humphrey, Wash.	Palmer	
Dawson	Jenkins	Parker	
Denby	Jones, Wash.	Parsons	

#### NAYS—77.

Adamson	Flood	Lester	Ryan
Bartlett	Floyd	Livingston	Shackelford
Beall, Tex.	Gaines, Tenn.	Lloyd	Sheppard
Bell, Ga.	Garber	McLain	Sherley
Brantley	Garner	Macon	Sims
Brundidge	Gillespie	Moon, Tenn.	Smith, Md.
Burgess	Gregg	Moore	Smith, Tex.
Burleson	Hay	Murphy	Spight
Burnett	Hefflin	Patterson, S. C.	Stanley
Butler, Tenn.	Henry, Tex.	Pou	Stephens, Tex.
Candler	Hopkins	Ransdell, La.	Sullivan, Mass.
Clark, Fla.	Houston	Rhino	Talbot
Clark, Mo.	Humphreys, Miss.	Richardson, Ala.	Underwood
Clayton	James	Richardson, Ky.	Wallace
Davey, La.	Johnson	Rixey	Watkins
Davis, W. Va.	Keliber	Robertson, La.	Williams
De Armond	Kitchin, Claude	Robinson, Ark.	Zenor
Dixon, Ind.	Lamar	Rucker	
Ellerbe	Lamb	Ruppert	
Fitzgerald	Lee	Russell	

#### ANSWERED "PRESENT"—18.

Andrus	Glass	Hunt	Padgett
Buckman	Greene	Kline	Page
Dale	Hardwick	Lever	Sparkman
Dickson, Ill.	Hearst	Lilley, Pa.	
Finley	Hull	Mouser	

#### NOT VOTING—109.

Aiken	Flack	Lewis	Smith, Ky.
Alexander	Fordney	Lindsay	Smith, Wm. Alden
Allen, N. J.	Fowler	Little	Snapp
Babcock	Gardner, Mich.	Littlefield	Southall
Bankhead	Garrett	Lorimer	Southard
Bannon	Gilbert, Ky.	Lovering	Stafford
Barchfeld	Gill	McDermott	Sullivan, N. Y.
Bartholdt	Goldfogle	McNary	Taylor, Ala.
Bates	Goulden	Mahon	Thomas, N. C.
Bingham	Granger	Martin	Towne
Bishop	Griggs	Maynard	Trimble
Blackburn	Gronna	Meyer	Tyndall
Bowers	Gudger	Michalek	Van Duzer
Bowie	Haskins	Mudd	Van Winkle
Bradley	Hill, Miss.	Patterson, N. C.	Vreeland
Broocks, Tex.	Hitt	Patterson, Tenn.	Wadsworth
Broussard	Howard	Pujo	Waldo
Byrd	Huff	Rainey	Webb
Calder	Hughes	Randell, Tex.	Webber
Cockran	Jones, Va.	Reeder	Weems
Currier	Kennedy, Ohio	Reid	Weisse
Davidson	Ketcham	Reynolds	Welborn
Dawes	Kitchin, Wm. W.	Rives	Wharton
Deemer	Knapp	Schneebell	Wiley, Ala.
Dixon, Mont.	Knopf	Scroggy	Wood, Mo.
Dovener	Law	Slayden	
Dresser	Lawrence	Slemp	
Field	Legare	Small	

So the previous question was ordered.

The Clerk announced the following pairs:

For the session:

Mr. CURRIER with Mr. FINLEY.

Mr. BRADLEY with Mr. GOULDEN.

Mr. HULL with Mr. SLAYDEN.

Mr. MOUSER with Mr. GARRETT.

Until further notice:

Mr. DEEMER with Mr. KLINE.

Mr. BATES with Mr. GRANGER.

Mr. DIXON of Montana with Mr. PAGE.

Mr. WELBORN with Mr. GUDGER.

Mr. BARTHOLDT with Mr. LITTLE.

Mr. LITTLEFIELD with Mr. SMITH of Kentucky.

Mr. ANDRUS with Mr. THOMAS of North Carolina.

Mr. GRONNA with Mr. HILL of Mississippi.

Mr. HITT with Mr. LEGARE.

Mr. REYNOLDS with Mr. McDERMOTT.

Mr. DALE with Mr. BOWIE.

Mr. HASKINS with Mr. LEVER.

Mr. DOVENER with Mr. SPARKMAN.

Mr. GREENE with Mr. PATTERSON of North Carolina.

Mr. HUFF with Mr. WOOD of Missouri.

Mr. KNOPF with Mr. WEISSE.

Mr. LILLEY of Pennsylvania with Mr. GILBERT of Kentucky.

Mr. SOUTHARD with Mr. HARDWICK.

Mr. FOWLER with Mr. PADGETT.

Until Saturday:

Mr. GARDNER of Michigan with Mr. TAYLOR of Alabama.

For the day:

Mr. REEDER with Mr. SOUTHALL.

Mr. VREELAND with Mr. VAN DUZER.

Mr. WALDO with Mr. WEBB.

Mr. VAN WINKLE with Mr. TRIMBLE.

Mr. TYNDALL with Mr. REID.

Mr. MUDD with Mr. WILEY of Alabama.

Mr. MAHON with Mr. RANDELL of Texas.

Mr. LOVERING with Mr. PUJO.

Mr. LORIMER with Mr. MAYNARD.

Mr. LAWRENCE with Mr. McNARY.

Mr. KENNEDY of Ohio with Mr. LINDSAY.

Mr. HUGHES with Mr. LEWIS.

Mr. FORDNEY with Mr. JONES of Virginia.

Mr. DRESSER with Mr. HOWARD.

Mr. DAWES with Mr. GRIGGS.

Mr. BINGHAM with Mr. FIELD.

Mr. BISHOP with Mr. BROOCKS of Texas.

Mr. BARCHFIELD with Mr. BROUSSARD.

Mr. BANNON with Mr. BOWERS.

Mr. BABCOCK with Mr. BANKHEAD.

Mr. ALEXANDER with Mr. AIKEN.

Mr. WM. ALDEN SMITH with Mr. MEYER.

Mr. SCHNEEBEL with Mr. PATTERSON of Tennessee.

Mr. KNAPP with Mr. GOLDFOGLE.

Mr. DICKSON of Illinois with Mr. WILLIAM W. KITCHIN.

Mr. BLACKBURN with Mr. SMALL.

Mr. KETCHAM with Mr. COCKRAN.

Mr. RIVES with Mr. TOWNE.

Mr. DAVIDSON with Mr. BUTLER of Tennessee.

Mr. LAW with Mr. SULLIVAN of New York.

For the vote:

Mr. ALLEN of New Jersey with Mr. RAINEY.

Mr. CALDER with Mr. BYRD.

The result of the vote was announced as above recorded.

Mr. HULL. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Iowa rise?

Mr. HULL. I see I am paired with the gentleman from Texas, and I desire to withdraw my vote and vote "present."

The SPEAKER. Call the gentleman's name.

The Clerk called Mr. HULL's name; and he answered "present."

Mr. GAINES of Tennessee. Mr. Speaker, I thought at first I was personally interested in this vote, but I find now I am mistaken, and I want to withdraw my vote of "present" and vote "no," that the Journal and Record may stand exactly as they are.

The SPEAKER. Call the gentleman's name.

The Clerk called the name of Mr. GAINES of Tennessee; and he answered "no."

Mr. LILLEY of Pennsylvania. Mr. Speaker, I voted "aye," and find I was paired with the gentleman from Kentucky. I desire to change my vote from "aye" to "present."

The SPEAKER. Call the gentleman's name.

The Clerk called the name of Mr. LILLEY of Pennsylvania; and he answered "present."

The result of the vote was announced as above recorded.

The SPEAKER. The previous question is ordered, and the question now is on the amendment.

The question was taken; and the amendment was rejected.

The SPEAKER. The question now is on the approval of the Journal.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

While the House was dividing,

Mr. WILLIAMS. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 224, nays 7, answered "present" 17, not voting 133, as follows:

## YEAS—224.

Acheson	Davey, La.	Johnson	Pou
Adams, Pa.	Davis, Minn.	Kahn	Powers
Adamson	Davis, W. Va.	Keliber	Prince
Alken	Dawson	Kennedy, Nebr.	Rainey
Allen, Me.	Denby	Kinkaid	Rhinock
Allen, N. J.	Dixon, Ind.	Kitchin, Claude	Rhodes
Ames	Draper	Klepper	Richardson, Ala.
Bartlett	Driscoll	Knowland	Richardson, Ky.
Beall, Tex.	Dunwell	Lacey	Rixey
Bede	Dwight	Lafean	Robertson, La.
Beldler	Edwards	Lamar	Robinson, Ark.
Bell, Ga.	Ellerbe	Lamb	Rodenberg
Bennet, N. Y.	Ellis	Landis, Chas. B.	Rucker
Bennett, Ky.	Esch	Landis, Frederick	Ruppert
Birdsall	Fassett	Lee	Russell
Bonyne	Fitzgerald	Le Fevre	Ryan
Boutell	Fletcher	Lilley, Conn.	Samuel
Bowers	Foss	Lloyd	Scott
Bowersock	Foster, Ind.	Longworth	Shackleford
Brantley	Foster, Vt.	Loudenslager	Shartel
Brick	French	Lovering	Sheppard
Brooks, Tex.	Fulkerson	McCall	Sherley
Brooks, Colo.	Fuller	McCarthy	Sherman
Brown	Gaines, Tenn.	McCreary, Pa.	Sibley
Brownlow	Gaines, W. Va.	McGavin	Sims
Brundidge	Garber	McKinlay, Cal.	Slemp
Burgess	Gardner, N. J.	McKinley, Ill.	Smith, Cal.
Burke, Pa.	Gilbert, Ind.	McKinney	Smith, Ill.
Burke, S. Dak.	Gillespie	McLachlan	Smith, Md.
Burleigh	Gillett, Cal.	McLain	Smith, Samuel W.
Burleson	Glass	Macon	Smith, Pa.
Burnett	Goebel	Madden	Smith, Tex.
Burton, Del.	Graff	Mann	Smyser
Butler, Pa.	Graham	Marshall	Southwick
Butler, Tenn.	Gregg	Miller	Sperry
Byrd	Grosvenor	Minor	Steenerson
Calderhead	Hale	Mondell	Sterling
Campbell, Kans.	Hamilton	Moore, Pa.	Sulloway
Campbell, Ohio	Hay	Moon, Tenn.	Sulzer
Capron	Hayes	Moore	Taylor, Ohio
Cassel	Hedge	Mudd	Thomas, Ohio
Chaney	Hefflin	Murdock	Tirrell
Chapman	Henry, Conn.	Needham	Underwood
Clark, Fla.	Henry, Tex.	Nevin	Wachter
Clark, Mo.	Hermann	Norris	Wallace
Clayton	Higgins	Olcott	Wanger
Cocks	Hill, Conn.	Olmsted	Watson
Cole	Hinschaw	Otjen	Weeks
Conner	Hogg	Overstreet	Wharton
Cooper, Pa.	Holliday	Palmer	Wiley, N. J.
Cooper, Wis.	Houston	Parker	Williams
Cousins	Howell, N. J.	Parsons	Wilson
Cromer	Howell, Utah	Patterson, S. C.	Wood, N. J.
Curtis	Humphreys, Miss.	Payne	Woodyard
Dalzell	Hunt	Perkins	Young
Darragh	James	Pollard	Zenor

Candler	Floyd	Honkins	Ransdell, La.
Flood	Garner	Murphy	
Andrus	ANSWERED "PRESENT"—17.		
Buckman	Gillett, Mass.	Kline	Page
Dale	Greene	Lever	Sparkman
Dickson, Ill.	Hardwick	Lilley, Pa.	
Finley	Hull	Mouser	
	Jenkins	Padgett	

## NOT VOTING—133.

Adams, Wis.	Gilbert, Ky.	Littauer	Southall
Alexander	Gill	Little	Southard
Babcock	Goldfogle	Littlefield	Splight
Bankhead	Goulden	Livingston	Stafford
Bannon	Granger	Lorimer	Stanley
Barchfeld	Griggs	Loud	Stevens, Tex.
Bartholdt	Gudger	McCleary, Minn.	Stevens, Minn.
Bates	Gronna	McDermott	Sullivan, Mass.
Bingham	Haskins	McMorran	Sullivan, N. Y.
Bishop	Haugen	McNary	Talbott
Blackburn	Hearst	Mahon	Tawney
Bowie	Hepburn	Martin	Taylor, Ala.
Bradley	Hill, Miss.	Maynard	Thomas, N. C.
Broussard	Hitt	Meyer	Towne
Burton, Ohio	Hoar	Michalek	Townsend
Calder	Howard	Morrell	Trimble
Cockran	Hubbard	Patterson, N. C.	Tyndall
Crumpacker	Huff	Patterson, Tenn.	Van Duzer
Currer	Hughes	Pearre	Van Winkle
Cushman	Humphrey, Wash.	Pujo	Volstead
Davidson	Jones, Va.	Randell, Tex.	Veeland
Daves	Jones, Wash.	Reeder	Wadsworth
De Armond	Keifer	Reid	Waldo
Deemer	Kennedy, Ohio	Reynolds	Watkins
Dixon, Mont.	Ketcham	Rives	Webb
Doyner	Kitchin, Wm. W.	Roberts	Webber
Dresser	Knapp	Schneebell	Weems
Field	Knopf	Scroggy	Weisse
Flack	Law	Slayden	Welborn
Fordney	Lawrence	Small	Wiley, Ala.
Fowler	Legare	Smith, Iowa	Wood, Mo.
Gardner, Mass.	Lester	Smith, Ky.	
Gardner, Mich.	Lewis	Smith, Wm. Alden	
Garrett	Lindsay	Snapp	

So the Journal was approved.

The Clerk announced the following additional pairs:

For the vote:

Mr. ADAMS of Wisconsin with Mr. DE ARMOND.

Mr. CRUMPACKER with Mr. WATKINS.

Mr. HEPBURN with Mr. STEPHENS of Texas.

Mr. LITTAUER with Mr. TALBOTT.

Mr. McCLEARY of Minnesota with Mr. SPIGHT.

Mr. PEARRE with Mr. STANLEY.

Mr. SMITH of Iowa with Mr. SULLIVAN of Massachusetts.

For the day:

Mr. GILLET of Massachusetts with Mr. LIVINGSTON.

Mr. JENKINS with Mr. LESTER.

The result of the vote was announced as above recorded.

## COLLECTION DISTRICT IN THE STATE OF TEXAS.

Mr. CURTIS. Mr. Speaker, I present a privileged report.

The SPEAKER. The gentleman from Kansas presents the following privileged report, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10715) to establish a collection district in the State of Texas, and for other purposes.

Mr. PAYNE. Mr. Speaker, I want to make the point of order that is not privileged.

The SPEAKER. In any event, the Chair supposes it would go to the Committee of the Whole House.

Mr. PAYNE. I suppose it would.

The SPEAKER. The Chair understands the gentleman from New York reserves the point of order.

Mr. PAYNE. Yes; I reserve the point of order.

The SPEAKER. Referred to the Committee of the Whole House on the state of the Union.

## PERSONAL PRIVILEGE.

Mr. MURPHY. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. MURPHY. To a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. MURPHY. Mr. Speaker, yesterday evening some time after 5 o'clock, I left this House and went to my home and shortly thereafter there appeared a deputy, I presume, or an Assistant Sergeant-at-Arms, who told me that, under the direction of the Speaker, he was ordered to arrest me and bring me before the House. He presented to me this paper, a portion of which I want to read:

FIFTY-NINTH CONGRESS, FIRST SESSION,  
CONGRESS OF THE UNITED STATES,  
In the House of Representatives.

To HENRY CASSON,  
Sergeant-at-Arms of the House of Representatives,

or his deputies:

Whereas clause 4 of Rule XV of the House of Representatives provides as follows.



Then it recites clause 4 of Rule XV.

And whereas the conditions specified in the said rule have arisen and the following-named persons are absent, to wit, ARTHUR P. MURPHY (and fifty-nine others who are named), now, therefore, I, J. G. CANNON, Speaker of the House of Representatives, by virtue of the power vested in me by the House, hereby command you to execute the said order of the House by taking into custody and bringing to the bar of the House the said above-named Members who are so absent; hereof fail not, and make due return in what manner you execute the same.

In testimony whereof, I have hereunto set my hand and caused to be affixed the seal of the House of Representatives of the United States this 28th day of May, 1906.

J. G. CANNON, *Speaker*.

Attest:

A. McDOWELL, *Clerk*.

With the seal of the House of Representatives thereon.

I fail to find, Mr. Speaker, in my opinion, any authority whatever under law or under the rules of the House or under the Constitution for the issuance of such a paper, which purports to be a warrant. Section 5 of Article I of the Constitution of the United States provides:

Sec. 5. Each House shall be the judge of the elections, returns, and qualifications of its own Members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent Members, in such manner, and under such penalties as each House may provide.

That provides the House may do that. I find that under Rule I of the House, clause 4, in relation to the duties of the Speaker:

Sec. 4. He shall sign all acts, addresses, joint resolutions, writs, warrants, and subpoenas of, or issued by order of, the House, and decide all questions of order, subject to an appeal by any Member, on which appeal no Member shall speak more than once, unless by permission of the House.

I find in clause 3 of Rule III, in relation to the duties of the Clerk, as follows:

Attest and affix the seal of the House to all writs, warrants, and subpoenas issued by order of the House, certify to the passage of all bills and joint resolutions.

I find in Rule IV, clause 1, that the duties of the Sergeant-at-Arms are as follows:

1. It shall be the duty of the Sergeant-at-Arms to attend the House and the Committee of the Whole during their sittings, to maintain order under the direction of the Speaker or Chairman, and, pending the election of a Speaker or Speaker pro tempore, under the direction of the Clerk; execute the commands of the House, and all processes issued by authority thereof, directed to him by the Speaker.

Then I find under Rule XV, in clause 2, it provides:

2. In the absence of a quorum, fifteen Members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent Members, and in all calls of the House the doors shall be closed, the names of the Members shall be called by the Clerk, and the absentees noted; and those for whom no sufficient excuse is made may, by order of majority of those present, be sent for and arrested, wherever they may be found.

Then we find in clause 4 of Rule XV—and this warrant under which the Sergeant-at-Arms was acting especially states upon its face that it was under clause 4 of Rule XV—this:

4. Whenever a quorum fails to vote on any question, and a quorum is not present and objection is made for that cause, unless the House shall adjourn, there shall be a call of the House, and the Sergeant-at-Arms shall forthwith proceed to bring in absent Members.

There is not a single provision in that rule that authorizes the Speaker of the House of Representatives to issue a warrant. There is no authority in that rule or in any other rule of this House that authorizes the Speaker of the House of Representatives to issue a warrant except upon the order of the House. Rule XV is on the subject of "Calls of the roll and House," and, under all of the rules of construction of law, all of these sections would be considered together. If you take clause 4 and construe it alone, it would be ambiguous, but, in construing ambiguity, it is not in favor of arrest, but more in the opposite direction.

I looked over the RECORD this morning, and the Journal, and there is not a single entry directing, ordering, or authorizing the Speaker of the House of Representatives to issue a warrant, a rule, an order, or any other process to bring a single Member before the bar of this House.

Mr. WILLIAMS. Mr. Speaker, before the gentleman sits down I would like to ask him a question. I understood you to read that warrant, and to say that you and fifty-nine other Members were out. Is that correct?

Mr. MURPHY. It is.

Mr. WILLIAMS. I believe the RECORD shows there were 160 absent.

Mr. CLARK of Missouri. Two hundred and sixty.

Mr. WILLIAMS. Two hundred and sixty, I am informed.

Mr. PAYNE. Four warrants.

The SPEAKER. The Chair will call the attention of the gentleman—

Mr. WILLIAMS. If there were that many absent Members, I do not understand why only fifty-nine were sent for.

The SPEAKER. The Chair will say—

Mr. PAYNE. How does the gentleman get that information?

The SPEAKER. The Chair will call the attention of the gentleman from Mississippi to the fact that several warrants were issued.

Mr. MURPHY. I was going to call his attention to the fact that there were three or four issued.

Mr. WILLIAMS. Did they all contain the same language?

Mr. MURPHY. They did, except the names.

Mr. WILLIAMS. I understand that part of it.

Mr. MURPHY. Now, I want to call attention to the closing words of the warrant:

Now, therefore, I, J. G. CANNON, Speaker of the House of Representatives, by virtue of the power vested in me by the House.

I do not understand what authority you would get, unless it would be by a vote of the majority of the Members present.

Mr. OLMSTED. Will the gentleman permit me?

Mr. MURPHY. Yes.

Mr. OLMSTED. I simply desire to call the gentleman's attention to the fact that the rule which he had read—clause 4 of Rule XV—contemplates an arrest. That is a rule adopted by the House. It is the authorization of the House. If an arrest requires or involves the warrant of the Speaker, which would seem to be the only tangible evidence of authority the Sergeant-at-Arms could present or exhibit, the rule seems clearly to authorize the warrant, particularly when read in connection with clause 4 of Rule I and clause 1 of Rule IV.

Mr. MURPHY. Upon that I take issue with the gentleman. It provides for no warrant. The only place in the rules that it does provide for a warrant is upon authority of a majority of the Members present, and not upon the direction of the Speaker himself, in the case of arrest.

Mr. DALZELL. The propriety of arrest is determined by the manner in which the paper was written.

