the pipe-line amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Petition of Mid-Continent Oil Producers' Association, against the pipe-line clause of the rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of American citizens of German birth in mass meeting at Cooper Union Hall, New York City, for furtherance of arbitration treaties—to the Committee on Foreign Affairs.

Also, petition of New York State commission to the Jamestown Ter-Centennial Exposition, for liberal appropriation for the Jamestown Exposition—to the Committee on Industrial Arts and Expositions.

By Mr. NORRIS: Petition of citizens of Nebraska, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. REYNOLDS: Paper to accompany bill for relief of Adam Leonard—to the Committee on Invalid Pensions.

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

By Mr. RUPPERT: Petition of National German-American Alliance and representatives from many German organizations, held at Cooper Union, New York City, for arbitration treaties, etc.—to the Committee on Foreign Affairs.

Also, petition of New York State commission, for national aid to the Jamestown Exposition—to the Committee on Industrial Arts and Expositions.

Also, petition of Central Federated Union, of New York, against the Littlefield pilotage bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of 3,000 citizens assembled at Cooper Union Hall, New York City, for appointment of an immigration commission—to the Committee on Immigration and Naturalization.

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

By Mr. SULLIVAN of New York: Petition of German societies of New York City, for furtherance of arbitration treaties—to the Committee on Foreign Affairs.

By Mr. VAN WINKLE: Petition of Union 8 of Cigar Makers' International Union, Hoboken, N. J., for bill H. R. 18752—to the Committee on the Judiciary.

SENATE.

THURSDAY, *June 21, 1906.*

Prayer by Rev. JOHN VAN SCHAICK, Jr., of the city of Washington.

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

The VICE-PRESIDENT. The Journal stands approved.

PANAMA CANAL.

Mr. HOPKINS. I submit an amendment intended to be proposed to the 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. I ask that the amendment be printed, so that it will be back by 3 o'clock.

The VICE-PRESIDENT. The amendment will be printed.

APPROPRIATION FOR POSTAL SERVICE.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, recommending that the balance of the appropriation made under the act of May 3, 1906, to meet emergencies in the postal service in the State of California occasioned by earthquake and fire, available until June 30, 1906, be made available for the next fiscal year, as it is not believed that this special service can be discontinued at the close of the present fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

INTRODUCTION OF REINDEER IN ALASKA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 14th instant, the report of Dr. Sheldon Jackson upon "The Introduction of Domestic Reindeer into the District of Alaska" for 1905; which, on motion of Mr. NELSON, was, with the accompanying maps and illustrations, referred to the Committee on Territories, and ordered to be printed.

NEW GOVERNMENT PRINTING OFFICE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Public Printer submitting an estimate of appropriation for erecting iron shutters on the Jackson alley side of the new Government Printing Office, $12,000; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 6146) to authorize the Black River Bridge Company to construct a bridge across the west or smaller division of the Ohio River from Wheeling Island, West Virginia, to the Ohio shore.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 118. An act to amend sections 713 and 714 of "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, as amended by the acts approved January 31 and June 30, 1902, and for other purposes;

H. R. 13543. An act for the protection and regulation of the fisheries of Alaska;

H. R. 15513. An act to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States;" and

H. R. 16290. An act to postpone until 1937 the maturity of $250,000 of 4 per cent United States bonds held in trust for the benefit of the American Printing House for the Blind.

The message further announced that the House insists upon its amendments to the bill (S. 5769) defining the right of immunity of witnesses under the act entitled "An act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February 11, 1893, and an act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, and an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," approved February 25, 1903; disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JENKINS, Mr. LITTLEFIELD, and Mr. DE ARMOND managers at the conference on the part of the House.

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

H. R. 5908. An act creating the Mesa Verde National Park;

H. R. 7083. An act to repeal section 5, chapter 1482, act of March 3, 1905;

H. R. 11030. An act to authorize the counties of Yazoo and Holmes to construct a bridge across Yazoo River, Mississippi.

H. R. 11044. An act authorizing and directing the Secretary of the Treasury, in certain contingencies, to refund to receivers of public moneys acting as special disbursing agents amounts paid by them out of their private funds;

H. R. 12080. An act granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon;

H. R. 18529. An act to authorize the sale of certain lands to the city of Mena, in the county of Polk, in the State of Arkansas;

H. R. 19431. An act permitting the building of a dam across the Mississippi River between the counties of Stearns and Sherburne, in the State of Minnesota;

H. R. 19607. An act for the acknowledgment of deeds and other instruments in Guam, Samoa, and the Canal Zone to affect lands in the District of Columbia and other Territories;

H. R. 19680. An act directing the Secretary of War to cause an examination and survey to be made of Coney Island channel;

H. R. 20017. An act to regulate the checking of baggage by common carriers;

H. R. 20321. An act to provide for the traveling expenses of the President of the United States; and

H. J. Res. 43. Joint resolution authorizing the Secretary of War to furnish condemned cannon for a life-size statue of Gen. Henry Leavenworth, at Leavenworth, Kans.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the National German-American Alliance of Philadelphia, Pa., remonstrating against the adoption of a certain amendment to the sundry civil appropriation bill excluding alcoholic beverages from Soldiers' Homes; which was ordered to lie on the table.

He also presented a resolution adopted by Hartranft Post, No. 3, Department of Oklahoma, Grand Army of the Republic, of Guthrie, Okla., expressing to the Senate of the United States their deep sense of gratitude for the privilege of statehood

conferred upon that Territory; which was referred to the Committee on Territories.