The SPEAKER. The Chair desires to state, and can only do it by unanimous consent of the House, because there is nothing before the House—

Mr. PAYNE. I ask unanimous consent, Mr. Speaker.

The SPEAKER (continuing). For the Chair to rule upon. Is there objection to a very brief statement by the Chair? [After a pause.] The Chair hears none.

The Chair examined with some care, and caused to be examined with some care, the propriety of issuing the warrant referred to. Clause 4 of Rule XV is a rule that was adopted in the Fifty-fourth Congress; and in the absence of a quorum, shown upon a vote taken, the rule provides what the Sergeant-at-Arms shall do. The Chair is inclined to believe that, on such a fact arising, the Sergeant-at-Arms, without a warrant, would be legally authorized, upon the order of the Speaker verbally given, as the rule provides, to bring in absent Members. Such was the old practice of Parliament. The Chair is quite well aware that no act that he performs as Representative or Speaker should be performed or can be performed properly or legally except under the Constitution, under the law, or under the rules of the House which the House adopts, not only from necessity, but by express provision.

Clause 4 was adopted, the Chair stated, in the Fifty-fourth Congress. Prior to that the House had proceeded under clause 2 of the same Rule XV, which was a provision that has dwelt in the rules, perhaps, almost from the organization of the House, but that was a proceeding for the House to get a quorum in all cases, and not especially upon the passage of a bill, as is provided for in clause 4.

Now, the gentleman from Missouri has read the authority from Rule I for the Speaker issuing subpoenas, warrants, orders, etc. There is not now, and never has been any rule, so far as the Chair can find out, that authorizes in express terms the Speaker to issue a warrant, and the Chair has caused to be examined the practice of the House under clauses 1 and 2 of Rule XV prior to the Fifty-fourth Congress and has found that uniformly on a call of the House those present gave authority in form, as follows:

*Resolved*, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its Members as are absent without leave.

That resolution is in substance the authority that is given by terms of the rule in cases arising under clause 4 of Rule XV, and the Chair, on inquiry, finds it was the invariable practice of substantially all the Speakers prior to the Fifty-fourth Congress on the strength of the resolution and without further authority to issue a warrant.

The Chair is still of opinion that under the practice in the House he is authorized to issue the warrant, although, as stated

before, the Chair is inclined to be of the opinion that when the fact arises under clause 4 of Rule XV the Sergeant-at-Arms, on the verbal direction of the Speaker, as that rule provides, can bring in absent Members. If he can under the verbal direction, much more he can under the written direction.

Mr. MURPHY. Mr. Speaker, will you pardon me—  
The SPEAKER. Certainly.

Mr. MURPHY. Does clause 4 provide for the Speaker to direct it, either verbally or in writing? Can not the Sergeant-at-Arms do it without any direction?

The SPEAKER. There should be a call of the House:

4. Whenever a quorum fails to vote on any question, and a quorum is not present and objection is made for that cause—

Which was this case—

unless the House shall adjourn, there shall be a call of the House, and the Sergeant-at-Arms shall forthwith proceed to bring in absent Members, and the yeas and nays on the pending question shall at the same time be considered as ordered. The Clerk shall call the roll, and each Member as he answers to his name may vote on the pending question, and, after the roll call is completed, each Member arrested shall be brought by the Sergeant-at-Arms before the House, whereupon he shall be noted as present, discharged from arrest, and given an opportunity to vote and his vote shall be recorded.

Now—

Mr. MURPHY. That does not provide that the Speaker shall direct, or that he shall issue a warrant.

The SPEAKER. No; nor has the resolution, so far as the Chair can find, usually adopted by the House under the old rule, provided that the Speaker should issue the warrant. That authority is inferred from Rule I and other rules; but especially is derived from the old practice of the House as well as the ancient usage of the courts and Parliament.

Now, the Chair has no doubt but that under the rule and under the warrant the gentleman was legally arrested, and the question as to whether the Chair had the right to issue the warrant is a barren question, in the opinion of the Chair, because the gentleman was lawfully and legally arrested under the rules of the House without or with the warrant. [Applause.]

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment the bill (H. R. 14513) to prevent the giving of false alarms of fires in the District of Columbia.

The message also announced that the Senate had excused Mr. NEWLANDS from further service as a member of the conference committee on 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, and had appointed Mr. PATTERSON in his place.

#### ADJOURNMENT OVER MEMORIAL DAY.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I 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 diplomatic and consular appropriation bill.

Mr. PAYNE. I ask the gentleman to yield to me for a moment.

Mr. ADAMS of Pennsylvania. I yield to the gentleman.

Mr. PAYNE. Mr. Speaker, as to-morrow is Decoration Day and many Members of the House have requested that an adjournment be made over until Thursday, and as the business of the House seems to be in a condition to warrant it, I yield to the eminent gentleman from Ohio, a distinguished soldier, statesman, and orator, General GROSVENOR, to make the motion. [Applause.]

Mr. GROSVENOR. Mr. Speaker, I suppose I ought to recognize the very high and unmerited compliment paid to me; but I desire to move, and I now do move, that when the House adjourn to-day it adjourn to meet on Thursday at 12 o'clock.

The SPEAKER. The gentleman from Ohio moves that when the House adjourns to-day, it adjourn to meet on Thursday next. The question was taken; and the motion was agreed to.

#### DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I 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 bill (H. R. 19264) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907.

The question being taken,

Mr. WILLIAMS demanded a division.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 214, nays 15, answered "present" 16, not voting 136, as follows:

#### YEAS—214.

Acheson	Dwight	Kinkaid	Rhodes
Adams, Pa.	Ellis	Kitchin, Claude	Richardson, Ala.
Aiken	Esch	Kiepper	Richardson, Ky.
Alexander	Fassett	Kline	Rixey
Allen, Me.	Fitzgerald	Knowland	Roberts
Allen, N. J.	Fletcher	Lacey	Robertson, La.
Babcock	Flood	Lafean	Robinson, Ark.
Bartlett	Floyd	Lamar	Ruppert
Bede	Foss	Landis, Frederick	Ryan
Bennet, N. Y.	Foster, Ind.	Lee	Samuel
Bennett, Ky.	Foster, Vt.	Le Fevre	Scott
Birdsall	French	Lilley, Conn.	Shackelford
Bonyng	Fulkerson	Lloyd	Shartel
Boutell	Fuller	Longworth	Sheppard
Bowersock	Gaines, Tenn.	Loud	Sherley
Brantley	Gaines, W. Va.	Loudenslager	Sherman
Brick	Garber	Lovering	Sibley
Broocks, Tex.	Gardner, Mass.	McCall	Sims
Brooks, Colo.	Gardner, N. J.	McCleary, Minn.	Smith, Cal.
Brown	Garner	McCreary, Pa.	Smith, Ill.
Buckman	Gilbert, Ind.	McGavin	Smith, Md.
Burgess	Gill	McKinley, Ill.	Smith, Pa.
Burke, Pa.	Gillett, Cal.	McKinney	Smyser
Burleigh	Glass	McLachlan	Snapp
Burton, Del.	Goebel	McMorran	Southwick
Burton, Ohio	Graham	Macon	Sperry
Butler, Pa.	Gregg	Mann	Spight
Butler, Tenn.	Hale	Marshall	Steenerson
Byrd	Hamilton	Miller	Stephens, Tex.
Calderhead	Hay	Minor	Sterling
Campbell, Kans.	Hayes	Moon, Pa.	Stevens, Minn.
Campbell, Ohio	Hearst	Moon, Tenn.	Sullivan, Mass.
Capron	Hedge	Moore	Sulloway
Cassel	Heflin	Morrell	Sulzer
Chaney	Henry, Conn.	Mudd	Talbott
Chapman	Hepburn	Murphy	Taylor, Ohio
Clark, Fla.	Hermann	Needham	Thomas, Ohio
Cole	Higgins	Nevin	Tirrell
Cooper, Pa.	Hill, Conn.	Norris	Townsend
Cooper, Wis.	Hinshaw	Olcott	Volstead
Cousins	Hoar	Olmsted	Wallace
Cromer	Hogg	Otjen	Wanger
Curtis	Holliday	Overstreet	Watkins
Cushman	Houston	Parker	Watson
Dalzell	Howell, Utah	Parsons	Weeks
Darragh	Hubbard	Patterson, S. C.	Wharton
Davis, Minn.	Humphrey, Wash.	Payne	Wiley, N. J.
Dawson	Hunt	Perkins	Williams
De Armond	Johnson	Pollard	Wood, N. J.
Denby	Jones, Wash.	Pou	Woodyard
Dixon, Ind.	Kahn	Prince	Young
Draper	Keifer	Rainey	Zenor
Driscoll	Kelher	Ransdell, La.	
Dunwell	Kennedy, Nebr.	Reeder	

#### NAYS—15.

Adamson	Burleson	Davis, W. Va.	Rhinock
Beall, Tex.	Burnett	Henry, Tex.	Smith, Tex.
Bell, Ga.	Clark, Mo.	Humphreys, Miss.	Underwood
Bowers	Clayton	James	

#### ANSWERED "PRESENT"—16.

Andrus	Gillespie	Jenkins	Page
Brundidge	Greene	Lever	Rucker
Dale	Hardwick	Lilley, Pa.	Sparkman
Dickson, Ill.	Hull	Padgett	Wood, Mo.

#### NOT VOTING—136.

Adams, Wis.	Fordney	Lewis	Slayden
Ames	Fowler	Lindsay	Slomp
Bankhead	Gardner, Mich.	Littauer	Small
Bannon	Garrett	Little	Smith, Iowa
Barchfeld	Gilbert, Ky.	Littfield	Smith, Ky.
Bartholdt	Gillett, Mass.	Livingston	Smith, Samuel W.
Bates	Goldfogle	Lorimer	Smith, Wm. Alden
Beidler	Goulden	McCarthy	Southall
Bingham	Graft	McDermott	Southard
Bishop	Granger	McKinlay, Cal.	Stafford
Blackburn	Griggs	McLain	Stanley
Bowie	Gronna	McNary	Sullivan, N. Y.
Bradley	Grosvenor	Madden	Tawney
Broussard	Gudger	Mahon	Taylor, Ala.
Brownlow	Haskins	Martin	Thomas, N. C.
Burke, S. Dak.	Haugen	Maynard	Towne
Calder	Hill, Miss.	Meyer	Trimble
Candler	Hitt	Michalek	Tyndall
Cockran	Hopkins	Mondell	Van Duzer
Cocks	Howard	Mouser	Van Winkle
Conner	Howell, N. J.	Murdoch	Vreeland
Crumpacker	Huff	Palmer	Wachter
Currier	Hughes	Patterson, N. C.	Wadsworth
Davey, La.	Jones, Va.	Patterson, Tenn.	Waldo
Davidson	Kennedy, Ohio	Pearre	Webb
Dawes	Ketcham	Powers	Weber
Deemer	Kitchin, Wm. W.	Pujo	Weems
Dixon, Mont.	Knapp	Randell, Tex.	Weisse
Dovener	Knopf	Reid	Welborn
Dresser	Lamb	Reynolds	Wiley, Ala.
Edwards	Landis, Chas. B.	Rives	Wilson
Ellerbe	Law	Rodenberg	
Field	Lawrence	Russell	
Finley	Legare	Schneebell	
Flack	Lester	Scroggy	

So the motion was agreed to.

The following additional pairs were announced:

For the balance of the day:

Mr. WILSON with Mr. SOUTHALL.

Mr. WACHTER with Mr. RUCKER.



On this vote:

Mr. SMITH of Iowa with Mr. McLAIN.

Mr. HELMANN with Mr. VAN DUZER.

Mr. CONNER with Mr. BRUNDIDGE.

Mr. BEIDLER with Mr. CANDLER.

Mr. ADAMS of Wisconsin with Mr. LAMB.

Mr. PEARRE with Mr. STANLEY.

Mr. TAWNEY with Mr. DAVEY of Louisiana.

Mr. LITTAUER with Mr. BANKHEAD.

Mr. VREELAND with Mr. ELLERBE.

Mr. CRUMPACKER with Mr. RUSSELL.

Mr. RUCKER. Mr. Speaker, I wish to withdraw my vote in the negative and answer "present," as I find that I am paired with the gentleman from Maryland, Mr. WACHTER.

The SPEAKER pro tempore (Mr. WHARTON). The Clerk will call the gentleman's name.

The Clerk called the name of Mr. RUCKER, and he answered "present," as above recorded.

The result of the vote was then announced as above recorded.

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

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the diplomatic and consular appropriation bill, and the Clerk will read.

The Clerk read as follows:

#### SALARIES OF SECRETARIES OF EMBASSIES AND LEGATIONS.

Secretaries of embassies to Austria-Hungary, Brazil, Great Britain, France, Germany, Italy, Japan, Mexico, and Russia, at \$3,000 each, \$27,000.

Mr. BURLESON. Mr. Chairman, I move to strike out the paragraph. I ask unanimous consent that I may be permitted to proceed for ten minutes, as I desire to discuss the distribution, by the appointing power, of the diplomatic and consular offices provided for in this bill between the various sections of our country.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that he may be permitted to proceed for ten minutes. Is there objection?

There was no objection.

Mr. BURLESON. Mr. Chairman, for six years I was a member of the Committee on Foreign Affairs. During the time of my services upon that great committee my association with the distinguished gentlemen who constitute its membership was at all times thoroughly pleasant. And what I shall now say will not be directed against any action of theirs, and, of course, can in no sense be construed as a criticism of the bill now under consideration.

My intercourse and dealings with the officials of the State Department at all times during that period were just what I would have desired them to be. During all this time I did not upon any occasion ask for the appointment of any person to a diplomatic or consular position. Recently a highly esteemed constituent of mine, an accomplished German-American, asked that I present certain letters and papers to the State Department in support of an application which he had theretofore filed for an appointment as a consular officer. I did so, and while rendering this service for my Republican constituent I took advantage of the opportunity to ascertain the exact number of persons who are engaged in our diplomatic and consular service, and at the same time I also learned the number appointed from the various sections of our country. I now state, and when I have concluded my remarks I do not think there is a man on this floor who will attempt to controvert the statement, that these appointments, in so far as their distribution over our country is concerned, are inequitable, unfair, and sectional. In a monarchical form of government the diplomatic officer represents the person of his sovereign as well as the State from which he comes. In a republican form of government the diplomatic officer is the representative of his country, and is in no sense the personal representative of the Chief Executive. Such being the case I do not believe there is a man within the sound of my voice who would contend for one moment that the appointment of our diplomatic officers should not be equitably and fairly distributed between the various sections of our country.

In order to be sure that the remarks I might make on this subject would do no one an injustice and would be absolutely correct, on yesterday I asked the officials of the State Department to furnish me a detailed statement of the number of our diplomatic and consular officers and the States from which they were appointed. I have this memorandum in my hand, and what I say will be based on the data furnished by the State Department. Later I will embody it in my remarks.

Mr. Chairman, this memorandum shows that we have 96 persons representing this country abroad in the diplomatic service, and preliminary to what I have to say I desire to state that I acquit the distinguished gentleman who presides over the State Department and his very able first assistant, Mr. Bacon, who is charged with the immediate control and direction of our diplomatic officers, of any responsibility for the condition of affairs to which I now invite the attention of the House. Of the 96 diplomatic positions filled under appointment by the President of the United States we have from the State of New York 19, one-fifth of the entire number. This might strike one at first blush as a few more than that State is entitled to. Now let us see how other States fare in this particular. We have from the State of Virginia not one resident citizen in the diplomatic service, from North Carolina only 1, from South Carolina none, from Georgia none, from Florida none, from Alabama none, from Louisiana none, from Mississippi 1, from Arkansas none, from Tennessee 1, from Texas none, in all 3—11 sovereign States of this Union represented in the diplomatic service of our country by 3 persons who seem in some way to have found favor with the appointing power.

Mr. GROSVENOR. Mr. Chairman, it is customary to say that Ohio gets most of the high offices, yet Ohio with her 21 Representatives in Congress has not a single diplomatic officer.

Mr. BURLESON. The gentleman is mistaken; Ohio has two of her residents in the diplomatic service, and later I shall call attention to the voracious appetite of the State of Ohio when it comes to the division of the pie as represented by the consular service of our country.

Mr. GROSVENOR. If the gentleman will take the State of New York he will discover that the pie is largely centered there.

Mr. BURLESON. Oh, yes; admitted; but Ohio, when it comes to clamoring for pie, whether it be at the counter of the State Department or of any other department, Ohio is always a close second to New York, if she is not first in the van. I will give the figures before I conclude my remarks; and remember, every statement that I make I base upon the memorandum furnished me by the State Department. The 11 Southern States I have just enumerated are represented upon this floor by 98 representatives, and only three persons residing within that vast territory have been selected by this Administration to act for our country as ministers abroad; yet in the one State, New York, 19 have been thus favored.

Mr. Chairman, I did not intend to make complaint about the indecent discrimination which has been practiced against the South in this particular. We are accustomed to it, and have been for nearly a half century with only slight interruption. What I want to do is to direct attention to the unjust and unfair treatment that other sections of our country are being subjected to in the matter of appointing diplomatic and also consular officers.

Mr. KLEPPER. Mr. Chairman, I would like to ask the gentleman how the States mentioned awhile ago were represented under the last Democratic administration.

Mr. BURLESON. Ah, Mr. Chairman, I contend, and I now here assert, that never in the history of this Government has there been such sectionalism displayed in the selection of our diplomatic and consular officers as has been shown by the present occupant of the White House. I affirm that and I invite the gentleman from Missouri or any other gentleman upon the other side to an effort to controvert the statement.

Mr. Chairman, look to another great section of our country and see how it has fared at the hands of an Executive who has frequently expressed himself as being especially partial to that section; let us see how his words square with his acts in appointing residents of that section in our diplomatic corps. As a basis for comparison I will first direct attention to the fact that from this memorandum it is shown that from the State of Massachusetts, with the aid of her two Senators, the President has been able to find eight persons, residents of the old Bay State, who are at present acting for great America in some capacity in our diplomatic service. Now, of course we all know that Harvard University is situated in that grand old State, and no one will be so simple as to deny that that splendid institution has prepared many citizens who would reflect credit on our country when given places in our consular and diplomatic service, and it is said that a careful examination of the list will disclose that the appointing power has a keen appreciation of this fact. However this may be, Massachusetts, with the aid of her two Senators, has eight representatives acting for our country abroad. The eight Rocky Mountain States, with 16 Senators, have not been able to do quite so well. This memorandum discloses that these States have the following representatives in foreign countries acting for us as ambassadors and ministers: From Wyoming, none; from Colorado, none; from Utah, none;

from Idaho, none; from North Dakota, none; from South Dakota, none; from Nevada, none; from Montana, none.

Mr. PAYNE. I understood from the gentleman a moment ago that he looked upon this as pie, to be passed around, and he thought New York was getting too much pie. Is that the gentleman's conception of a foreign appointment for ambassador or minister—a passing around of pie?

Mr. BURLESON. Certainly not, and, Mr. Chairman, I deprecate the fact that the gentlemen who represent New York either in this end of the Capitol or the other have been so insistent in their demands upon the Chief Executive of this nation that appointments to the diplomatic service have been brought down to the low level of spoils.

Mr. PAYNE. Does the gentleman mean to insinuate that those Representatives—

Mr. BURLESON. The reason I insinuate it is because the facts justify me in the statement.

Mr. PAYNE. That those Representatives appointed from the State of New York are not fully able and capable of performing their duties?

Mr. BURLESON. Oh, no; I do not question that. I do not question and no man on this floor can truthfully take the position that there can not be found in every State of this Union an American citizen who will reflect credit upon his country as a diplomatic representative of our country abroad. That is exactly what I am protesting against now, that not only has one of the greatest sections of our country been for years persistently ignored by the powers that be, but that other sections are being unfairly and unjustly treated in the selection of our diplomatic officers. Mr. Chairman, I have no objection to interruptions, but I fear my time will expire and that some one may object to an extension and I have some figures here which I want to submit to this House for its consideration. I would prefer to proceed for a few minutes without interruption. In the Central Eastern States, embracing New York, Pennsylvania, New Jersey, and West Virginia, we have, by Executive appointment, 33 citizens who are acting abroad for our country in a diplomatic capacity, more than one-third of all the appointments he has at his disposal. From the New England States—Maine, New Hampshire, Vermont, Rhode Island, Connecticut, and Massachusetts—we have 14 of our citizens serving us in some diplomatic capacity.

From the eleven Southern States that I have named—and to them you may add the States of Kentucky, Maryland, Missouri, and Delaware—and these fifteen States furnish only ten citizens to our diplomatic service. Consider the fact that Maryland has four and Kentucky three of these, making seven of the ten, and it will be seen that thirteen States of our country are represented abroad in the person of only three American citizens, when the little State of Rhode Island alone is represented by four.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes.

Mr. BURLESON. May I supplement that request by asking that it be made ten minutes?

Mr. MANN. Oh, let it be made for five minutes; further time will be granted if it is needed.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois that the time of the gentleman from Texas be extended for five minutes? [After a pause.] The Chair hears none.

Mr. BURLESON. Mr. Chairman, I have heard that the number of diplomatic representatives abroad from any particular State depends upon the measure of that State's Senatorial influence. If that is so, then the Senator from the State of Rhode Island must be indeed potential with the powers that be when he can wrest from the Chief Executive four appointments for that small State. It has four more places than the eight Rocky Mountain States have been able to secure, one more than thirteen Southern States have been given, and a number equal to the whole number given by the President to the entire Pacific slope.

I say four from the entire Pacific slope notwithstanding the fact that the memorandum furnished me would indicate that California has six, Oregon one, and Washington one. I take issue with that statement. Not that I want to be understood as saying it is not true. I feel sure it was not intended to mislead me, but I thought it was passing strange that a State so far removed as California should have six representatives in the diplomatic service of our country and the remarkable circumstance that this memorandum indicated that number excited my curiosity to such an extent that a moment ago I ran through this printed list which gives the names of all the diplomatic officers and employees and I find that three of these places are held by the same individual who represents our country as minister to

Costa Rica, Nicaragua, and Salvador, and that another is only a student interpreter in China and still another one of them, an interpreter at the legation in Peking, consequently I say that Rhode Island—little Rhode Island—and surely it must in this instance include the Providence plantation, through some potential influence has obtained as many representatives in the diplomatic service of our country as the entire Pacific slope, and all the Rocky Mountain States combined.

Mr. MANN. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. BURLESON. Certainly; with pleasure.

Mr. MANN. Is the gentleman able to inform the committee what diplomatic appointments are credited to the States west of the Mississippi?

Mr. BURLESON. I will give that information to the gentleman before I conclude. Now, permit me to direct attention to how the great Middle West has fared in the distribution of diplomatic appointments. Understand, now, that the Central Eastern States and New England have between them 47 representatives in the diplomatic service, yet the great Middle West, embracing the States of Illinois, Indiana, Ohio, Iowa, Michigan, Minnesota, and Wisconsin, have—how many do you suppose? Twenty-two. Only 22, and yet we hear constant mouthings about this being one country; that our Chief Executive is the Chief Executive of the entire country; that he knows no North, no East, no West, no South. Such mouthings are mere froth, found wholly lacking in the substance of fact when the sunlight of truth is turned upon such Executive actions as these. [Applause on the Democratic side.]

Mr. WATSON. May I ask the gentleman a question?

The CHAIRMAN. Does the gentleman yield?

Mr. BURLESON. Certainly.

Mr. WATSON. I want to ask my friend from Texas whether or not he believes that when the Republican party is in power that men should be selected for these foreign places from ambassadors down to consuls of the lowest classes without any reference to political affiliations?

Mr. BURLESON. Oh, no; I make and have made no such contention. Has it reached the point where the defenders of the grand old party make the confession to the country that in the great Middle West it is so poorly equipped; that in the very section from which the gentleman hails it is so poorly equipped in material to represent this country abroad that that section shall be discriminated against to the extent of giving 33 representatives in the diplomatic service to the central eastern section, 14 to the New England section, and only 22 to the great section in part represented by the gentleman from Indiana?

Mr. Chairman, the course of the great Mississippi River is north and south, and it so divides our country as to throw approximately three-fifths of its area in the West. From this memorandum, furnished me by the State Department, I have ascertained that of the appointments made by the President in the diplomatic service he has given to this vast section a little less than 20 per cent of the places at his disposal, more than 80 per cent going to the section east of that great boundary. More outrageous still, if you take the territory east of the Mississippi and north of the Ohio, including West Virginia and the District of Columbia, you will find that 68 of the 96 diplomatic positions have been given to persons residing within that section. I submit to any fair-minded man, can such action be justified?

Mr. LONGWORTH rose.

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

Mr. BURLESON. With pleasure.

Mr. LONGWORTH. Does not the gentleman believe that a much worse form of discrimination than he has mentioned, either sectional or political, exists in the discrimination which is now exercised against men of moderate fortunes in all these high diplomatic posts? Under our system is it not impossible for men, no matter how able, to take these positions unless they have very large private fortunes?

Mr. BURLESON. In response to the suggestion from the distinguished gentleman from Ohio I desire to give my approval to what was said upon this floor the other day by the gentleman from Mississippi [Mr. WILLIAMS], that for an American citizen, if he has a mind to live simply, as the representative of a great republic should live when acting in such capacity abroad, I believe the compensation that is now allowed is adequate—is fully and thoroughly adequate to meet his requirements.

Mr. LONGWORTH. Will the gentleman specify whether he thinks that the compensation existing now in any of the capitols except the capitol of Mexico—

Mr. BURLESON. I understand what the gentleman has in



mind and I desire to say that I approve the suggestion he has made in reference to the United States Government owning its diplomatic residences. I think it should own them in every capitol of every first-class power in the world, and I stand ready to vote an appropriation to purchase official residences for the use of our ambassadors and ministers, but—

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURLESON. Mr. Chairman, I do not want to abuse the patience of the committee—

Mr. LONGWORTH. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes.

The CHAIRMAN. Is there objection?

Mr. ADAMS of Pennsylvania. Considering the very extended general debate that has been held on this bill and a desire to finish it this afternoon, I will, with regret, have to object.

Mr. BURLESON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman has already made that motion.

Mr. BURLESON. I move to strike out the paragraph.

The CHAIRMAN. The gentleman can not do that, the Chair understands, except by unanimous consent. The Clerk will read.

The Clerk read as follows:

Secretaries of legations to the Argentine Republic, China, the Netherlands and Luxemburg, and Turkey, at \$2,625 each, \$10,500.

Mr. BURLESON. Mr. Chairman, I move to strike out the words "ten thousand five hundred dollars."

Mr. RUCKER. Mr. Chairman, I make the point of order that there is no quorum present. There are not enough Members here to do business.

Mr. BURLESON. This is not coming out of my time, as I understand, Mr. Chairman?

The CHAIRMAN. The Chair will count. [After counting.] There are 115 Members—a quorum—present.

Mr. BURLESON. Mr. Chairman, I want to especially address myself to the distribution, made by the Executive, between the different sections of appointments of our consular officers, consequently I hurry on, but before I leave the discussion of the distribution of our diplomatic appointments I want to call the attention of the committee to the fact that the District of Columbia has more persons in our diplomatic service than the eleven Southern States I have named, four more than the Rocky Mountain States, and a number equal to the entire representation allowed to the Pacific slope.

Mr. OLMSTED. Does that result from the influence of the Senators from the District of Columbia?

Mr. BURLESON. "I know not, Mr. Chairman, from whence the influence comes that secured this number for the District of Columbia, but I understand that these appointments are claimed for the one "who cuts the pie."

Now, Mr. Chairman, with reference to our consular officers, we all understand that persons with imperialistic leanings might think that the diplomatic appointments are, in a measure, personal, and the Executive should be accorded the widest latitude in their selection, but every intelligent man knows that a consular officer is only the commercial agent of our country abroad—a commercial agent charged with the duty of promoting the commercial interest of the country, and charged especially—if you look in the dictionary you will see—to looking after the commercial interests of the individual citizens of that country.

Now, let me call your attention to the distribution of our consular officers, and before I proceed to do this I want to invite the attention of the committee to the fact that the 11 Southern States I have named furnish the export articles that turn the balance of trade in favor of this country. If you did not know this, or if the fact had escaped your attention, I announce it as an economic truth and invite some statistician upon this floor to controvert it if he can. And yet, in the face of this condition, which I think should be given some consideration, Mr. Chairman, we have of consular officers from the State of New York, 37; from the State of Pennsylvania, 22; from the State of New Jersey, 9; from the State of West Virginia, 6; and the States that I have named, the 11 Southern States, which have 98 Representatives upon this floor, compared with 84 Representatives from these other States, have only 14 consular officers.

Mr. MANN. How did you get so many?

Mr. BURLESON. That is one of the mysteries that ought to be explained. Mr. Chairman, I recognize that the service of each of our consular officers, regardless of the State from which he is appointed, belongs alike to all the States, but in all fairness I submit that each section is entitled to a just and fair proportion of appointments in order that we may have those in our consular service who are thoroughly familiar with the re-

sources and business interests of the various sections of our country.

Mr. SULZER. Mr. Chairman, I want to make one suggestion to the gentleman. Many of these diplomatic appointments are made on account of campaign contributions in each Presidential election.

Mr. BURLESON. I will permit that statement to go in my remarks, and it can be considered for what it is worth. I do not know any facts bearing upon it, although I am prepared to believe it.

Mr. KLEPPER. Mr. Chairman, I would like to ask the gentleman whether he knows how the Lone Star State has been treated in the appointment of consuls?

Mr. BURLESON. Yes; two consular officers have been appointed from my State.

Mr. KLEPPER. I will ask the gentleman if he knows—

Mr. BURLESON. Texas has fared very nearly as well as Missouri. The gentleman is now defending this practice of discrimination which has given the great State of Missouri out of nearly 300 consular appointments only three. And how it is, Mr. Chairman, that any man upon this floor pretending to represent the interests of his constituency can stand here and defend this system, surpasses my understanding. Now, Mr. Chairman, I want to go on because I want these figures compiled from this memorandum in the RECORD.

Mr. KLEPPER. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Texas [Mr. BURLESON] yield to the gentleman from Missouri [Mr. KLEPPER]?

Mr. BURLESON. I will yield with pleasure if the committee will consent to give me five minutes additional time. I ask that I may be permitted to continue from now for five minutes in addition.

The CHAIRMAN. The gentleman asks unanimous consent that he may continue his remarks for five minutes. Is there objection?

Mr. ADAMS of Pennsylvania. The gentleman has had ten minutes, and in addition an extension—

Mr. BURLESON. I decline to yield to the gentleman from Pennsylvania [Mr. ADAMS]. Mr. Chairman, I persist in declining to permit the gentleman by interruption to consume my time.

Mr. ADAMS of Pennsylvania. Then I object, Mr. Chairman.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BURLESON. I was under the impression I had just secured additional time.

The CHAIRMAN. The pro forma amendment offered by the gentleman from Texas [Mr. BURLESON] will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Secretary of legation to Nicaragua, Costa Rica, and San Salvador, \$2,800.

Mr. SULZER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. SULZER. Mr. Chairman, I make this motion for the purpose of calling the attention of the House of Representatives at this time to the merits and the urgent necessity for the enactment into law of my bill (H. R. 18712) "to regulate the price of mileage tickets on railway transportation companies doing an interstate-commerce business, and for other purposes," introduced by me on April 27, 1906. The bill is a very short one, and I send it to the Clerk's desk and ask to have it read in my time.

The Clerk read as follows:

A bill to regulate the price of mileage tickets on railway transportation companies doing an interstate-commerce business, and for other purposes.

*Be it enacted, etc.,* That all railway companies doing an interstate-commerce business shall sell mileage books, good for 1,000, 2,000, 3,000, 4,000, and 5,000 miles, on their respective lines or constituent lines or connecting lines, traversing two or more States or Territories of the United States, at a price not exceeding 2 cents per mile for said mileage books, between points of destination over any railway line or branches or connecting lines of the same doing an interstate-commerce business, which said mileage books shall be good to pay for transportation between all places of destination on said railway lines, and that said mileage books shall be in the denominations hereinbefore designated, and shall be for sale by all of said railway companies at their respective offices or branch offices to any person or persons desiring to purchase the same; and said mileage books shall be good until used, and transferable by the purchaser or owner of the same; and that said mileage books shall be made out for the number of miles herein specified, namely, 1,000, 2,000, 3,000, 4,000, and 5,000 miles; and the said mileage books shall be so printed that they shall contain mileage tickets or coupons for 1 mile, 5 miles, 10 miles, 25 miles, 50 miles, and 100 miles, in order that the conductor taking up said tickets or coupons can take up the exact fare per mile, not exceeding 2 cents a mile, for the distance traveled by the passenger or passengers between destinations.

SEC. 2. That it shall be unlawful for any railway transportation company doing an interstate-commerce business to charge or collect for said mileage books more than 2 cents per mile or to give any rebate thereon; that is to say, to charge for said mileage more than 2 cents per mile, with the understanding, express or implied, that the excess over said 2 cents per mile shall be returned to the purchaser when the purchaser shall return to the railway transportation company the said mileage book with the mileage tickets therein contained used, the purpose of this act being that said railway companies doing an interstate-commerce business shall sell mileage tickets at a flat and specified rate not exceeding 2 cents per mile between all points of destination on their respective lines or branch lines or connecting lines, without any overcharge to be subsequently returned to the purchaser in the nature of a rebate.

SEC. 3. That any violation of this act by any railway transportation company doing an interstate-commerce business in and between any of the States or Territories of the United States shall be a misdemeanor, and the officers and directors of said railway transportation company guilty of the same shall be punishable by imprisonment not exceeding one year, or by a fine not exceeding \$10,000, or by both such fine and imprisonment, in the discretion of the court. That all acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 4. That this act shall take effect immediately.

Mr. SULZER. Mr. Chairman, the bill speaks for itself, and was introduced by me to prevent the practice now in vogue by some of the railway companies of the country of charging the purchaser of mileage-ticket books an extra \$10 for each book, with the understanding that this excess sum of \$10 is to be refunded on the return of the covers of the book. The great trunk lines of the country, as a general thing, now sell a thousand-mile ticket book, which is not interchangeable and nontransferable, for \$20, being 2 cents a mile, but they charge an excess of \$10, making \$30 in all, and withhold the \$10 until the covers of the book are returned. This is unjust and practically amounts to the taking of private property without just compensation or due process of law. There is no just warrant for this inequitable discrimination and it must be abolished.

It is generally known that the commercial travelers of the country have been fighting for years for a transferable mileage-ticket book that shall be good on all lines of railroads doing an interstate-commerce business. These commercial travelers are among our most deserving and industrious citizens. They are entitled to their rights and to fair treatment from the railroads. They are honest, earnest, sincere, and intelligent business men compelled by their occupations to travel from one end of the country to the other during all seasons of the year. They must be economical to make both ends meet. They are delightful companions and welcome always wherever they go. They are an essential part of our business and commercial life. I know them and I like them. I am now, always have been, and always will be their friend. They are entitled to our protection against unjust discriminations by the transportation corporations of the land, and we should legislate immediately to prevent further imposition on them by the railways, who take their money by these excess rates and give them nothing for it in return. I am with them in their demand for an interchangeable mileage-ticket book, to be good on all railroads, and good until used, and to be transferable from one person to another. This is only just and honest and fair, and sooner or later they will win their fight because they are right.

Now, I want to say that I am reliably informed that the Pennsylvania Railroad alone sells on an average 18,000 of these 1,000-mile ticket books every month, and charges the purchasers of them \$20 for each book, being at the rate of 2 cents a mile, and an excess of \$10, which the railroad company agrees to refund whenever the covers are returned; but often the covers of the books are lost and can not be returned, and the \$10 is a total loss to the purchaser and a clear gain to the railroad company. Whenever the railway companies sell a thousand-mile ticket book at the rate of 2 cents a mile it is simply a fair excursion or wholesale rate and a good stroke of business on the part of the railway company, because they get \$20 cash in advance, and they should not be permitted to limit the use of the ticket by unjust and unreasonable requirements nor to discriminate by an excess charge of \$10. To do so is nothing more nor less than extortion. My bill will effectually remedy this gross imposition on the traveling public, and I sincerely hope the bill will soon be reported to the House and passed. This legislation is just as important to the passengers on interstate commerce transportation corporations as the railway rate bill is to the shippers of the country, and both bills must soon become laws in the interest of the people.

The number of these mileage books sold monthly by the railroads of the country is estimated to be in the neighborhood of 50,000, and the railroads, by this excess charge of \$10 for each one of these books, takes out of the pockets of the people a sum of money without any warrant whatever equal to about \$500,000 a month, or at least \$6,000,000 a year, and the interest on this great sum, to say nothing of other losses, amounts to over \$300,000 annually. This is an outrageous imposition on the traveling public, and practically amounts to the confiscation

of their property; and I say this extortion must cease in the interest of justice and honesty and fair play to the commercial and other travelers of the country.

Mr. Chairman, in my opinion the bill which has just been read at the Clerk's desk, if it is enacted into law, will immediately stop and effectually end any railroad company making the purchaser of a mileage ticket book pay more for it than the actual price, and the bill provides that in no case shall the actual price be more than the rate of 2 cents per mile. It can be as much less as the railway company wants to charge. It seems to me that it would be a good business proposition for these railroads to sell these mileage books as provided by the terms of this bill. The railway statistics of the country demonstrate most conclusively that on the great trunk lines 2 cents a mile is ample compensation for railway tickets, and no railroad in the country doing an interstate-commerce business should be permitted to charge the traveling public more than 2 cents a mile. Many of the railroads, according to their own statements of their passenger earnings, can afford to carry the people to-day at a rate much less than 2 cents a mile. I believe the railroads exist for the benefit of the people and not the people for the benefit of the railroads. I would not confiscate the property of either. But, sir, whenever the railroads of the country—the great trunk lines doing an interstate-commerce business—become oppressive, unjust, and tyrannical in any particular direction it is the duty of Congress, having jurisdiction in the matter, to correct the abuse and enact necessary laws to remedy the evil.

It will be observed that my bill provides that these mileage ticket books are to be interchangeable and transferable and shall be good until used. The purchaser of one of these mileage ticket books will not sell it if he wants to use it himself, neither will he transfer it to another; and if he does not need it himself, why should he not have the right to sell it or transfer it to another or lend it to a member of his family? It is his property; he has paid for it, and paid all that it is worth, and he should be allowed to use it as he sees fit, or to dispose of it in case he has no further use for it.

The railway company loses nothing through the use of a railway mileage ticket book by some person other than the purchaser. It costs no more to transport one man than it does to carry another; and from a merely common-sense point of view it would seem to me to be good business judgment for the railway companies to promote the transfer of these mileage ticket books rather than to oppose their transfer, for the reason that the more the availability of such books is extended the more rapidly the transportation which they accommodate will be consumed. [Applause.]

Now, sir, that is all I desire to say at this inopportune time concerning this important bill. My purpose in presenting this matter to the House to-day is to get printed in the RECORD the full text of the bill and to briefly give the reasons why, in my opinion, it should speedily be enacted into law. It was necessary to do this because I am informed at the Clerk's office that copies of the bill can no longer be procured. The popular demand for copies of this bill from people all over the country has exceeded anything I have ever known before, and I have been unable to comply with half the requests I have received since the bill was introduced.

Mr. Chairman, this morning the Committee on Interstate and Foreign Commerce, to whom the bill was referred, were good enough to grant me a courteous hearing on this measure. I appeared before the committee and urged an early favorable report for substantially the same reasons I have voiced here. I believe the committee will report the bill favorably at a very near day. I believe the committee is aware of the popular demand for, and the urgent necessity of legislation of this character, and I indulge the hope—shared in by so many worthy citizens—that the bill will soon be reported favorably and passed before this session of Congress adjourns. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULZER. Mr. Chairman, I ask unanimous consent to print in the RECORD in connection with my remarks some data in favor of the bill.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD by inserting certain data. Is there objection? [After a pause.] The Chair hears none.

The matter referred to is as follows:

Hon. WM. SULZER, M. C.

Washington, D. C.

NEW YORK, May 1, 1906.

DEAR SIR: Commercial travelers' organizations throughout the country fought for a long time for an interchangeable mileage book good on all railroads.

Commercial travelers have to travel on many railroads, and to get their transportation at 2 cents a mile they had to buy a 1,000-mile



book from each road over which they traveled, costing \$20 each, filling their pockets with books and wrapping up a good deal of money. They made a fight through their various organizations for an interchangeable mileage book to be good on all railroads. After a great struggle the Trunk Line Mileage Bureau finally concluded to sell a 1,000-mile book good on their roads for \$30, with the understanding that the extra \$10 would be refunded on return of the cover.

George W. Boyd, general passenger agent Pennsylvania Railroad Company, stated in a letter, dated February 5, 1906, to a commercial traveler friend of mine, S. M. Williams, of Pittsburg, that the Pennsylvania Railroad sells on an average of 18,000 of \$30 mileage books per month, which shows the vast number who travel and are being imposed upon by this system of mileage issued under the \$10 contract by the Trunk Line Mileage Bureau. The amount of commercial-traveler money now held by the railroads because of this is conservatively estimated to be:

Trunk Lines Association.....	\$450,000
Central Passenger Association.....	1,500,000
Pennsylvania Railroad, Pittsburg.....	350,000

Total ..... 2,300,000

The interest on which, at current rates, would be nearly \$70,000.

When the railroad companies sell a 1,000-mile book at \$20 it is simply a fair excursion or wholesale rate, and whenever they sell a 1,000-mile book at that rate it is a good stroke of business. They get paid \$20 cash in advance. Then, why should they throw around it requirements that, in the estimation of the majority of the people who travel, are unreasonable and not required by many large railroads operating under just the same conditions as the Pennsylvania Railroad, Erie Railroad, Delaware and Lackawanna Railroad, etc.? The interchangeable mileage ticket was urgently requested by committees representing various traveling salesmen's associations, but in granting this mileage ticket these railroads tacked on the conditions regarding the \$10 excess and forfeiture of books in case of theft or loss. The Trunk Line Mileage Bureau claim they were compelled to throw these safeguards around their mileage contracts requiring a deposit of \$10, but railroads such as the New York Central; New York, New Haven and Hartford; Boston and Albany; Buffalo, Rochester and Pittsburg, and Philadelphia and Reading do not find it necessary.

I believe your bill will effectually remedy the existing evil and imposition by doing away with this \$10 excess payment, whereby thousands of dollars are withheld from the pockets of commercial travelers for the use of illegal pooling combinations.

Yours, faithfully,

WILLIAM HOGE.

NEW YORK COMMERCIAL TRAVELERS AND BUYERS' CLUB,  
18 West Twenty-seventh Street, May 15, 1906.

HON. WILLIAM SULZER,  
House of Representatives, Washington, D. C.

DEAR SIR: We have noted with a great deal of interest and pleasure the efforts you are putting forth toward securing for the commercial travelers of the United States an interchangeable mileage book at a flat rate of \$20 per 1,000 miles. The traveling men of this country, who do so much toward upbuilding its commercial interests, and especially toward the prosperity and dividend-paying power of the railroads, are certainly entitled to this consideration at the hands of the railroad management.

We feel that in you we have a champion who will surely bring about some actual results so that these longed-for benefits will accrue to the commercial travelers, as we believe they so thoroughly deserve. We write this not only to pledge you our hearty support in this effort, but also to ask that you will kindly advise us as to what progress the matter is making in your hands and also as to whether there is any specific thing which we can do to further it along so that it may become an actual fact at an early date.

Again thanking you cordially for your interest and awaiting a reply at your earliest convenience, we are,

Very sincerely, yours,

COMMERCIAL TRAVELERS AND BUYERS' CLUB,  
By EDWARD W. TINGUE, Secretary.

HEADQUARTERS COMMERCIAL TRAVELERS' LEAGUE,  
New York, May 17, 1906.

HON. WILLIAM SULZER,  
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: In behalf of the Commercial Travelers' League of the city of New York, I desire to express my sincere thanks to you for the introduction of your bill, known as "H. R. 18712." Your bill has created the proper sentiment among traveling men throughout the State, and they take pleasure in indorsing your bill in every town and hamlet where business calls them.

In the event of it being necessary for the representative of the C. T. L. to appear before the Congressional committee in charge of your bill, to urge its passage, we would be pleased to go to Washington for that purpose and have a delegation accompany us.

Thanking you for the important favor of the introduction of this bill and assuring you of our appreciation for your efforts in our behalf, we remain,

Yours, very sincerely,

FERDINAND ZIEGEL, President.

342 Manhattan avenue, City.

P. S.—Will you kindly forward to me as many copies of the bill as you can spare?

TURPENE MANUFACTURING COMPANY,  
Philadelphia, May 17, 1906.

HON. WILLIAM SULZER,  
Washington, D. C.

MY DEAR SIR: As a member of the T. P. A. of Pennsylvania, I wish to congratulate you upon the stand you have taken in the interest of the traveling men of this great country. Bill No. 18712 will undoubtedly prove to be one of the greatest benefits to the traveling public. Again congratulating you on the good you have done, I remain,

Very truly, yours,

ALBERT RIGGALL.

THE EAGLE WHITE LEAD COMPANY,  
Philadelphia, May 17, 1906.

HON. WILLIAM SULZER,  
Washington, D. C.

MY DEAR SIR: I wish to congratulate you on bill 18712, which I hope will prove a success and be numbered among one of our laws.

This bill has the indorsement of myself and all the traveling men with whom I come in contact.

Very truly, yours,

T. E. BANNAN.

CINCINNATI VARNISH COMPANY,  
Cincinnati, Ohio, May 17, 1906.

HON. WILLIAM SULZER,  
Washington, D. C.

MY DEAR SIR: Permit me, on behalf of the T. P. A. of Pennsylvania, to thank you for the kind interest you have taken on behalf of the traveling man. At our State convention on May 5 we had the enclosed resolution unanimously passed. If there is any way in which the writer can be of any service to you, you have only to name same, and if you will drop me a line at any time I shall be only too happy to do all in my power to assist you in your good work.

I should appreciate as many copies of the bill as you could conveniently spare, as we propose to make a strong fight in all our commercial bodies looking toward the support of Pennsylvania's delegation to Congress for this bill.

Very truly, yours,

FRED. H. MACINTIRE.

[Resolution.]

Whereas Representative SULZER, Member of Congress from New York, has caused to be introduced in the House of Representatives at Washington, D. C., House bill 18712, known as the Sulzer bill: Therefore, be it

Resolved, That Pennsylvania Division, T. P. A. of A., in annual convention assembled, heartily indorse said bill and instruct its delegates to the national convention at Buffalo, to be held June next, to aid and promote its adoption by the national association; and be it

Further resolved, That a copy of these resolutions be sent to every Member of Congress in the State of Pennsylvania, urging their support of bill No. 18712, and that every post secretary be furnished with a copy of this resolution, and the posts be asked to take action in this matter, and every member of Pennsylvania Division is urged to solicit the vote of his Congressman for this measure.

URGES TRAVELERS TO WORK FOR SULZER MILEAGE BILL—NEW YORK SILK MERCHANT CALLS RAILROADS' TREATMENT OF COMMERCIAL SALESMEN AT PRESENT UNJUST.

EDITOR NEW YORK COMMERCIAL.

SIR: I see by your paper that Representative WILLIAM SULZER has introduced a bill regulating the price of mileage tickets on railways doing an interstate-commerce business. This is a matter in which commercial travelers, buyers and their employers, as well as all other people who travel considerably on railway trains and who buy mileage books, are greatly interested.

Commercial travelers' organizations throughout the country fought for a long time for an interchangeable mileage book, good on all railroads. Commercial travelers have to travel on many railroads, and to get their transportation at 2 cents a mile they had to buy a 1,000-mile book from each road over which they traveled, costing \$20 each, filling their pockets with books and wrapping up a good deal of money. They made a fight through their various organizations for an interchangeable mileage book to be good on all railroads. After a great struggle the Trunk Line Mileage Bureau finally concluded to sell a 1,000-mile book good on their roads for \$30, with the understanding that the extra \$10 would be refunded on return of the cover.

George W. Boyd, general passenger agent of the Pennsylvania Railroad Company, stated in a letter, dated February 5, 1906, to a commercial traveler friend of mine—S. M. Williams, of Pittsburg—that the Pennsylvania sells on an average 18,000 of \$30 mileage books a month, which shows the vast number who travel and are being imposed upon by this system of mileage issued under the \$10 contract by the Trunk Line Mileage Bureau. The amount of commercial traveler money now held by the railroads because of this is conservatively estimated to be—

Trunk Lines Association.....	\$450,000
Central Passenger Association.....	1,500,000
Pennsylvania Railroad, Pittsburg.....	350,000

Total ..... 2,300,000

The interest on this amount at current rates would be nearly \$70,000. When the railroad companies sell a 1,000-mile book at \$20, it is simply a fair excursion or wholesale rate, and whenever they sell a 1,000-mile book at that rate it is a good stroke of business; they get \$20 cash in advance. Then why should they throw around it requirements that in the estimation of the majority of the people who travel are unreasonable and not required by many large railroads operating under just the same conditions as the Pennsylvania, Erie, Lackawanna, and other roads?

The interchangeable mileage ticket was urgently requested by committees representing various traveling salesmen's associations, but in granting this mileage ticket these railroads tacked on the conditions regarding the \$10 excess, and forfeiture of books in case of theft or loss. The trunk-line mileage bureau claims it was compelled to throw these safeguards around the mileage contracts requiring a deposit of \$10, but railroads such as the New York Central, the New Haven, the Boston and Albany, the Buffalo, Rochester and Pittsburg, the Reading, do not find it necessary.

I travel selling goods, and the firm (Eastmond & Sinclair), of which I am a member, also employs commercial travelers. I am, therefore, in a position to understand how this bill of Mr. SULZER's is going to affect a great many thousands of business men. I think the traveling men's organizations all over the country ought to pass resolutions in favor of it.

NEW YORK, May 2, 1906.

A. H. EASTMOND.

[Editorial from the Philadelphia Inquirer.]

TO STOP THE MILEAGE-BOOK EXTORTION.

Every Pennsylvania Congressman will be expected by his constituents to do all he can to promote the passage of the bill which has been introduced by Representative SULZER, of New York, prohibiting railroad companies engaged in interstate transportation from charging more for the mileage books issued by them than a flat 2 cents per mile rate. It is the present practice of some of the roads, and notably of the Pennsylvania, to require the deposit of \$10 on every 1,000-mile book. This deposit is returned to the purchaser upon the surrender of the covers, provided that he has not allowed the use of the book by any third party. If he has been guilty of that enormity, the deposit is liable to forfeiture. The Sulzer bill changes all that. It not only

declares that no deposit shall be exacted, but it expressly provides that mileage books shall be transferable at the option of the purchaser.

This is no more than fair and just and reasonable and right. The railroad company loses nothing through the use of a mileage book by some person other than the buyer. It costs no more to transport one man than it does to carry another, and from a merely common-sense point of view it might be supposed that the companies would be more inclined to promote the transfer of mileage books than to oppose it, for the reason that the more the availability of such books is extended the more rapidly the transportation which they cover will be consumed. The owner of a mileage book is not going to lend it to anyone else when he expects to need it himself. He will only transfer it for use during a period when it would otherwise be idle, and thus the sale of the commodity in which the carrier deals is stimulated and increased. This is too plain for argument, and it is surprising to find the companies pursuing a course which is manifestly prejudicial to their own interests.

Either they make money out of the use of mileage books or they do not. If they do not, why they should issue them at all is unaccountable, seeing that the railroads never have been accused of doing business on a philanthropic basis; but if they do, then it stands to reason that the more rapidly these books are used up the better it is for them. Possibly the explanation of this anomaly is to be found in the circumstance that there would be no excuse for the \$10 deposit extortion if the books were transferable, and there is no doubt that this extortion is the source of considerable profit. The people who buy mileage books use them all the time. As soon as one book is exhausted they purchase another, and so the company is left in possession of the deposit continuously. In the aggregate these deposits amount to a considerable sum, on which the interest is so much clear gain.

The Sulzer bill ought to be enacted into law, and as it only applies to interstate commerce, it will be the duty of the legislature at its next session to establish a flat rate of 2 cents per mile throughout the State. That will settle the mileage-book question all right.

[Editorial from the Scranton Republican.]

#### A MILEAGE BOOK BILL.

Representative SULZER, of New York, has introduced a bill in the House "to regulate the price of mileage ticket transportation by companies doing an interstate-commerce business, and for other purposes." It provides that all such companies "shall sell mileage books, good for 1,000, 2,000, 3,000, 4,000, and 5,000 miles, on their respective lines or connecting lines traversing two or more States of the United States, at a price not exceeding 2 cents per mile for said mileage books."

The bill further provides that such mileage books shall be good until used and shall be transferable—that is, may be lawfully sold by the purchaser, if for any reason he cares to dispose of the same to another. It also forbids any railway transportation company doing interstate-commerce business to collect for a mileage book more than 2 cents a mile or to give any rebate thereon—that is, no railway company may, as some of them are now doing, require the purchaser of a mileage book to deposit a sum largely in excess of the price of the book, the excess to be returned to him on presentation of the covers of the book after the mileage has been used.

The penalty clause of the bill provides that any violation of the act shall constitute a misdemeanor and that the officers and directors of the offending company may be punished by imprisonment not exceeding one year, or by fine not exceeding \$10,000, or both if the court deems it best to punish to the limit of the law.

There are some good points about this bill. Certain railroads have given great offense to the traveling public by requiring extra deposits from all purchasers of mileage books and the abuse should be corrected. The railroads exist for the benefit of the people, not the people for the benefit of the railroads, and when the latter become too tyrannical in any particular direction it is entirely proper that Congress or any other legislative body having jurisdiction over the matter should correct the abuse by such enactments as may be necessary for that purpose.

Mr. SULZER. I yield the balance of my time to the gentleman from Texas [Mr. BURLESON].

Mr. MANN. The gentleman can not yield his time.

The CHAIRMAN. The gentleman from Texas is recognized. He was standing on his feet and is recognized in his own right.

Mr. MANN. Now, Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman from Illinois will state his point of order.

Mr. MANN. I am perfectly willing that the gentleman shall have time to conclude his remarks, but this method of concluding remarks previously made is in violation of the rule. While I am perfectly willing to yield, and to let the gentleman have such time as he wants to speak on the subject, I am not willing that it shall be done contrary to the rules.

The CHAIRMAN. What is the point of order of the gentleman?

Mr. MANN. The point of order is that he must confine himself to the amendment. I am perfectly willing that the gentleman from Texas have such time as he says he might want. He said at first that all he wanted was ten minutes, and he has had half an hour.

Mr. BURLESON. But I submitted to interruptions.

Mr. MANN. I am not complaining about that; but let it be determined how much time he is to have. How much more time does the gentleman want?

Mr. BURLESON. About ten minutes.

Mr. ADAMS of Pennsylvania. I ask unanimous consent that the gentleman have ten minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the time of the gentleman from Texas be extended for ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BURLESON. Now, Mr. Chairman, I desire to direct

attention to the fact that these States that I have mentioned—these eleven Southern States—and you may add thereto Kentucky, Maryland, Missouri, and Delaware, have 132 Representatives upon this floor. I mention that in order to indicate the population, because it will also convey to the mind approximately the amount of business transacted in that section. These States, as I have stated, have in the consular service, representing the business interests of that section in the development of their foreign trade and at the same time that of the entire United States, only 24 consular officers; and yet the District of Columbia alone has 18 of her residents in this important service. I submit now, in all candor, is there a man on the other side of this Chamber who has the effrontery to get up here and say that this is fair.

Mr. Chairman, in all the Pacific slope only eleven persons have received consular appointment, and in the eight Rocky Mountain States only ten citizens have been thus honored.

I again submit, can there be a man found in this body who will say this is equitable and just, when you consider the fact that taxes are laid upon all the people of the United States to defray the expense incurred by keeping these commercial agents abroad.

Mr. Chairman, speaking for these sections, I protest against such discrimination.

I submit that unless this is a sectional Government, unless it is the purpose of some one to favor one section of our country as against all other sections, that it is not fair that this great section with 132 Representatives on this floor should have only 24 appointees in the consular service, when the District of Columbia has 18, and when the New England States, with only 29 Representatives, have 56 appointees in the consular service of our Government. Can any man here contend that such action is not sectional?

Mr. Chairman, the Pacific Slope, furnishing her quota of products exported abroad to make up the balance of trade in our favor, has 13 Representatives upon this floor, and yet she has only 11 appointees in the consular service, two less than the States of New Hampshire and Vermont, with only four Representatives on this floor.

As I have shown, the entire Rocky Mountain region has only 10 persons in the consular service; and by way of contrast I direct attention to the fact that the stony soil and rigid climate of the Old Bay State has furnished 19 of her citizens for this service, all of whom are at present on the pay roll, enjoying the emoluments of their offices—splendid consular officers, I do not doubt, watching at all times for chances to promote the interest of the business men of that great Commonwealth and of the country.

But, Mr. Chairman, is it fair that one section of our country should in this unjust way be permitted to dominate and control the appointment of these commercial agents which have so much to do with the upbuilding of our trade with foreign countries. I charge, Sir, that this unfair discrimination against the great western section of our country is wholly indefensible. Shall the opportunity for securing a wider market for their resources in the Orient be denied to the Pacific slope and the great western section of our country? Are the business men of that section to be denied the chance to get their share of foreign trade and foreign business by an Executive who is apparently blind to their interest—who has ignored their claims to a fair proportion of the public agents who are sent abroad to foster our commercial interests?

Mr. Chairman, recently one of our consular officers died—and, by the way, it is a very rare thing that they die.

Mr. GAINES of Tennessee. Or resign, either.

Mr. BURLESON. Or resign, either, as suggested by my friend. This gentleman who departed hence was from the State of Ohio. I invite the attention of the distinguished gentleman from Ohio, General GROSVENOR, who interrupted me a moment ago, to these facts. An effort was made, so stated by the newspapers, by the gentleman in charge of the State Department, in the person of the Secretary of State, and the Assistant Secretary of State, who, in my deliberate judgment, if they could have their way, would speedily change the unfair, unjust, and sectional practice which controls these appointments—an effort was made to appoint a Tennessean. Of course I do not know whether it was true or not, but the newspapers stated that the junior Senator from the great State of Ohio promptly put forth the claim that that place belonged to Ohio and aggressively insisted that an Ohio man be given the appointment. Mr. Chairman, has the system of spoils reached the point where these commercial agents, who should be carefully selected so as to conserve the business interest of every section of our country, are now set apart to certain States, to be doled out to them year after year in total disregard of the interests of the other



sections of our country? That is a question that each man here in his own conscience can answer for himself.

Mr. Chairman, east of the Mississippi River we have 240 persons who are holding positions abroad in our consular service, while the great stretch of our country west of the Father of Waters furnishes only 54 citizens who have received consular appointments. In that section of our country east of the Mississippi and north of the Ohio, including West Virginia and the District of Columbia, 223 places have been given, leaving remaining for all other sections only 71 appointments.

I now desire to direct attention to the fact that the Central Eastern States have 74 citizens in the consular service, and the great Middle West, in part represented by my distinguished friend from Illinois [Mr. MANN], with 102 Representatives upon this floor, has only 91 citizens in the consular service.

Mr. MANN. May I interrupt the gentleman?

Mr. BURLESON. Yes.

Mr. MANN. I think there have been several appointments to the consular service made from my district since I have been in Congress, but who got them I do not know, and I am very sure they were not made on political influence, and I do not believe on merit. [Laughter.]

Mr. BURLESON. If the appointments were not made on merit nor because of political influence, for conscience sake tell me the source of the influence that brought about their selection.

Mr. MANN. That is a mystery that never has been solved.

Mr. BURLESON. I agree with the gentleman that it is a mystery, but no deeper or more unfathomable than the reasons for the contention of certain people in this country for asserting that we have at the head of our Government a nonsectional Executive, when, in the light of the facts I have detailed, any candid, honest, fair-minded man must inevitably be driven to the conclusion that he has been not only partisan but sectional in naming the diplomatic and consular officers of our country.

Mr. Chairman, if it is too much to expect an abandonment of the indecent discrimination which has been practiced against the South for so many years, and I suppose it is, is it too much to hope that the unfair discrimination against the Pacific slope and the Middle West, and the unjust and indefensible discrimination now being practiced against the Rocky Mountain States will soon be brought to an end?

Mr. Chairman, in the recent past certain investigations of the business methods which have obtained in the conduct of the affairs of our great insurance and railroad corporations disclosed conditions highly discreditable to those in charge, if it did not prove them to be actually dishonest and violators of the law.

As a result of these investigations and disclosures the public conscience has been quickened, and there is a promise of a return of those higher standards of business probity which characterized the fathers in their dealings and transactions with each other. Is it too much to hope that, having directed attention to the gross discriminations which have been practiced against other sections of our country in addition to the South in the appointment of diplomatic and consular officers, that there will result at least a measure of correction for this persistent wrong which has been and is now being done the commercial interests of those sections?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURLESON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

Mr. BURLESON. I submit the memorandum upon which I have based my remarks.

DEPARTMENT OF STATE,  
Washington, May 28, 1906.

Hon. A. S. BURLESON,  
United States House of Representatives.

DEAR SIR: I have the honor to inclose a memorandum in compliance with your telephonic request of to-day.

Respectfully,

ROBERT BACON,  
Assistant Secretary.

[Memorandum.]

Number of diplomatic and consular appointments from each State, as shown by the Diplomatic and Consular List.

State.	Diplo- matic.	Con- sular.	State.	Diplo- matic.	Con- sular.
Arizona		1	Kansas	1	3
California	6	8	Kentucky	3	3
Connecticut		10	Louisiana	2	2
Delaware		1	Maine	1	9
District of Columbia	4	18	Maryland	4	3
Florida		2	Massachusetts	8	19
Idaho		1	Michigan	3	9
Illinois	7	17	Minnesota	3	7
Indiana	2	11	Mississippi	1	
Iowa	3	9	Missouri		3

Number of diplomatic and consular appointments, etc.—Continued.

State.	Diplo- matic.	Con- sular.	State.	Diplo- matic.	Con- sular.
Montana		1	South Dakota		4
Nebraska	2	6	Tennessee	1	3
New Hampshire	1	6	Texas		2
New Jersey	4	9	Utah		1
New York	19	37	Vermont		1
North Carolina	1	3	Virginia		1
North Dakota		3	Washington	1	1
Ohio	2	28	West Virginia	2	6
Oregon	1	2	Wisconsin		10
Pennsylvania	9	22			
Rhode Island	4	5	Total	96	234
South Carolina		1			

The Clerk read as follows:

Secretary of legation to Siam and consul-general at Bangkok, \$2,000.

Mr. SCOTT. Mr. Chairman, I should like to inquire if the Clerk has read section 2, on page 4?

The CHAIRMAN. The Clerk has just read lines 6 and 7, on page 4.

Mr. SCOTT. I did not hear the second paragraph on that page, beginning with line 3, read by the Clerk.

The CHAIRMAN. That was read before the gentleman from Texas [Mr. BURLESON] was recognized.

Mr. SCOTT. I ask unanimous consent to return to that section for the purpose of offering an amendment.

Mr. ADAMS of Pennsylvania. Reserving the right to object, I should like to ask the gentleman what his amendment is?

Mr. SCOTT. The amendment which I desire to offer is to insert after the word "to" the word "Liberia;" and if that amendment is agreed to then I want, in order to make the bill consistent, to return to the preceding section to strike out "Liberia," the purpose of my amendment being to increase the salary of the secretary of legation at Liberia from \$2,000 to \$2,800.

Mr. ADAMS of Pennsylvania. I shall have to object, because that item was very carefully considered by the committee after several hearings from interested parties, and I should not be carrying out the judgment or will of the committee if I permitted a return to the paragraph.

The CHAIRMAN. Objection is made, and the Clerk will proceed with the reading of the bill.

The Clerk read as follows:

For ten student interpreters at the legation to China, who shall be citizens of the United States, and whose duty it shall be to study the Chinese language with a view to supplying interpreters to the legations and consulates in China, at \$1,000 each, \$10,000: *Provided*, That said student interpreters shall be chosen in such manner as will make the selections nonpartisan: *And provided further*, That upon receiving such appointment each student interpreter shall sign an agreement to continue in the service as interpreter to the legations and consulates in China so long as his said services may be required within a period of ten years.

Mr. SULZER. Mr. Chairman, I reserve the point of order on this section. I wish some information from the gentleman in charge of the bill about these interpreters. How many are there? What good do they do? Why this expenditure of money?

Mr. ADAMS of Pennsylvania. What is the gentleman's point of order?

Mr. SULZER. I reserved the point of order.

Mr. ADAMS of Pennsylvania. There is no change in the existing law.

Mr. SULZER. How many of these interpreters are there there, and what are they for?

Mr. ADAMS of Pennsylvania. The whole number.

Mr. SULZER. That is an intelligent answer. How long have they been there?

Mr. ADAMS of Pennsylvania. Ever since the act was passed.

Mr. SULZER. When was the act passed?

Mr. ADAMS of Pennsylvania. That I can not tell the gentleman. It was the old provision in the act and has been there for a good many years.

Mr. SULZER. Well, these interpreters must have long gray beards by this time. [Laughter.]

Mr. COUSINS. I will say to the gentleman that ten of them were commissioned, some in 1902 and some in 1903.

Mr. SULZER. Have they been there all this time?

Mr. COUSINS. Yes; some are now vice or deputy consuls.

Mr. ADAMS of Pennsylvania. I will explain that the obligation rests upon the students to remain in the service ten years in consideration of the education they receive. After that they are free to go, and as they pass out their places are filled by new applicants.

Mr. SULZER. What is the object of having these interpreters?

Mr. ADAMS of Pennsylvania. There are so few Americans speak the Chinese language that these students are there for the purpose of learning the language, and they aid the consuls in developing the trade of our country.

Mr. SULZER. Is it for the purpose of letting down the barriers put up against the Chinese to keep them from coming in here?

Mr. ADAMS of Pennsylvania. We have no barrier against the Chinese, except what is agreed to by the Chinese treaty—that is, against the coolies, to keep them out. Under the law to-day the other Chinese are admitted—bankers, students, travelers, etc.

The CHAIRMAN. Does the gentleman withdraw his point of order?

Mr. SULZER. I would like to have some more information. Thus far I have received little on the subject. Who appoints these interpreters?

Mr. ADAMS of Pennsylvania. The President of the United States. Mr. Chairman, I ask that the Chair rule on the point of order.

Mr. SULZER. I withdraw the point of order, Mr. Chairman, but I would like to get a little more information. How does the President appoint them? It says here that they shall be nonpartisan; what does that mean?

Mr. ADAMS of Pennsylvania. It means that they shall be selected from likely young men who have ability or some talent for languages, and shall be chosen for nonpartisan purposes.

Mr. SULZER. How much pay do they get?

Mr. ADAMS of Pennsylvania. One thousand dollars a year.

Mr. SULZER. So we have been expending \$10,000 a year for a dozen years or more for these ten interpreters—an unnecessary waste of money, in my opinion.

Mr. ADAMS of Pennsylvania. Now, I ask for a ruling by the Chair.

Mr. SULZER. Mr. Chairman, I move to strike out the last word. This is a queer provision, it seems to me, to be in this bill. Why should we pay \$10,000 a year for the purpose of sending ten young men over to China to learn the Chinese language, when, as a matter of fact, these young men may live in China all their lives and not be able to learn the Chinese alphabet? What service are they to this country?

Mr. MANN. Does it take that long to learn it?

Mr. SULZER. Very few Chinamen know their own alphabet, and I doubt if these young men know much about it. [Laughter.] It seems to me this is a waste of the public money. This is an era of strict economy, especially in regard to matters at home.

Here are \$10,000 being thrown away every year on ten young men over in China, whose names we know not. Perhaps they are sent there to have a good time. I don't see any sense in it, I do not see any good in it, I do not see any return that it is going to bring to the Government, and the provision ought to be stricken out and thus save to the taxpayers of this country this \$10,000 every year. Quite an item. I undertake to say that if the taxpayers knew about this waste, they would rise up and object. Oh, yes; the Republicans laugh; they always do when they are spending the people's money without giving any reason for it. I undertake to say that this provision of \$10,000 a year can do no possible good to anybody except, perhaps, these ten young men, and we do not know one of them. [Laughter.]

I would like to know who they are. Perhaps the gentleman from Pennsylvania knows who they are. My friend from Texas [Mr. BURLESON] a little while ago made an eloquent speech regarding the injustice and discriminations in diplomatic and consular appointments, and here are ten diplomatic appointments that some member of the Committee on Foreign Affairs ought to shed a little light upon. They are ten little \$1,000 a year sinecures. A little pap to some ten little favorites. We should stop, or at least know more about it. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

For two clerks at the embassy to Great Britain; one at the rate of \$1,800 per annum, and one at the rate of \$1,200 per annum, \$3,000.

Mr. WILLIAMS. Mr. Chairman, reserving the point of order, I would like to have an explanation of this. What new thing has occurred to make it necessary to have two more clerks at the embassy at Great Britain?

Mr. ADAMS of Pennsylvania. Mr. Chairman, I will state in reply to the gentleman that the Secretary of State appeared before our committee and urged this increase in the clerical force at the embassy at London for the following reason: The Secretary proposes to introduce a new scheme for gathering and

disseminating knowledge among the various diplomatic posts abroad. There has not been sufficient intercommunication between the several embassies and legations to keep them informed of all that is going on at the different posts so that they may have a general knowledge of all negotiations and all doings carried on. The scheme as submitted to the committee by the Secretary of State was this: When instructions are sent out now to our various ministers and ambassadors it takes a great number of cablegrams in order to reach them all. This proposition is to send one cablegram with instructions to London and then to have those instructions transmitted by post to the various representatives, which would cost very much less, as nearly every embassy and legation is within twenty-four hours, mail time, of London. The House can readily see that this will be a saving as well as an influence in distributing knowledge.

Mr. WILLIAMS. Mr. Chairman, I withdraw the point of order.

Mr. MANN. Mr. Chairman, I will reserve the point of order. I see in one place in the bill, on page 6, a lump sum for clerks in embassies and legations. I would like to know of the gentleman the necessity for making a specific appropriation for clerks at London when a lump sum covers precisely the same thing?

Mr. ADAMS of Pennsylvania. I will state that, as this is new legislation and put in for a specific purpose, it could hardly come under the head of the general appropriation for clerk hire which is distributed, in the discretion of the Secretary of State, to all the different posts. The Secretary was frank to submit his scheme to the committee. It met with universal approval, and the necessity for these clerks at the embassy at London is for the increased work that will be put upon that embassy in the gathering and distribution of this information. Hence the necessity for the separate item.

Mr. MANN. Under the original item in the bill, on page 6, the Secretary can employ as many clerks as he pleases, at such salaries as he pleases to pay, provided he does not exceed the sum of \$65,000. I really do not see the point of making a specific appropriation for two clerks, segregating those from the original number included in the \$65,000. I have no objection to the item.

Mr. FLOOD. These two clerks represent the State Department, and are not to do any of the work of the embassy at London. They represent the State Department for the purpose of sending out this information by mail.

Mr. MANN. There is nothing in the bill to that effect at all. This is for clerks at the embassy, and nothing is said about the State Department. I withdraw the point of order.

Mr. CAMPBELL of Kansas. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 8, line 18, after the word "dollars," insert "That the consular agency at Cardenas, Cuba, be raised to a consulate, at \$1,500 per annum."

Mr. WILLIAMS. Mr. Chairman, I reserve the point of order on that amendment.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I make the point of order on the amendment.

Mr. CAMPBELL of Kansas. Mr. Chairman, I hope the gentleman will not do that. I have offered this to a very vulnerable paragraph in this bill.

Mr. MANN. Not now. It is not vulnerable now.

Mr. CAMPBELL of Kansas. Why not?

Mr. MANN. Because it has been discussed.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman in charge of the bill if he will make any additional appropriation or give the consul a better office or headquarters in London than he has had heretofore?

Mr. ADAMS of Pennsylvania. We increase the clerk hire, their allowance for clerk hire, because the salary of the consul has been cut in half under the bill that passed the House a few days ago.

Mr. GAINES of Tennessee. Who is consul there now?

Mr. ADAMS of Pennsylvania. General Wynne.

Mr. GAINES of Tennessee. I do not know so much about the salaries for the clerks, nor do I know how many clerks they have. My recollection is that all the clerks were employed for which there was room in which to work, and the purpose of my saying anything here just now is this: I think it is a perfect shame that we have a trifling little box of an office for the use of this our London consul. It is a little bit of a concern, I dare say the gentleman has seen it. It is enough almost to make



an American citizen pull his hat down at least a little bit over his face when he looks at it. When Consular-General Evans was there he and I talked about it. He was our former consul, and he said that he did not have room in which to work. I do not know about the clerk hire or about the number of clerks, but I do think that the committee ought to look into the matter further, and if they have not provided for a better office at that place it should be done.

Mr. ADAMS of Pennsylvania. They have looked into it, and I will say, under the bill for the reorganization of the consular service, London will get an increase, and we have also allowed an increase in this bill. I quite agree with the gentleman.

Mr. GAINES of Tennessee. Will that enlarge the office any; I mean the little box in which they at present work?

Mr. ADAMS of Pennsylvania. I believe the more rent allowance you have the bigger place you can rent.

Mr. GAINES of Tennessee. I hope we will have a better place, for while Mr. Evans was consul there I saw a lot of American women, some from my own State, some from Pennsylvania, and our people from all over the United States, who went there to call on the consul on business, and there was often not room enough for them all to get in to wait their turn, and part of them were hanging around the door, all waiting for an audience with the consul.

Mr. ADAMS of Pennsylvania. I quite agree with the gentleman.

Mr. GAINES of Tennessee. It is a shame this office should be in that fix.

The Clerk read as follows:

#### CONTINGENT EXPENSES, FOREIGN MISSIONS.

To enable the President to provide, at the public expense, all such stationery, blanks, records, and other books, seals, presses, flags, and signs as he shall think necessary for the several embassies and legations in the transaction of their business, and also for rent, postage, telegrams, furniture, messenger service, compensation of kavasses, guards, dragomans, and porters, including compensation of interpreter, guards, and Arabic clerk at the consulate at Tangiers, and the compensation of dispatch agents at London, New York, and San Francisco, and for traveling and miscellaneous expenses of embassies and legations, and for printing in the Department of State, and for loss on bills of exchange to and from embassies and legations, \$225,000.

Mr. WILLIAMS. Mr. Chairman, there is an increase in this item of \$67,500. I reserve the point of order to it.

The CHAIRMAN. The gentleman from Mississippi reserves the point of order.

Mr. ADAMS of Pennsylvania. I would like to be heard on that.

Mr. WILLIAMS. I reserve the point of order for the present that the gentleman may explain. I desire the gentleman to explain the necessity for this increase of \$67,500. I reserve the point of order in order that he may do so in the meanwhile. If his explanation is satisfactory, I may withdraw it.

Mr. ADAMS of Pennsylvania. I will state for the information of the gentleman, in the first place, the increase is \$35,000. Last year it was \$190,000. This year it is \$225,000, which makes an increase of \$35,000.

Mr. FLOOD. Can I interrupt the gentleman for a moment?

Mr. ADAMS of Pennsylvania. Certainly.

Mr. FLOOD. The amount last year was \$190,000?

Mr. ADAMS of Pennsylvania. I so stated.

Mr. FLOOD. But out of that was supposed to be taken about \$32,500 for clerk hire. Now, there has been a specific appropriation for clerk hire, so that does not come out, and that \$32,000 will have to be added to this \$35,000, making the increase \$67,500.

Mr. ADAMS of Pennsylvania. I will further say to the gentleman that we have put a provision in this bill allowing transportation at 5 cents a mile, which will have to come out of the contingent fund for the transportation of diplomatic officers to their posts, and that will use a great deal of it. I will also state that there was a deficit last year of nearly \$30,000 in the contingent fund, and the Committee on Appropriations have served notice on the Departments that this habit which has grown up between the Departments and Congress of putting in estimates below what they know their cost is going to be and then coming in annually with the deficit has got to cease, and we have raised the appropriations in these bills, allowing for the deficiencies of last year and adding that to be somewhere near the actual expenses of the Department. Furthermore, the gentleman must realize that as our intercourse with other nations extends and as business increases the expenses of all representatives abroad, both consular and diplomatic, also increase.

Furthermore, the cost of clerk hire abroad is increasing all the time, and under those circumstances, when the Department asked for \$340,000, we thought we had cut them down and held them in very well. After careful hearing of the Secretary of

State we had the fiscal agent of the Department before the committee, and we had the head of the Consular Bureau and gave them all careful hearings. I have never known, since I have served on the committee, the Secretary of State to come before the committee before. It has always been considered, perhaps, a little below the dignity of the high office, but so earnest is the present Secretary to reform our foreign service and to make it efficient in every way that he laid aside whatever great dignity may attach to his office and came before us in full, frank, and free conference, as did the other officers of the Department. And so convincing were their statements in what they urged that the committee unanimously agreed on the sum mentioned here as a fair one.

Mr. WILLIAMS. Mr. Chairman, there was last year provided out of this contingent fund \$32,500 to be paid for clerks. Clerks were paid out of it. This year the clerks are put upon salaries specifically provided for in the balance of the bill, so that instead of there being an increase in this fund there ought to have been a decrease. In addition to that, not long ago, I do not remember how long ago, but I believe it was at this Congress—it may have been at the last Congress—we passed a bill here providing certain traveling consuls who would act as inspectors. Now, all that inspecting work hitherto had been done out of this fund. That is another reason why this fund might have been decreased instead of being increased.

Now, counting the \$32,500 that used to be paid out of it for clerk hire—and that will not now have to be paid out of it—and the absolute increase of \$35,000, there is an increase of \$67,500 upon an original basis of \$190,000—the total appropriation for the last fiscal year.

As to the promise that hereafter there shall be no deficit, of course those of us who do not believe in Santa Claus as a real, living, visiting sort of an entity, do not take much stock in that. The House has been trying for a long time to get executive officers to keep within the limit of the amounts of appropriations for definite purposes made by the legislative branch of the Government. They have not done it, and they are not going to do it after this. They come in very frequently and get an increase here and there upon the plea that their deficit thereafter will not be so great, but in my experience here I have never found the deficits thereafter were less than they were theretofore. Mr. Chairman, I do not think the increase ought to be made, and for that reason, and not merely because I can make the point of order, I shall insist upon the point of order.

Mr. MANN. Will the gentleman yield for a question?

Mr. WILLIAMS. Yes.

Mr. MANN. I was going to ask the gentleman if he had fully considered the necessity of an increase of the amount so as to provide more kavasses.

Mr. BUTLER of Pennsylvania. What is a kavass?

Mr. MANN. I understand the gentleman from Pennsylvania that the cost of cablegrams will be less, but I apprehend that the reason this is increased sixty or seventy thousand dollars is in order to provide additional compensation for kavasses.

Mr. ADAMS of Pennsylvania. I will state to the gentleman from Illinois [Mr. MANN] that kavasses come very high.

Mr. WILLIAMS. Telegrams are decreased and inspecting services decreased, and I reckon it must go to kavasses or dragomans—one or the other.

Mr. ADAMS of Pennsylvania. A kavass is a messenger.

Mr. WILLIAMS. A sort of a man—the same as a dragoman. One interprets and guides and the other just messengers.

Mr. ADAMS of Pennsylvania. In reply to the gentleman I would like to read from the letter of the Secretary of State, addressed to the Secretary of the Treasury, relating to the contingent expenses of foreign missions in consulates, in which he says:

Owing to the peculiar nature of the foreign service it is impracticable to fix or apportion the amount to be used by embassies, legations, and consulates and adhere to such apportionment for the reason that the cost of telegrams, charges for postage, and other items can not be regulated.

Rents are increasing annually. It is observed that increased rates are made for lights and fuel. Increased wages are demanded for clerical, messenger, and janitor service. The demands on the Department for furniture, typewriters, carpets, stoves, fixtures, etc., for embassies, legations, and consulates can not be estimated. Unforeseen emergencies, which the Department can not control, are constantly arising in the foreign service which necessitate the immediate expenditure of large sums of money.

I would state, for the information of the gentleman from Mississippi [Mr. WILLIAMS], that the service in the consular service to-day is practically paralyzed for the reason that the contingent fund is exhausted, and that they have not the money with which to pay postage on their letters, and if they wish to make reports which the Department demands shall be made in regard to our foreign commerce it must be done out of their

own pocket. I do not wish to repeat, but, as I said before, as the country grows and as our trade expands so do the expenses of our foreign department expand. And for this reason we must expect the contingent expenses to grow from year to year. And it will be a very mistaken policy, Mr. Chairman, if any lack of liberality is extended to this most important branch of the service, for when you think of it there is but \$2,000,000 a year expended on this great department of our Government which holds in its hands almost war or peace, and which protects our citizens abroad from injury and recovers damages for such injuries, and which at the end of the Boxer rebellion in China got \$20,000,000 damages for injury to our citizens there. Think of a department recovering \$20,000,000 at a cost of \$2,000,000 a year to run it.

The money is expended by the State Department, affecting the very life and welfare of our country; and when we think of the able men of our country who, in a spirit of patriotism, are willing to go abroad and not receive adequate compensation for their services—not only that, but do not receive money upon which to live in the manner which is imposed upon them—when we know these facts, it seems to me a mistaken policy to undertake to cut down the small contingent fund which is intended to meet the various expenditures that are necessarily incurred in the running of this efficient and important department of our Government. [Loud applause.]

The CHAIRMAN. The Chair would like to hear from the gentleman from Mississippi on the point of order.

Mr. WILLIAMS. The point of order is that it is a change of existing law, not a limitation, and is new legislation to the extent of the increase.

Mr. ADAMS of Pennsylvania. I would like to submit this statement: The contingent fund is necessarily a continuing appropriation from year to year to meet the necessities of the State Department. It can not be limited, for its very name "contingent" implies that it can not be absolutely estimated. Therefore the very fact of it, and its necessity from year to year, implies a change of amount and is not a change of the existing law, for the law consists in the appropriation that establishes a contingent fund, and the amount is to be made in accordance with the estimates that are furnished by the Department.

The CHAIRMAN. If the point made by the gentleman from Mississippi wholly applies to the increase in the amount, the Chair will overrule the point of order.

Mr. WILLIAMS. The point of order necessarily is applied to all of it that is not specifically set forth. The point is made to all the paragraph, because the increase makes it new legislation.

The CHAIRMAN. The Chair overrules the point of order. The Clerk read as follows:

STEAM LAUNCH FOR LEGATION AT CONSTANTINOPLE.

Hiring of steam launch for use of the legation at Constantinople, \$1,800.

Mr. SULZER. Mr. Chairman, I make the point of order against this provision.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. SULZER. I think it is new legislation.

Mr. ADAMS of Pennsylvania. It is not new legislation.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. SULZER. I want to know the warrant of law for this appropriation—the authority for paying \$1,800 a year rent for a steam launch for the legation at Constantinople?

Mr. ADAMS of Pennsylvania. It is the same as last year.

The CHAIRMAN. The Chair overrules the point of order.

Mr. SULZER. Not so fast; but very well; then I move to strike out the last word. Now, Mr. Chairman, I want to say that I can find no warrant of law for this continuing appropriation, to hire a steam launch for the legation at Constantinople, and to pay every year for this steam launch \$1,800 rental. You can buy a pretty good steam launch for \$1,800; and to-day, according to the statement of the gentleman from Pennsylvania, we have been paying from year to year without any warrant of law whatever \$1,800 in rent for a steam launch. I would like to ask the gentleman, if he knows, how long we have been paying this?

Mr. ADAMS of Pennsylvania. I do not know.

Mr. SULZER. You ought to know, being the chairman of the committee. [Laughter.]

Mr. ADAMS of Pennsylvania. I will simply say to the gentleman that I know enough to knock out the point of order; and being in charge of the bill, it is not necessary to know any more.

Mr. SULZER. That is not clever. The Chairman overruled the point of order, and he did so in error, without any more au-

thority for it than you had to put in this bill this grafting appropriation of \$1,800 a year rental for a launch.

Mr. ADAMS of Pennsylvania. That is a matter of opinion.

Mr. SULZER. It looks queer to me. I would like, if the gentleman can give the information, to know how long this steam launch renting of \$1,800 a year has been going on?

Mr. ADAMS of Pennsylvania. I do not know how old the boat is, but I know that it was passed the first time in 1892, and it has existed there ever since. I suppose the gentleman knows that this is on the Bosphorus, and a steam launch is necessary to visit the incoming vessels.

Mr. SULZER. Then we have paid twenty-odd thousand dollars rent for the use of this steam launch. Quite an item.

Mr. ADAMS of Pennsylvania. It is not owned by the Government.

Mr. SULZER. I said we paid that in rent. We could buy a steam launch for something like \$2,000. We can buy a pretty good steam launch for \$2,000. I know where there are new steam launches for sale at that price, and they are very fine launches. They last for twenty or thirty years. I would like to know why we do not buy a launch?

Mr. ADAMS of Pennsylvania. Mr. Chairman, if we had an item in this bill for the purchase of a steam launch, and the gentleman had the economic turn of mind he has now, I would like to know what he would do with that?

Mr. SULZER. A launch, if necessary, should have been bought in the first instance. It is economy to do it now.

Mr. ADAMS of Pennsylvania. I was not here in 1892, or probably I would have suggested buying a boat at that time.

Mr. SULZER. Now, think of that going on, Mr. Chairman, for the next twenty or thirty years paying out every year \$1,800 for the rent of a steam launch. It seems to me to be a great waste of money. It seems to me that it is poor economy. Why, instead of hiring a launch, we ought to buy one. It certainly seems to me to be extortionate to pay \$1,800 a year rent for a little steam launch. Something must be wrong with such a system of administration. It should be looked into, I think, just a bit. In my opinion money can be saved here, and if it can it is our duty to save it for the taxpayers. I understand that things are very cheap in Constantinople. In my judgment, \$800 a year would be plenty of money to appropriate for hiring a steam launch to sail out on a hot evening over the Bosphorus. It seems to me the gentleman from Pennsylvania, chairman of the committee, ought to have investigated this matter a little. He made up this bill apparently according to any old way. So I move to amend by striking out "eighteen hundred dollars" and inserting "eight hundred dollars," thus saving the taxpayers of the country \$1,000 every year.

The CHAIRMAN. The gentleman from New York moves to amend by striking out the words "one thousand."

The question being taken, the Chairman announced that the yeas appeared to have it.

Mr. SULZER. Division. Let us stand up for economy.

The committee divided; and there were—ayes 10, yeas 62.

Mr. SULZER. Tellers, Mr. Chairman.

Mr. WILLIAMS. Mr. Chairman, I regret to note the absence of a quorum.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and twenty-five—a quorum present.

Mr. SULZER. Tellers, Mr. Chairman.

Tellers were refused, 19 Members, not a sufficient number, rising in support of the demand.

The Clerk read as follows:

GROUND RENT OF LEGATION AT TOKYO, JAPAN.

Annual ground rent of the legation at Tokyo, Japan, for the year ending March 15, 1907, \$250, or so much thereof as may be necessary.

Mr. LONGWORTH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert a new section after line 16, page 9:

"For the acquisition in foreign capitals of proper sites and buildings for the embassies and legations of the United States and for the residences of the ambassadors and envoys extraordinary and ministers plenipotentiary of the United States to foreign countries, \$1,000,000."

Mr. ADAMS of Pennsylvania. Mr. Chairman, I reserve the point of order against that amendment.

Mr. LONGWORTH. Mr. Chairman, I have already addressed this House laboriously, lengthily, and, I fear, somewhat boringly upon this subject upon two previous occasions. I would not, if I could under the rules, take up any long time in the discussion of this question now. I desire merely to say that there is a bill in this House which has the unanimous approval of all the members of the Committee on Foreign Affairs, including its acting chairman, the gentleman from Pennsylvania [Mr. ADAMS], appropriating for this purpose the sum of \$5,000,000. I have simply taken from that bill \$1,000,000 and propose it as an



amendment to this appropriation bill. If we pass this amendment, we will then be taking the first step to relieve the condition under which this Government is now laboring, of being represented at every great embassy and every great mission in Europe and in the Far East by men whose necessary qualification is that they have the price.

Mr. RUCKER. What does the gentleman mean by that? Does he mean that they have paid a price?

Mr. LONGWORTH. Oh, certainly not. I mean what everybody knows is true, that under our system no one can accept an important diplomatic position under our Government unless he has a large private fortune to enable him to meet his expenses abroad.

Mr. RUCKER. I should like to ask the gentleman, does he think that under present conditions there is the slightest chance on earth for a poor man ever to get one of these places?

Mr. LONGWORTH. I do not think it is conceivable.

Mr. RUCKER. Even although your amendment should be adopted, would there still be any chance?

Mr. LONGWORTH. The adoption of my amendment would not absolutely relieve the condition, but it would, however, serve notice that this Congress is going to consider the question of ameliorating this condition of affairs.

Mr. RUCKER. Would it not simply serve notice that Congress was going to pour a little more wealth into the laps of rich men?

Mr. LONGWORTH. On the contrary this money would be expended by the Government to provide residences abroad where poor men appointed to these positions could live.

Mr. RUCKER. Where a poor man could live, but where rich men will continue to live until we get a change in this country.

Mr. LONGWORTH. Where a rich man must of necessity live if appointed, and therefore be on the same basis as a poor man appointed there. At present the amount which an ambassador pays for his official residence is limited only by what he is willing to pay out of his own private means.

Mr. GAINES of Tennessee. I fully appreciate what the gentleman has stated, from a historical standpoint, and I dare say he has given the matter a thorough investigation. Will he tell the committee whether or not our ministers previous to the civil war, were rich men, or when this rich-man era began? I ask the question seriously, because I want to know.

Mr. LONGWORTH. I will say to the gentleman from Tennessee that it has certainly been in existence since 1892, when we passed the act elevating our ministers to be ambassadors. I think it was in existence long before that, certainly in London and the great European posts.

Mr. GAINES of Tennessee. Did our ministers, ambassadors, and foreign officers forty years ago have to be millionaires to serve the Government?

Mr. LONGWORTH. No; they did not.

Mr. GAINES of Tennessee. What has brought about the changed conditions?

Mr. LONGWORTH. The fact that they are now ambassadors in some cases has brought about a changed condition. The fact that the cost of living has largely increased is also another element, and, above all, the fact that this country has now a position in the world's politics hardly dreamed of by our statesmen forty years ago.

Mr. GAINES of Tennessee. The gentleman must know that our foreign officials in years past had, through their ability—

Mr. ADAMS of Pennsylvania. I will answer the gentleman. The original act of Congress, when Benjamin Franklin was sent abroad, gave him unlimited means to live in a style proper to represent the country. After that, before these salaries were fixed, our ministers when they went abroad were given large sums for an outfit.

Mr. GAINES of Tennessee. Well, the gentleman has cited one case.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I ask that the gentleman's time be extended ten minutes.

Mr. MANN. Five minutes at a time, Mr. Chairman; I object to ten minutes.

Mr. GAINES of Tennessee. The gentleman is talking about a very important matter.

Mr. MANN. We have discussed this matter several times, and we want to get through with this bill some time. I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Illinois asks that the time of the gentleman from Ohio be extended five minutes. Is there objection?

There was no objection.

Mr. LONGWORTH. Mr. Chairman, it is difficult to recite

any particular date that occurred so long ago as the gentleman from Tennessee can remember but which I can not. [Laughter.] But, under our system, frequently men of great distinction from this country have been submitted to great humiliation from the way they were compelled to live in comparison with the way that representatives from other countries of the same position were living. The fact is that to-day in no great European capital can a proper residence be acquired for at least the amount that is paid to our ambassadors in salaries. If this country adopts the system of owning residences which shall be used, which must be used, by our ambassadors and ministers, then immediately this condition, under which men of wealth going to represent us abroad vie with each other in lavishness of expenditure of their immense wealth, will disappear. I would like to call the attention of this House to the fact that the act which raised our ministers to the rank of ambassadors was subject to a point of order, because it was an amendment to this bill. The point of order was not raised here or in the Senate; it was passed unanimously. Just before that act passed the Secretary of State refused to recommend that our ministers should be raised to the rank of ambassadors unless Congress would in some way, directly or indirectly, increase their compensation. Congress proceeded to do by unanimous consent exactly what the Secretary of State recommended should not be done.

It seems to me that the gentleman from Pennsylvania might very well withhold his point of order. It is impossible in this session of Congress to secure consideration of this bill. I will say that I had intended, if this bill could have been considered, to have amended it so that the Secretary of State should be authorized to expend an amount not to exceed \$1,000,000 a year for five years. I believe that this appropriation for suitable residence—and I do not advocate the buying of a palace or anything except the sort of a house that the gentleman from Mississippi would say was proper for a gentleman to live in representing this country—would bring about a condition under which our representatives could be chosen on account of their learning and ability and intellectual fitness, regardless of what their worldly possessions may be. It seems to me the gentleman from Pennsylvania, who is in sympathy with this bill, might very well withhold the point of order upon this amendment.

Mr. SHERLEY. Mr. Chairman, the reserving of a point of order to the amendment offered by the gentleman from Ohio illustrates the absurd rules that prevail in this House in regard to legislation. Only committees can legislate. Now, the vast majority of this House is in favor of some such provision as that contained in the bill that has been offered by the gentleman from Ohio and favorably reported by this very committee, and yet under a rule that has absolutely destroyed the value of the individual Member this amendment, embodying the principle of that bill, will be ruled out. No amendment can be offered to any legislation, no matter how germane it may be to the subject, if it be not absolutely within a narrow rule that we have created, and the result has been that the House of Representatives has lost its influence and its power. But I do not want to discuss rules. I want to speak to the merits of the amendment. I favor the amendment not only because I believe that we ought to have homes for our legations abroad, but because I believe it would do something to stop the shameful extravagance, the outrageous and un-American method of living of some of our representatives abroad.

I think that when a representative of America pays \$40,000 for his house rent in London, and several times that in maintaining it, he is not representing but misrepresenting the country that honors him. Of all men in the world, I have the most supreme contempt for that man who would pander to the poor by an abuse of the rich. There is not in my whole make-up one single bit of envy of any man because of his wealth. I submit, however, to this House that the extravagant living which has been indulged in by some of our representatives abroad is un-American; that it does not represent the spirit of the Republic; that it does not represent the best life of the people of this Republic.

The American people believe in good living. They believe in decent living; but they do not believe in all the ostentation which has been indulged in in recent years, and the wrong is not only a wrong while a man is in office, but it is a continuing wrong that involves every man who follows him at that particular post. Every man succeeding one of these men who spends thousands and thousands of dollars in a show of their wealth is expected to carry on the same establishment, equally large, to make the same expenditure, and the result is that instead of American legations representing the democracy for which our country stands they represent as much of aristocracy, as much

of exclusion, as much of vulgar display of recently acquired wealth as can be found the world over. [Applause.] For that reason I hope to see the amendment adopted or some similar legislation had. If we had men whose wealth had been of a little longer standing, there would perhaps be less display of it. No man can justify an expenditure for the maintaining of an establishment such as we have seen in two or three capitals in Europe as being necessary to uphold the dignity of the office. There is a dignity that demands a proper dwelling place; that demands a decent living; an ability to entertain properly the representatives of other governments and American citizens who may be abroad; but that dignity is violated the moment you step across the line of refinement into unseemly display and ostentation, and no worse example of it can be given to the people of America than this display of wealth that has resulted in a man having to be a multimillionaire, or some member of his family being one, in order for him to accept the post at the Court of St. James, at Paris, at Berlin, or at St. Petersburg. I hope there will be proper provision made for our representatives, and then I should like to see a restriction of such extravagances and remedy applied now, while we are waiting for proper legations. When they are once created, then the outward appearance at least of our embassies will always be the same, but in the meanwhile I would like to see some man who vulgarly, snobbishly is flaunting his money in the face of the world called home because of that fact and because it is undemocratic and not in keeping with the spirit of our people. [Applause.]

The CHAIRMAN. Does the gentleman from Pennsylvania insist on his point of order?

Mr. ADAMS of Pennsylvania. Mr. Chairman, as chairman one often has to do things that his individual desires would incline him not to do. I must insist on the point of order, because I desire to get through with the bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SIBLEY. Mr. Chairman, I hope my colleague will reserve his point of order for five minutes.

Mr. ADAMS of Pennsylvania. Oh, the gentleman from Pennsylvania, my colleague, can speak for five minutes.

Mr. SIBLEY. Mr. Chairman, I move to strike out the last word of the last paragraph.

Mr. MANN. But the last paragraph has been ruled out on a point of order.

The CHAIRMAN. The Chair sustained the point of order to the amendment.

Mr. MANN. But it was not an amendment to any paragraph in the bill.

Mr. SIBLEY. Then I shall try to get a similar amendment in by changing the amount.

The CHAIRMAN. The Chair will recognize the gentleman from Pennsylvania for five minutes.

Mr. SIBLEY. Mr. Chairman, the gentleman from Kentucky [Mr. SHERLEY] has voiced, I think, a sentiment that is in the mind of every Member of this body; yet at the same time I admit to some modification of my views as to the wisdom of the amendment offered by the gentleman from Ohio [Mr. LONGWORTH], for I have a few weeks since finished the reading of the autobiography of the Hon. Andrew D. White, for many years our diplomatic representative abroad. He was thought of so highly that President Cleveland retained him for several years at his diplomatic post.

Now, if there is one thing in all that autobiography which Mr. White emphasizes it is that we should own our own buildings at these foreign capitals, and that, by failing to do so, we not only belittle in the eyes of other nations our accredited representatives, but we eliminate in many cases from our diplomatic service the very best brains and the very best talent that the nation boasts, simply because the demands upon the individual pocket of the diplomat are so great as to preclude the services of such men. I am sure that if each Representative in this body, without prejudice, would read Mr. White's recommendations, we would all agree with him. Mr. White is a man who is now retired forever from the public arena. He is speaking to his countrymen as a distinguished educator and diplomat. He has been an honor to his nation, and all citizens justly honor him. In all his two volumes that is the one point that he makes most emphatic. I should like very much indeed, had the Chairman not ruled it out on a point of order, to see the amendment offered by the gentleman from Ohio prevail, although I am frank to say that until I had read Doctor White's autobiography I should have entertained an entirely different opinion. It is not unknown to Members whose faces I see on the other side of this Chamber that Mr. Cleveland sent an ambassador to Russia, a distinguished Democratic Member of Congress, who was our colleague, who came away from there, I have been led to believe, very much chagrined and

much impoverished, merely because he could not afford to hold the post which his talents so eminently qualified him to fill—the Hon. Clifton Breckinridge, of Arkansas.

Now, I want to see the wealth qualification eliminated. I want to see the ambassadors of a nation which is foremost in the commercial progress of the world, which has gone to the very front rank of nations, which is now the financial center and the industrial center of the globe, properly provided for. The expenses of a diplomat are greater now than in the days of which my friend speaks, because our interests have so tremendously multiplied that the ambassador must touch a hundred points to-day which were uncalled to his attention in a generation or two gone by; and, therefore, I hope some day, before I shall have passed off the scene of action—not political action, but while I still remain a citizen to watch events—to see suitable mansions belong to the United States as the British own one here, that shall be American soil, and which, in all the tumults and upheavals that occur in foreign capitals, if they should occur, will be recognized as soil of the United States and not subject to the riots or assaults of a mob. [Loud applause.]

The Clerk read as follows:

REERECTION OF CONSULAR BUILDING AT TAHITI, SOCIETY ISLANDS.

For the reerection of the American consular building at Tahiti, Society Islands, \$5,071.45.

Mr. MANN. Mr. Chairman, I will have to make a point of order on that.

The CHAIRMAN. Does the gentleman make his point of order or reserve it?

Mr. ADAMS of Pennsylvania. I hope the gentleman will reserve the point of order.

Mr. MANN. Well, I reserve the point of order.

Mr. ADAMS of Pennsylvania. I would like to state for the information of the gentleman, and I am sure he will withdraw his point of order when he hears it, that this is for the reerection of the American consulate building at Tahiti, Society Islands. This building was absolutely destroyed by a cyclone a year ago, and it is necessary that it should be put up again. The Secretary of State wrote to our chairman [Mr. HITT] as follows:

SIR: I have the honor to inform you that a cyclone and high sea which swept over Tahiti, Society Islands, on February 8 last, caused the total destruction of the American consular building there. The building destroyed was the property of this Government. It stood on ground which is quite the finest in the town of Papeeti and which can not be used by the terms of the original deed for other purposes than a consulate.

The building which it is desired to build on the present Government property will cost \$5,071.45, the estimate therefor being itemized as follows.

It is essential that this be reerected for the use of the consul, and more than that, the land, which is owned by the Government, is under such restrictions that it can not be used for any other purpose. I feel sure the gentleman from Illinois will withdraw his point of order with this information from the Secretary of State.

Mr. MANN. Will the gentleman inform us whether it is the policy of the Government to provide consular buildings for all the consuls of the Government? We have information here to the effect that we ought to provide buildings for all ambassadors—with which I am not in sympathy, I will say to the gentleman, at present—and I would like to know whether the Government intends to provide buildings for all consuls and consular agents, or whether it is an exception in this case?

Mr. ADAMS of Pennsylvania. I will state to the gentleman, the policy of the Government has not been to provide consulates with buildings; but in such out-of-the-way countries where it is impossible to get a habitable place for the use of the American representative, in some such places the Government has erected houses for the consuls, and this happens to be one of them. There is probably no house on the island that would be of sufficient size and proper to house the American consul and his family; hence the original erection of the building, and hence the necessity for its reerection, and I feel sure—

The CHAIRMAN. Does the gentleman from Illinois insist upon his point of order?

Mr. MANN. Mr. Chairman, I am not certain whether the item is subject to the point of order, but I insist upon the point of order.

Mr. PERKINS. Mr. Chairman, I think the item plainly is not subject to the point of order.

The CHAIRMAN. The Chair would like to hear the gentleman from New York on the point of order.

Mr. PERKINS. As I understand the facts, Mr. Chairman, the Government of the United States owns the site upon which it has erected a building to use for consular purposes at Tahiti, Society Islands—that is to say, the purchase of that building, the erection of that building, and use of that building, as I



understand, is established law. Now, surely, Mr. Chairman, if by some accident a building belonging to the Government is subject to injury, it is not enacting new law to make the necessary appropriation for the repairs to that building, whether they are more or whether they are less.

Take the building owned by the Government mentioned here; surely the necessary repairs on any property owned by the Government, and to which the Government has acquired a legal title or proper use, then becomes an established branch of the property, and the necessary repair, like the necessary care—

The CHAIRMAN. Can the gentleman answer one question for the Chair?

Mr. PERKINS. I will if possible.

The CHAIRMAN. Was this building completely destroyed, and is this appropriation to rebuild the building, or was it simply damaged, and is this item to repair it?

Mr. PERKINS. Of course, the foundation remains. I suppose the superstructure has been rendered uninhabitable.

Mr. WILLIAMS. In connection with the question of the Chair, the language of the provision settles it.

The CHAIRMAN. That is why the Chair asked the question.

Mr. WILLIAMS. The language of the provision settles it. It does not say "repair;" it says "reerection."

Mr. PERKINS. I think it is not the language of the bill that settles the law.

The CHAIRMAN. The Chair is ready to rule unless the gentleman wants to be heard further. Does the gentleman from Illinois [Mr. MANN] insist upon the point of order?

Mr. MANN. If the committee will excuse me for a second, I will say that this consul is enjoying a thousand-dollar salary now. This bill proposes to give him \$2,000 salary. The consul at this place has not a thing on earth to do but live. [Laughter.]

Mr. OTJEN. May I ask the gentleman a question? Would you go down there for \$2,000?

Mr. MANN. I may be glad of the opportunity some day. [Laughter.]

Mr. ADAMS of Pennsylvania. I hope not.

Mr. MANN. I have plenty of constituents who would be glad to go there to-day for \$2,000, or probably less. Mr. Chairman, I insist upon the point of order.

Mr. DENBY. Will the gentleman yield for a little data concerning business in that office?

Mr. MANN. Very gladly.

Mr. DENBY. The gentleman asserted that there is no business there. The exports from that port to the United States for the last fiscal year were \$314,000. The official fees amounted to \$330.50; the notarial fees to \$44; all of which indicate a very considerable amount of business done at the consulate. Vessels cleared for the United States, 11; seamanship, 2; seamen discharged, 2; letters received and answered, 300; expenses of living, high. So the consul has manifestly something more to do than live.

Mr. MANN. He had three vessels to attend to in three hundred and sixty-five days. That is coming near to doing nothing.

Mr. LONGWORTH. Eleven vessels.

Mr. MANN. Eleven vessels.

Mr. ADAMS of Pennsylvania. Thirteen vessels.

Mr. MANN. Well, call it thirteen; that is an unlucky number for him.

Mr. DENBY. He had to prepare manifests for \$314,000.

Mr. MANN. For how many vessels?

Mr. DENBY. It is immaterial as to the number of vessels. It is the amount of exports that make the business of the consul. There were eleven vessels of the United States.

Mr. MANN. The gentleman understands very well that the consul does not prepare the manifests.

Mr. DENBY. If the gentleman will pardon me, I do not so understand. The consul generally does prepare the manifests, and also writes letters and signs checks.

Mr. MANN. He examines the manifests. The manifests are not prepared by the consuls. Eleven vessels mean eleven days' work, possibly, in the year's time. I think he is exceedingly well paid at \$2,000. He has a thousand dollars extra because he lost the building, and the building probably was not worth very much.

Mr. OLMSTED rose.

The CHAIRMAN. The Chair will rule on the point of order, unless the gentleman from Pennsylvania desires to address the Chair.

Mr. OLMSTED. I was simply going to call the attention of the Chair to the fact that in the Fifty-sixth Congress, as referred to on page 346 of the Manual, it was held that the rebuilding of a bridge in the District of Columbia was a continua-

tion of Government work in progress, and upon the argument of the present Speaker of the House. That may or may not have a bearing on this question. I have not been paying close enough attention to know precisely the question at issue here, but it seems to me it might have a bearing.

The CHAIRMAN. What page is that?

Mr. OLMSTED. Page 346 of the Manual. I had occasion recently to examine that in the RECORD, and found that the point of order in that case was overruled on the argument of the present distinguished Speaker of the House, then chairman of the Committee on Appropriations. It was a case where a bridge, once constructed by the Government, had gone away. The paragraph against which the point was urged contained an appropriation for the construction of a new bridge in place of it.

The CHAIRMAN. The Chair would like to ask the gentleman from Pennsylvania the question if that was not a part of the park system of the District of Columbia?

Mr. OLMSTED. If I mistake not, the bridge was or had been across a stream running through the Zoological Garden.

The CHAIRMAN. Undoubtedly.

Mr. DENBY. Mr. Chairman, I move to amend the paragraph under consideration by striking out of line 9 the word "reerection" and substitute the word "repairs."

The CHAIRMAN. The Chair will sustain the point of order, and will recognize the gentleman to offer an amendment.

Mr. DENBY. I offer an amendment to make the paragraph read as follows:

For the repair of the American consular building at Tahiti, Society Islands, \$5,071.45.

Mr. MANN. I make the point of order against the amendment.

The CHAIRMAN. The Chair will have to take the language of the amendment, and unless the gentleman from Illinois desires to be heard, the Chair is ready to rule. [Cries of "Rule!"]

Mr. MANN. I have no desire whatever to prevent the construction of the building, so far as that is concerned. The point that I am making was the relation to the ruling of the Chair. Here is an admission that the building is destroyed and can not be repaired. The Chair is required to act upon facts that are before it, and I doubt very much whether the Chair could entertain the amendment with the admission made to the Chair as to what the facts are.

Mr. PERKINS. What admission is made to the Chair?

Mr. MANN. That the building has been destroyed, and could not be repaired.

Mr. PERKINS. I know of no such admission.

Mr. MANN. That is what I understood.

The CHAIRMAN. The Chair would like to state to the gentleman that when the Chair ruled upon the point of order before he ruled according to the language, although the gentleman from New York said that the appropriation was "for repairs" and not "rebuilding" the building.

Mr. MANN. Now, I am frank to say that I think the ruling is correct in both cases.

The CHAIRMAN. The Chair overrules the point of order. The question is on agreeing to the amendment.

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

Mr. DENBY. Mr. Chairman, there should be a change in the title of the paragraph, changing it from "reerection" to "repair."

The CHAIRMAN. Without objection, the change will be made by the Clerk.

The Clerk read as follows:

ANNUAL EXPENSES OF CAPE SPARTEL LIGHT, COAST OF MOROCCO.

Annual proportion of the expenses of Cape Spartel and Tangiers Light on the coast of Morocco, including loss by exchange—

Mr. WILLIAMS. A point of order, Mr. Chairman. It is the duty of the Clerk to read the bill, and he read "Annual proportion of the expenses of Cape Spartel and Tangiers Light on the coast of Morocco, including loss by exchange, \$325."

The CHAIRMAN. The Clerk informs the Chair that he had just reached the total of the paragraph.

Mr. WILLIAMS. I beg the Chair's pardon. The Clerk read "Annual proportion of the expenses of Cape Spartel and Tangiers Light on the coast of Morocco," and then went on to the next thing.

Mr. OLMSTED. No; he did not.

The CHAIRMAN. The Clerk informs the Chair that the gentleman from Mississippi must not have heard him. The Clerk will read.

Mr. WILLIAMS. I thought I heard the gentleman read "bringing."

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

three hundred and twenty-five dollars.

The Clerk proceeded to read the bill, as follows:

EMERGENCIES ARISING IN THE DIPLOMATIC AND CONSULAR SERVICE.

To enable the President to meet unforeseen emergencies arising in the diplomatic and consular service, and to extend the commercial and other interests of the United States, to be expended pursuant to the requirement of section 291 of the Revised Statutes, \$90,000, or so much thereof as may be necessary. The Secretary of State is authorized to apply in his discretion such portions of the appropriation for "Contingent expenses, foreign missions," for the fiscal year ending June 30, 1907, to the maintenance, driving, and operating such carriages or vehicles as may be necessary for the use of the Assistant Secretaries of the Department of State in the duties officially devolving upon them, and further to apply upon the order of the President such proportion of any fund which may properly be applied to the entertainment of visiting functionaries of foreign governments to such temporary hire of carriages as may be required for the use of such Assistant Secretaries in emergencies arising in connection with the necessary entertainment of such functionaries of foreign governments in the United States, or in such other emergencies as may require such expenditures to be made.

Mr. CRUMPACKER. I desire to make a point of order against the paragraph just read.

The CHAIRMAN. Will the gentleman please call the Chair's attention to the line?

Mr. CRUMPACKER. To that part of line 5, page 11, after the word "seven," down to and including the word "them," in line 9 of the same page. The point of order includes the provision authorizing carriages and vehicles for Assistant Secretaries of the Department of State. I know that it is contrary to existing law.

Mr. MANN. Mr. Chairman, I raise the point of order upon all the paragraph after the word "necessary," in line 2 of page 11.

The CHAIRMAN. The point of the gentleman from Illinois will be reserved until that of the gentleman from Indiana is disposed of.

Mr. CRUMPACKER. A few years ago a law was passed prohibiting the use of public money for the purchase and maintenance of carriages and vehicles for assistants of the various Departments of the Government. I think the limitation expressly was for the maintenance of horses and carriages for the heads of Departments alone. My point of order simply includes that part of the paragraph that authorizes the expenditure of any appropriation carried in the bill for the purchase and maintenance of horses and vehicles for the use of Assistant Secretaries of the State Department.

The CHAIRMAN. The Chair will hear the gentleman from Pennsylvania.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I would like to state that this is existing law, and it has been enacted since the passage of the act to which the gentleman refers. Therefore it stands as the law to-day, and was passed in contravention of that law, to show that in the judgment of the legislative body it was not applied to the Department of State. And, Mr. Chairman, to go from the legal point to the merit of the case, very properly so. We all know the functions of the Department of State differ from those of any of the other Departments. They necessarily have to do with foreign representatives and foreigners and distinguished people who come here. It is necessary under the comity of nations that certain attentions and certain entertainments should be given to foreigners, the same as are extended by them to our representatives when abroad.

For this reason it is quite necessary that the Department of State should have these carriages, and particularly that their use should be extended to the assistant secretaries, because they are the officers who are generally assigned to extend these courtesies to the visiting representatives of foreign governments and to go around with them. That is the necessity of this, and both on the point of order and on the merits I submit that the point of order is not well taken.

Mr. CRUMPACKER. I desire to ask the gentleman from Pennsylvania where the law is that authorizes the carriages and horses for the use of assistant secretaries of the Department of State? It is simply a provision carried in the annual diplomatic appropriation bill, is it not?

Mr. ADAMS of Pennsylvania. Yes; but under the rules of the House that has been held to be existing law.

Mr. CRUMPACKER. Under the rules of the House it has been held that it is not existing law, and in relation to the merits of the case I desire to say that a subsequent provision in the same paragraph authorizes the use of public funds in the employment of carriages and vehicles for the entertainment of foreign guests. The provision included in my point of order does not include that part of the paragraph that authorizes the employment of vehicles in the entertainment of foreign guests.

Mr. ADAMS of Pennsylvania. In reply to that, I again assert that it is existing law. Further than that, it is necessary that these secretaries should have the carriages in attending to their duties. It is necessary in going about from one portion of

Washington to another. This has been described as the city of magnificent distances, and we know how far places in this city are from one another. They have to come up to the Capitol, even the Secretary of State, and in the proper performance of their duties it is necessary that they should have the use of these carriages. That has been so through many years of experience. It is nothing new. It has been in the bill for years, and it is one of the recognized necessities for the efficient service of the State Department.

The CHAIRMAN. Does the gentleman from Illinois insist on the point of order?

Mr. MANN. I insist on the point of order, Mr. Chairman.

The CHAIRMAN. Does the gentleman desire to be heard?

Mr. MANN. Mr. Chairman, the item itself shows that it is not existing law, because it provides for the expenditure of part of the appropriation for the fiscal year ending June 30, 1907, and confines itself to that specific appropriation, indicating on its face that it is not existing law. It could not be existing law in the language itself in the bill. A similar item was in the appropriation bill for the current fiscal year, referring to the appropriation for the fiscal year ending June 30, 1906. Now, it will be perfectly plain to everybody that an item providing for the expenditure of the appropriation for the current fiscal year is not existing law when confined to the current fiscal year, if it is desired to apply to the ensuing fiscal year. It is not only not existing law, but it is contrary to the provision that was put in the bill some years ago, over my protest, forbidding the use of carriages, and I can see no more excuse for providing carriages for the Assistant Secretaries of State, as is done under this item, than for providing carriages for other assistant secretaries. As far as I am personally concerned, I have never seen any objection to the Government providing carriages for many of the Government officials here in Washington, who are so ill paid; but I insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

Mr. PERKINS. Does the Chair sustain a point of order to the entire paragraph, after the second line?

Mr. ADAMS of Pennsylvania. To all after the word "necessary," in line 2, page 11, all the remainder of that paragraph.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INTERNATIONAL (WATER) BOUNDARY COMMISSION, UNITED STATES AND MEXICO.

To enable the Commission to continue its work under the treaties of 1884 and 1889, \$15,000.

Mr. WILLIAMS. Mr. Chairman, there has been an increase here of \$10,000 to the International Water Boundary Commission, United States and Mexico. I should like to have some explanation from the chairman of the committee of the cause of that increase.

Mr. ADAMS of Pennsylvania. I will reply to the gentleman by stating that this is a restoration, not an increase. The determination of the boundary line between the United States and Mexico, delimiting the course of the Rio Grande River, has been proceeding under an agreement between this country and Mexico. The sum appropriated in some years has been as high as \$67,000. Awaiting the confirmation of the treaty by the Senate last year, we reduced the amount from \$15,000 to \$5,000. This year we have the information that the bancos are being destroyed, and the boundary line is becoming uncertain on that account. The engineers have demanded the sum of \$15,000 to carry on the preliminary work again, the same amount they had before.

This must be done, so that if the treaty is confirmed by the Senate this preliminary work that is necessary will be provided for. It is under the agreement that exists between Mexico and the United States.

Mr. WILLIAMS. As I understand, the terms of the treaty have been agreed upon.

Mr. ADAMS of Pennsylvania. They have been agreed upon, but not confirmed by the Senate.

Mr. WILLIAMS. Has the gentleman any idea what the life of this commission will be? When will it terminate its existence?

Mr. ADAMS of Pennsylvania. I can not tell the gentleman.

Mr. WILLIAMS. What was it originally created to do, if the gentleman can tell me, so that I may arrive at a guess as to when it may come to an end?

Mr. ADAMS of Pennsylvania. It was created to study the flow of the waters of the Rio Grande, which are continually shifting. The treaty between Mexico and the United States in regard to the line between those countries was settled as the middle of the Rio Grande River. That is a shifting stream, like many shallow streams, and this commission was established



so that if the river was going to change continually some definite boundary might be fixed independent of the bed of the river.

Mr. WILLIAMS. To prescribe a boundary which by mutual agreement would become the boundary regardless of the Rio Grande? Now, then, how many years has that work been going on?

Mr. ADAMS of Pennsylvania. This commission was established under the protocol of May, 1896, for the equitable distribution of the waters of the Rio Grande, and it has been going on ever since, from time to time. It also involves a plan for damming the waters of the Rio Grande in its upper part and distributing them for the purpose of irrigation.

Mr. WILLIAMS. Is the commission to do all that?

Mr. ADAMS of Pennsylvania. The Commission is investigating all that and is doing the preliminary work. It can be done together, as the gentleman can see very well, because they are studying the flow of the waters and the shifting of the bed of the Rio Grande River for a double purpose.

Mr. WILLIAMS. The reason I asked the gentleman the question is this: We are creating a great many commissions, commissions of every description, and a commission seems to be endowed with perpetual life. A commission never dies unless Congress at some time gets angry and takes a cudgel and hits the commission over the head. I didn't know but that this Commission was of that sort, but from the explanation of the gentleman from Pennsylvania this Commission seems to have some little work to do.

Mr. ADAMS of Pennsylvania. The Commission is composed of United States engineers who do not draw any extra salary, and I will say to the gentleman that the treaty under consideration before the Senate will bring this thing to a termination.

Now, Mr. Chairman, I do not think it is possible to finish this bill to-night, and I therefore move that the committee rise.

The motion was agreed to; accordingly the committee determined to rise, 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 diplomatic and consular appropriation bill and had instructed him to report that it had come to no resolution thereon.

#### ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

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

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 1133. An act granting a pension to Mary Lockard;  
H. R. 4222. An act granting a pension to Otto Boesewetter;  
H. R. 4388. An act granting a pension to Laura Hilgeman;  
H. R. 4406. An act granting a pension to Albert M. Ryan;  
H. R. 4867. An act granting a pension to Louisa Gregg;  
H. R. 7495. An act granting a pension to Susie M. Gerth;  
H. R. 8144. An act granting a pension to Ada J. Lasswell;  
H. R. 8833. An act granting a pension to Edna M. Johnson;  
H. R. 8954. An act granting a pension to George Cunningham;  
H. R. 9135. An act granting a pension to August Crome;  
H. R. 9276. An act granting a pension to Mary E. O'Hare;  
H. R. 10177. An act granting a pension to Elizabeth Kohler;  
H. R. 10766. An act granting a pension to Rachel L. Bartlett;  
H. R. 11303. An act granting a pension to Joseph Matthews;  
H. R. 11686. An act granting a pension to William C. Berg-

hahn;  
H. R. 12194. An act granting a pension to Minnie Irwin;  
H. R. 12561. An act granting a pension to Francis M. McClendon;

H. R. 12653. An act granting a pension to Sarah Adams;  
H. R. 12807. An act granting a pension to Nancy Ann Gee;  
H. R. 12874. An act granting a pension to Sarah Ellen Dickens;

H. R. 13024. An act granting a pension to William J. Beach;  
H. R. 13421. An act granting a pension to John W. Wabrass;  
H. R. 13575. An act granting a pension to Frances Bell;  
H. R. 13622. An act granting a pension to Mary Cochran;  
H. R. 13704. An act granting a pension to Ann Dewier;  
H. R. 13713. An act granting a pension to Allison W. Pollard;  
H. R. 15032. An act granting a pension to Milton Diehl;  
H. R. 15243. An act granting a pension to Artemesia T. Hus-

brook;  
H. R. 15486. An act granting a pension to William H. M. Carpenter;

H. R. 15490. An act granting a pension to Mary E. Darcy;  
H. R. 15523. An act granting a pension to Jose N. Lucero, alias Nasario Lucero;

H. R. 15588. An act granting a pension to Hester Hyatt;  
H. R. 15695. An act granting a pension to John T. Wagoner;  
H. R. 15807. An act granting a pension to Catharine Arnold;  
H. R. 15855. An act granting a pension to Will E. Kayser;  
H. R. 16173. An act granting a pension to Sarah Smith;  
H. R. 16267. An act granting a pension to Catharine Piper;  
H. R. 16320. An act granting a pension to Esther M. Noah;  
H. R. 16390. An act granting a pension to Katharine Part-

ridge;  
H. R. 16627. An act granting a pension to Delilah Moore;  
H. R. 16681. An act granting a pension to Gustave Bergen;  
H. R. 16704. An act granting a pension to Lucy C. Strout;  
H. R. 16931. An act granting a pension to Cornelia Mitchell;  
H. R. 17108. An act granting a pension to Edith F. Morrison;  
H. R. 17120. An act granting a pension to Rhoda Munsil;  
H. R. 17205. An act granting a pension to Alice Garvey;

H. R. 17308. An act granting a pension to Margaret E. Everland;

H. R. 17548. An act granting a pension to David J. Bentley;  
H. R. 17558. An act granting a pension to Lizzie H. Prout;  
H. R. 17586. An act granting a pension to Harriet A. Morton;  
H. R. 17671. An act granting a pension to Sarah A. Thompson;

H. R. 17690. An act granting a pension to Ellen E. Leary;  
H. R. 17788. An act granting a pension to Charles E. Benson;  
H. R. 17826. An act granting a pension to Wincy A. Lindsey;  
H. R. 18005. An act granting a pension to Emily Compton;  
H. R. 18157. An act granting a pension to James J. Winkler;  
H. R. 18158. An act granting a pension to Isaac Cope;  
H. R. 18169. An act granting a pension to Margaret Stevens;  
H. R. 549. An act granting an increase of pension to Charles

W. Storr, jr.;

H. R. 718. An act granting an increase of pension to Hamilton D. Brown;

H. R. 735. An act granting an increase of pension to Frank L. Fornshell;

H. R. 1182. An act granting an increase of pension to Ezekiel Bridwell;

H. R. 1192. An act granting an increase of pension to George B. Hess;

H. R. 1413. An act granting an increase of pension to John Crawford;

H. R. 1482. An act granting an increase of pension to Philip Cook;

H. R. 1547. An act granting an increase of pension to William A. Olmsted;

H. R. 1557. An act granting an increase of pension to Frank J. Oatley;

H. R. 1719. An act granting an increase of pension to William N. Whitlock;

H. R. 1768. An act granting an increase of pension to George W. Childers;

H. R. 1946. An act granting an increase of pension to James A. Sproull;

H. R. 2155. An act granting an increase of pension to William H. Smith;

H. R. 2168. An act granting an increase of pension to William Bridges;

H. R. 2226. An act granting an increase of pension to George F. Long;

H. R. 2234. An act granting an increase of pension to Jacob W. Gerstenecker;

H. R. 2791. An act granting an increase of pension to Mary E. Adams;

H. R. 2816. An act granting an increase of pension to James C. Town;

H. R. 3227. An act granting an increase of pension to Isaac Tuttle;

H. R. 3345. An act granting an increase of pension to Christina White;

H. R. 3686. An act granting an increase of pension to Henry R. Cowan;

H. R. 3694. An act granting an increase of pension to Joseph D. Emery;

H. R. 4240. An act granting an increase of pension to James F. Chipman;

H. R. 4244. An act granting an increase of pension to John Spaulding;

H. R. 4363. An act granting an increase of pension to Thomas D. Campbell;

H. R. 4594. An act granting an increase of pension to Joshua S. Ditto;

H. R. 4595. An act granting an increase of pension to Thomas H. Tallant;  
 H. R. 4625. An act granting an increase of pension to Anderson J. Smith;  
 H. R. 4743. An act granting an increase of pension to Hiram N. Goodell;  
 H. R. 4745. An act granting an increase of pension to Henry D. Stiehl;  
 H. R. 4965. An act granting an increase of pension to Samuel P. Holland;  
 H. R. 5048. An act granting an increase of pension to William A. Faller;  
 H. R. 5222. An act granting an increase of pension to Lewis R. Stegman;  
 H. R. 5571. An act granting an increase of pension to William Cary;  
 H. R. 5732. An act granting an increase of pension to Elias C. Kitchen;  
 H. R. 5804. An act granting an increase of pension to Joseph A. Noyes;  
 H. R. 6061. An act granting an increase of pension to William H. Chapman;  
 H. R. 6111. An act granting an increase of pension to Edwin R. Steenrod;  
 H. R. 6112. An act granting an increase of pension to Edmund Fish;  
 H. R. 6114. An act granting an increase of pension to Andrew J. Douglass;  
 H. R. 6490. An act granting an increase of pension to William H. Gilbert;  
 H. R. 6498. An act granting an increase of pension to Isaac C. France;  
 H. R. 6546. An act granting an increase of pension to Samuel A. White;  
 H. R. 6578. An act granting an increase of pension to James B. McWhorter;  
 H. R. 6776. An act granting an increase of pension to Stephen C. Smith;  
 H. R. 6865. An act granting an increase of pension to Charles F. Voss;  
 H. R. 6912. An act granting an increase of pension to Charles H. Weaver;  
 H. R. 7419. An act granting an increase of pension to James Scott;  
 H. R. 7498. An act granting an increase of pension to Mary Hanson;  
 H. R. 7500. An act granting an increase of pension to John McCandless;  
 H. R. 7584. An act granting an increase of pension to James H. Kemp;  
 H. R. 7876. An act granting an increase of pension to Julius Beier;  
 H. R. 8091. An act granting an increase of pension to John Coughlin;  
 H. R. 8138. An act granting an increase of pension to Similde E. Forbes;  
 H. R. 8479. An act granting an increase of pension to Nellie A. Batchelder;  
 H. R. 8547. An act granting an increase of pension to John W. Madison;  
 H. R. 8650. An act granting an increase of pension to Sewell F. Graves;  
 H. R. 8662. An act granting an increase of pension to Edward F. Paramore;  
 H. R. 8716. An act granting an increase of pension to John L. Coffey;  
 H. R. 8737. An act granting an increase of pension to Horace A. Manley;  
 H. R. 8771. An act granting an increase of pension to Florence Sullivan;  
 H. R. 9034. An act granting an increase of pension to Mary F. McCauley; and  
 H. R. 9138. An act granting an increase of pension to Aaron L. Lockwood.

## LEAVES OF ABSENCE.

Mr. HOLLIDAY requested leave of absence for two weeks, on account of important business.

Mr. BOWERSOCK requested leave of absence for two days, on account of important business.

Mr. LACEY. Mr. Speaker, I move that the requests be granted.

The motion was agreed to.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 53 minutes p. m.) the House, under its previous order, adjourned until Thursday next, at 12 o'clock noon.

## EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of Commerce and Labor submitting an estimate of reappropriation for salaries and expenses of special attorneys and examiners—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. CURTIS, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 10715) to establish an additional collection district in the State of Texas, and for other purposes, reported the same with amendment, accompanied by a report (No. 4555); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FOSS, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 14975) amending chapter 863, volume 31, of the Statutes at Large, reported the same without amendment, accompanied by a report (No. 4556); which said bill and report were referred to the House Calendar.

Mr. GARDNER of Massachusetts, from the Committee on Immigration and Naturalization, to which was referred the bill of the Senate (S. 4403) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903, reported the same with amendment, accompanied by a report (No. 4558); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURKE of South Dakota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 19520) to authorize the Chicago, Milwaukee and St. Paul Railway Company of Montana to construct a railroad bridge across the Missouri River in Montana, reported the same without amendment, accompanied by a report (No. 4559); 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. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6) granting an increase of pension to Ella N. Harvey, reported the same without amendment, accompanied by a report (No. 4449); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 20) granting an increase of pension to Edward Higgins, reported the same without amendment, accompanied by a report (No. 4450); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 215) granting an increase of pension to Elias Phelps, reported the same without amendment, accompanied by a report (No. 4451); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 225) granting an increase of pension to Thomas R. Smith, reported the same without amendment, accompanied by a report (No. 4452); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 453) granting an increase of pension to George K. Green, reported the same without amendment, accompanied by a report (No. 4453); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 586) granting an increase of pension to Corydon W. Sanborn, reported the same



without amendment, accompanied by a report (No. 4454); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 668) granting an increase of pension to John C. Rassbach, reported the same without amendment, accompanied by a report (No. 4455); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 722) granting a pension to Annis Bailey, reported the same without amendment, accompanied by a report (No. 4456); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 764) granting an increase of pension to Robert Carney, reported the same without amendment, accompanied by a report (No. 4457); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 911) granting an increase of pension to Julius A. Davis, reported the same without amendment, accompanied by a report (No. 4458); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1174) granting an increase of pension to Edwin Morgan, reported the same without amendment, accompanied by a report (No. 4459); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1224) granting an increase of pension to William A. Bowles, reported the same without amendment, accompanied by a report (No. 4460); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1256) granting an increase of pension to Lewis D. Moore, reported the same without amendment, accompanied by a report (No. 4461); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1264) granting an increase of pension to Joseph Shiney, reported the same without amendment, accompanied by a report (No. 4462); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1428) granting an increase of pension to Daniel Lamprey, reported the same without amendment, accompanied by a report (No. 4463); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1443) granting an increase of pension to Hiram C. Clark, reported the same without amendment, accompanied by a report (No. 4464); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1510) granting an increase of pension to Byron K. May, reported the same without amendment, accompanied by a report (No. 4465); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1570) granting an increase of pension to Lydia A. Johnson, reported the same without amendment, accompanied by a report (No. 4466); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1664) granting an increase of pension to Elizabeth L. W. Bailey, reported the same without amendment, accompanied by a report (No. 4467); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1849) granting an increase of pension to David T. Pettie, reported the same without amendment, accompanied by a report (No. 4468); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1855) granting an increase of pension to James J. Brown, reported the same without amendment, accompanied by a report (No. 4469); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1865) granting an increase of pension to Solomon H. Baker, reported the

same without amendment, accompanied by a report (No. 4470); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2008) granting a pension to Virginia A. McKnight, reported the same without amendment, accompanied by a report (No. 4471); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2032) granting an increase of pension to Thomas F. Stevens, reported the same without amendment, accompanied by a report (No. 4472); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2179) granting an increase of pension to G. Annie Gregg, reported the same without amendment, accompanied by a report (No. 4473); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2429) granting an increase of pension to James Devor, reported the same without amendment, accompanied by a report (No. 4474); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2619) granting an increase of pension to William H. Willie, reported the same without amendment, accompanied by a report (No. 4475); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2728) granting an increase of pension to Louisa Carr, reported the same without amendment, accompanied by a report (No. 4476); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2791) granting an increase of pension to John Lindt, reported the same without amendment, accompanied by a report (No. 4477); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2852) granting a pension to Bridget Manahan, reported the same without amendment, accompanied by a report (No. 4478); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3261) granting an increase of pension to Charles B. Towne, reported the same without amendment, accompanied by a report (No. 4479); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3270) granting an increase of pension to William H. Richardson, reported the same without amendment, accompanied by a report (No. 4480); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3486) granting an increase of pension to Edwin D. Wescott, reported the same without amendment, accompanied by a report (No. 4481); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3487) granting an increase of pension to Joseph Fuller, reported the same without amendment, accompanied by a report (No. 4482); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3553) granting an increase of pension to William Oliver, reported the same without amendment, accompanied by a report (No. 4483); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3629) granting an increase of pension to William Hibbs, reported the same without amendment, accompanied by a report (No. 4484); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3684) granting an increase of pension to George W. Hyde, reported the same without amendment, accompanied by a report (No. 4485); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3728) granting an increase of pension to William H. Winans, reported the same without amendment, accompanied by a report (No. 4486); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3750) granting an increase of pension to Wilbur F. Flint, reported the same without amendment, accompanied by a report (No. 4487); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3814) granting an increase of pension to John Giffen, reported the same without amendment, accompanied by a report (No. 4488); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3904) granting an increase of pension to George J. Thomas, reported the same without amendment, accompanied by a report (No. 4489); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4092) granting an increase of pension to John Smith, reported the same without amendment, accompanied by a report (No. 4490); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4133) granting an increase of pension to George Brewster, reported the same without amendment, accompanied by a report (No. 4491); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4171) granting an increase of pension to Joseph Bovee, reported the same without amendment, accompanied by a report (No. 4492); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4173) granting an increase of pension to Catherine E. Smith, reported the same without amendment, accompanied by a report (No. 4493); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4205) granting an increase of pension to George Warner, reported the same without amendment, accompanied by a report (No. 4494); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4346) granting an increase of pension to William E. Holloway, reported the same without amendment, accompanied by a report (No. 4495); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4372) granting an increase of pension to Emily P. Hubbard, reported the same without amendment, accompanied by a report (No. 4496); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4458) granting an increase of pension to Andrew P. Quist, reported the same without amendment, accompanied by a report (No. 4497); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4492) granting an increase of pension to George W. Fletcher, reported the same without amendment, accompanied by a report (No. 4498); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4497) granting an increase of pension to Augustus McDowell, reported the same without amendment, accompanied by a report (No. 4499); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4550) granting an increase of pension to Henry Moody, reported the same without amendment, accompanied by a report (No. 4500); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4719) granting an increase of pension to John Joines, reported the same without amendment, accompanied by a report (No. 4501); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4770) granting an increase of pension to Edward Hart, reported the same without amendment, accompanied by a report (No. 4502); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4784) granting an increase of pension to Lemuel Cross, reported the same without amendment, accom-

panied by a report (No. 4503); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4790) granting an increase of pension to Edward W. Smith, reported the same without amendment, accompanied by a report (No. 4504); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4879) granting an increase of pension to Mary E. Baker, reported the same without amendment, accompanied by a report (No. 4505); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4887) granting an increase of pension to Calvin C. Hussey, reported the same without amendment, accompanied by a report (No. 4506); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4910) granting an increase of pension to William Wright, reported the same without amendment, accompanied by a report (No. 4507); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4937) granting an increase of pension to John Reece, reported the same without amendment, accompanied by a report (No. 4508); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5022) granting an increase of pension to Henry S. Olney, reported the same without amendment, accompanied by a report (No. 4509); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5032) granting an increase of pension to Daisy C. Stuyvesant, reported the same without amendment, accompanied by a report (No. 4510); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5085) granting an increase of pension to Ellen Donovan, reported the same without amendment, accompanied by a report (No. 4511); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5143) granting an increase of pension to Eugene V. McKnight, reported the same without amendment, accompanied by a report (No. 4512); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5152) granting an increase of pension to Holaway W. Kinney, reported the same without amendment, accompanied by a report (No. 4513); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5158) granting an increase of pension to Andrew J. Fosdick, reported the same without amendment, accompanied by a report (No. 4514); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5169) granting an increase of pension to James A. Price, reported the same without amendment, accompanied by a report (No. 4515); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5256) granting an increase of pension to John Johnson, reported the same without amendment, accompanied by a report (No. 4516); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5290) granting an increase of pension to James Ramsey, reported the same without amendment, accompanied by a report (No. 4517); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5326) granting an increase of pension to Annie A. West, reported the same without amendment, accompanied by a report (No. 4518); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5442) granting a



pension to Frances E. Taylor, reported the same without amendment, accompanied by a report (No. 4519); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5501) granting an increase of pension to Jacob L. Kline, reported the same without amendment, accompanied by a report (No. 4520); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5557) granting an increase of pension to Henry Clay Sloan, reported the same without amendment, accompanied by a report (No. 4521); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5559) granting an increase of pension to Ann H. Crofton, reported the same without amendment, accompanied by a report (No. 4522); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5583) granting an increase of pension to Foster L. Banister, reported the same without amendment, accompanied by a report (No. 4523); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5700) granting an increase of pension to Stacy B. Warford, reported the same without amendment, accompanied by a report (No. 4524); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5708) granting an increase of pension to Nathalia Boepple, reported the same without amendment, accompanied by a report (No. 4525); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5728) granting an increase of pension to Emery Wyman, reported the same without amendment, accompanied by a report (No. 4526); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5731) granting an increase of pension to James McTwiggan, reported the same without amendment, accompanied by a report (No. 4527); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5742) granting an increase of pension to James A. Bryant, reported the same without amendment, accompanied by a report (No. 4528); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5758) granting an increase of pension to Joshua J. Clark, reported the same without amendment, accompanied by a report (No. 4529); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5765) granting an increase of pension to Theodore F. Montgomery, reported the same without amendment, accompanied by a report (No. 4530); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5767) granting an increase of pension to Thomas D. Welch, reported the same without amendment, accompanied by a report (No. 4531); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5772) granting an increase of pension to Thomas M. Harris, reported the same without amendment, accompanied by a report (No. 4532); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5775) granting an increase of pension to Harvey M. Traver, reported the same without amendment, accompanied by a report (No. 4533); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5784) granting an increase of pension to Mahala F. Campbell, reported the same without amendment, accompanied by a report (No. 4534); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5785) granting an increase of pension to Joseph W. Doughty, reported the same without amendment, accompanied by a report (No. 4535); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5790) granting an increase of pension to Jehial P. Hammond, reported the same without amendment, accompanied by a report (No. 4536); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5800) granting an increase of pension to James N. Davis, reported the same without amendment, accompanied by a report (No. 4537); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5801) granting an increase of pension to Andrew Jackson Paris, reported the same without amendment, accompanied by a report (No. 4538); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5803) granting an increase of pension to William H. Meadows, reported the same without amendment, accompanied by a report (No. 4539); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5808) granting an increase of pension to Washington Brockman, reported the same without amendment, accompanied by a report (No. 4540); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5809) granting an increase of pension to Hannah C. Church, reported the same without amendment, accompanied by a report (No. 4541); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5834) granting an increase of pension to Charles F. Sheldon, reported the same without amendment, accompanied by a report (No. 4542); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5844) granting an increase of pension to John Keys, reported the same without amendment, accompanied by a report (No. 4543); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5855) granting an increase of pension to Blanche Badger, reported the same without amendment, accompanied by a report (No. 4544); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5902) granting an increase of pension to George W. Webster, reported the same without amendment, accompanied by a report (No. 4545); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5928) granting an increase of pension to Patrick Gaffney, reported the same without amendment, accompanied by a report (No. 4546); which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5932) granting an increase of pension to Elijah R. Merriman, reported the same without amendment, accompanied by a report (No. 4547); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5948) granting an increase of pension to Samuel B. Rice, reported the same without amendment, accompanied by a report (No. 4548); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5949) granting an increase of pension to George F. White, reported the same without amendment, accompanied by a report (No. 4549); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5966) granting an increase of pension to Christopher C. Davis, reported the same without amendment, accompanied by a report (No. 4550); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5969) granting an increase of pension to Franklin Burdick, reported the same

without amendment, accompanied by a report (No. 4551); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6024) granting an increase of pension to Franklin B. Beach, reported the same without amendment, accompanied by a report (No. 4552); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6034) granting an increase of pension to William A. Hopper, alias Cuff Watson, reported the same without amendment, accompanied by a report (No. 4553); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6063) granting an increase of pension to Frances A. Sullivan, reported the same without amendment, accompanied by a report (No. 4554); which said bill and report were referred to the Private Calendar.

Mr. GREGG, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 18007) to authorize the appointment of Acting Asst. Surg. Julian Taylor Miller, United States Navy, as an assistant surgeon in the United States Navy, reported the same without amendment, accompanied by a report (No. 4557); which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SMITH of Illinois: A bill (H. R. 19811) 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—to the Committee on Levees and Improvements of the Mississippi River.

By Mr. PRINCE: A bill (H. R. 19812) 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—to the Committee on Levees and Improvements of the Mississippi River.

By Mr. CAMPBELL of Ohio: A bill (H. R. 19813) to furnish bronze medals of honor to surviving soldiers who responded to President Lincoln's first call for troops—to the Committee on Military Affairs.

By Mr. MOUSER: A bill (H. R. 19814) authorizing the issue of obsolete ordnance and ordnance stores for use of State and Territorial educational institutions and to State soldiers and sailors' orphans' homes—to the Committee on Military Affairs.

By Mr. ADAMSON: A bill (H. R. 19815) to authorize the Georgia, Florida and Alabama Railway Company to construct a bridge across the Chattahoochee River, between Columbus, Ga., and Franklin, Ga.—to the Committee on Interstate and Foreign Commerce.

By Mr. CLAYTON: A bill (H. R. 19816) to authorize the Georgia, Florida and Alabama Railroad Company to construct three railroad bridges across the Chattahoochee River, one at or near the city of Eufaula, Ala., and two between said city of Eufaula and the city of Columbus, Ga.—to the Committee on Interstate and Foreign Commerce.

By Mr. STEENERSON: A bill (H. R. 19817) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands—to the Committee on the Public Lands.

By Mr. MORRELL: A joint resolution (H. J. Res. 165) making Saturday afternoon a half holiday for certain employees of the Government—to the Committee on Naval Affairs.

By Mr. SULZER: A resolution (H. Res. 543) requesting certain information of the President of the United States concerning the meat-trust investigation—to the Committee on Agriculture.

By Mr. WILLIAMS: A resolution (H. Res. 544) touching conditions in the meat-packing industry—to the Committee on Agriculture.

#### 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. 19818) granting an increase of pension to William F. Clinkscales—to the Committee on Pensions.

Also, a bill (H. R. 19819) granting an increase of pension to Johanna Kearney—to the Committee on Pensions.

By Mr. BROWNLOW: A bill (H. R. 19820) granting a pension to William H. Jenkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19821) granting a pension to Irvin Ingle—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 19822) granting a pension to James H. Peistrup—to the Committee on Pensions.

By Mr. CRUMPACKER: A bill (H. R. 19823) granting an increase of pension to Cyrus A. G. Rayhouser—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 19824) granting a pension to Lovisa M. Wood—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 19825) for the relief of the estate of Alexander M. Byers, deceased—to the Committee on Claims.

By Mr. GAINES of West Virginia: A bill (H. R. 19826) granting an increase of pension to George A. Porterfield—to the Committee on Pensions.

By Mr. HOLLIDAY: A bill (H. R. 19827) granting an increase of pension to Erastus Mack—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19828) granting an increase of pension to John L. Cooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19829) granting an increase of pension to Moses T. Kelly—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 19830) granting an increase of pension to Charles M. Adcock—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 19831) granting a pension to Clarence B. Sidener—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 19832) granting an increase of pension to George W. Smith—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 19833) granting an increase of pension to Morgan Burk—to the Committee on Invalid Pensions.

By Mr. OLCOTT: A bill (H. R. 19834) granting a pension to James A. Lessey, alias Lasey or Lacy—to the Committee on Invalid Pensions.

Mr. SHACKLEFORD: A bill (H. R. 19835) granting an increase of pension to Ernst Keiselbach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19836) granting an increase of pension to Hiram M. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19837) providing for the payment of certain coupons of bonds issued pursuant to an act of the legislature of the State of California to pay the expenses of suppressing Indian hostilities—to the Committee on Claims.

By Mr. SPARKMAN: A bill (H. R. 19838) to authorize the appointment of Acting Asst. Surg. G. R. Plummer, United States Navy, as an assistant surgeon in the United States Navy—to the Committee on Naval Affairs.

By Mr. WATSON: A bill (H. R. 19839) granting an increase of pension to Thomas P. Bright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19840) granting an increase of pension to Sarah M. Bracey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19841) granting an increase of pension to Owen A. Back—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19842) granting an increase of pension to Peter Vincent—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19843) granting an increase of pension to Daniel S. Jones—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Merchants' Association of New York City, for the enactment of certain Senate amendments to the railway rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. AIKEN: Paper to accompany bill for relief of Susan M. Brunson—to the Committee on Pensions.

Also, paper to accompany bill for relief of William F. Clinkscales—to the Committee on Pensions.

Also, paper to accompany bill for relief of Mary F. Johnson—to the Committee on Pensions.

By Mr. BEIDLER: Petition of citizens of Ohio, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BURLEIGH: Petition of citizens of Maine, for re-



peal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Joseph P. Phillips—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: Petition of the Patriotic Order Sons of America of Florida, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Knights of Columbia State Council of Florida, for bill H. R. 13304—to the Committee on the Library.

By Mr. DAWSON: Petition of the Iowa Retail Merchants' Association, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. DUNWELL: Petition of the Merchants' Association of New York, for certain Senate amendments to the railway rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Protective Tariff League, for exclusive use of American material in the construction of the Panama Canal—to the Committee on Ways and Means.

Also, petition of A. Buchanan's Sons, for two classes of mail matter only, 1-cent letter postage, and 1 cent for 3 ounces on periodicals, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. EDWARDS: Paper to accompany bill for relief of G. W. Morgan—to the Committee on Claims.

By Mr. FINLEY: Paper to accompany bill for relief of Amelia D. Robertson (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. FLOOD: Petition of Mrs. Elsie Pfeiffer, for an appropriation of \$10,000 for furtherance of her work and achievements in the science of astronomy—to the Committee on Education.

By Mr. FULLER: Petition of the Chicago Commercial Association, for legislation to promote commerce by improvement of our merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. HAYES: Petition of the board of directors of the Merchants' Association of San Francisco, Cal., for drawback on import duties on building material for San Francisco—to the Committee on Ways and Means.

By Mr. MARSHALL: Petition of citizens of North Dakota, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of North Dakota, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. NEEDHAM: Petition of the Merchants' Association of San Francisco, for drawback on import duties on building material for San Francisco—to the Committee on Ways and Means.

By Mr. ROBINSON of Arkansas: Paper to accompany bill for relief of Mary Robinson—to the Committee on Invalid Pensions.

By Mr. RYAN: Paper to accompany bill for relief of Warren A. Woodson—to the Committee on Pensions.

By Mr. SPARKMAN: Petition of the State Camp of the Florida Patriotic Order Sons of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

## SENATE.

THURSDAY, May 31, 1906.

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The Secretary proceeded to read the Journal of the proceedings of Tuesday last, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with. The VICE-PRESIDENT. The Journal stands approved.

### PETITIONS AND MEMORIALS.

Mr. PLATT presented petitions of 43,226 women of the State of New York, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. GALLINGER presented sundry petitions of citizens of the District of Columbia, and a petition of the East Washington Heights Citizens' Association, of Washington, D. C., praying for the adoption of a certain amendment to the District of Columbia appropriation bill providing for the location of a public park in the eastern section of the District; which were referred to the Committee on the District of Columbia.

Mr. LODGE presented a petition of sundry citizens of Malden and Everett, in the State of Massachusetts, praying for an in-

vestigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. KEAN presented petitions of members of the public high schools of Vineland and Hoboken, in the State of New Jersey, praying for the ratification of international arbitration treaties; which were referred to the Committee on Foreign Relations.

Mr. HANSBROUGH presented petitions of 1,659 women of the State of North Dakota, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. STONE presented petitions of 11,697 women of the State of Missouri, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented the memorial of Phoebe W. Couzins, of the State of Missouri, remonstrating against the removal of Hon. REED SMOOT, a Senator from the State of Utah, from the United States Senate; which was referred to the Committee on Privileges and Elections.

Mr. BURKETT presented a memorial of the Women's Home Missionary Society, of Hebron, Nebr., remonstrating against the transfer of the education of the Indians and Eskimos in Alaska from the Bureau of Education to the governor of that Territory; which was referred to the Committee on Territories.

Mr. CARMACK presented petitions of 4,158 women of the State of Tennessee, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. SCOTT presented a petition of the West Virginia Wholesale Grocers' Association, praying for the passage of the so-called "pure-food bill," and also for the repeal of the present bankruptcy law; which was referred to the Committee on the Judiciary.

Mr. McCUMBER presented a petition of the Produce Merchants' Association of Portland, Oreg., praying for the enactment of legislation to abolish private car lines; which was referred to the Committee on Interstate Commerce.

Mr. DOLLIVER presented petitions of 15,572 women of the State of Iowa, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. TILLMAN. I present petitions of citizens of the State of South Carolina to the number of 964, mostly women, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah. I move that the petitions be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. RAYNER presented petitions of 2,176 women of the State of Maryland, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. PROCTOR presented petitions of 4,849 women of the State of Vermont, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. KITTREDGE presented petitions of 2,198 women of the State of South Dakota, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. BERRY presented sundry papers to accompany the bill (S. 5651) for the relief of the estate of John Jones, deceased; which were referred to the Committee on Claims.

Mr. SPOONER presented petitions of 7,881 women of the State of Wisconsin, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. KNOX presented a petition of the Junior Union of the Oakland Baptist Church, of Pittsburg, Pa., and a petition of 44 citizens of Washington, Pa., praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented a petition of 204 citizens of Altoona, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings, grounds, and ships; which was referred to the Committee on Public Buildings and Grounds.