Mr. DICK presented petitions of sundry citizens of Tiffin and Burton, in the State of Ohio, praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Northfield, Wooster, New London, Delaware, Norwood, Alliance, Washington, and Bellefontaine, all in the State of Ohio, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Massillon, West Alexandria, Cleveland, and Cincinnati, all in the State of Ohio, remonstrating against the passage of the so-called "parcels-post bill;" which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Safety Lodge, Brotherhood of Locomotive Firemen, of Toledo, Ohio, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which was referred to the conference committee on the railroad rate bill.

He also presented memorials of sundry citizens of Wapakeneta, Marietta, Lima, and St. Marys, all in the State of Ohio, and of Gulfport, Miss., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" relative to pipe lines; which were referred to the conference committee on the railroad rate bill.

He also presented petitions of the Woman's Christian Temperance Unions of Cleveland, Marietta, Lowellville, and Mount Vernon, all in the State of Ohio, praying for the enactment of legislation providing for the closing on Sunday of the Jamestown Exposition; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Westerville, Harrisville, Washington, Alliance, Orrville, Cincinnati, New Washington, Chardon, Warren, Norwalk, Caldwell, Ada, Zanesville, Uhrichsville, Cleveland, Warsaw, Wellington, Cambridge, Shelby, Columbus, Sherwood, Amanda, Milford Center, Centerburg, Ohio City, Toronto, Chillicothe, Gallipolis, Crooksville, West Liberty, Dayton, Huntsville, New Carlisle, all in the State of Ohio, praying for the enactment of legislation to amend the postal laws relative to newspaper subscriptions; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Springfield, Fruitdale, Cleveland, Strasburg, Cincinnati, Good Hope, New Straitville, Palestine, Bushs Mill, Miamisburg, and Canton; of State Council, of Canton; Magnetic Council, No. 231, of Bellbrook; Coshocton Council, No. 65, of Coshoction; St. Paris Council, No. 224, of St. Paris; Price Hill Council, No. 210, of Cincinnati; Continental Council, No. 253, of Port William; O. W. Holmes Council, No. 41, of Canton; Washington Council, No. 12, of Canton; Butler Council, No. 93, of Hamilton; Flag of Our Union Council, No. 160, of Ravenna, and New Moorefield Council, No. 107, of New Moorefield, all of the Junior Order United American Mechanics, and of the State Council of Ohio, Daughters of America, of Cincinnati, all in the State of Ohio, and of Robert P. McRae, of St. Albans, W. Va., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. BURNHAM presented the memorial of J. H. Robbins, of Dover, N. H., and the memorial of Edwin G. Eastman, of Concord, N. H., remonstrating against the repeal of the present anti-canteen law; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. BLACKBURN. By direction of the Committee on the District of Columbia, I report back the bill (S. 3602) to prohibit the killing of wild birds and wild animals in the District of Columbia. I report it back adversely, with a written report, and ask its indefinite postponement, an identical bill, or substantially the same bill, having been reported favorably and sent to the Calendar.

The VICE-PRESIDENT. The bill will be postponed indefinitely.

Mr. FOSTER, from the Committee on Commerce, to whom was referred the bill (H. R. 17600) to grant authority to change the names of certain sailing vessels, reported it without amendment.

Mr. BERRY, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 13106) granting to the Batesville Power Company right to erect and construct canal and power stations at lock and dam No. 1, upper White River, Arkansas;

A bill (H. R. 18596) to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the White River, Arkansas, and for other purposes;

A bill (H. R. 19566) to authorize the Coraopolis and Osborne Bridge Company to construct a bridge over the Ohio River;

A bill (H. R. 19850) to authorize the Monongahela Connecting Railroad Company to construct a bridge across the Monongahela River in the State of Pennsylvania; and

A bill (H. R. 20097) to authorize the board of supervisors of Coahoma County, Miss., to construct a bridge across Coldwater River.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 6492) to correct the military record of James Devlin, reported it without amendment, and submitted a report thereon.

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

A bill (H. R. 1217) granting an increase of pension to Spillard F. Horrall;

A bill (H. R. 7254) granting an increase of pension to Isum Gwin;

A bill (H. R. 19033) granting an increase of pension to Moses S. Rockwood;

A bill (H. R. 13318) granting an increase of pension to Odom Butler; and

A bill (H. R. 17015) granting an increase of pension to Osbert D. Dickey.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (S. 6082) for the relief of Stephen A. West, reported it with an amendment.

Mr. MILLARD, from the Committee on Interoceanic Canals, to whom was referred the amendment submitted by himself on the 15th instant, proposing to pay George R. Butlin, J. B. Haynes, and Ernst H. Djureen $500 each for services in the preparation of an analytical index to testimony taken before the Senate Committee on Interoceanic Canals, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. BULKELEY, from the Committee on Military Affairs, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 2295) to grant an honorable discharge to Nathan P. Randall; and

A bill (S. 1204) to award a medal of honor to Maj. John O. Skinner, surgeon, United States Army, retired.

Mr. HOPKINS, from the Committee on Commerce, to whom was referred the bill (H. R. 19519) to extend the privileges of the seventh section of the act approved June 10, 1880, to the subport of Superior, Wis., reported it without amendment.

Mr. HEMENWAY, from the Committee on Military Affairs, to whom was referred the bill (S. 265) to correct the record of discharge of Amos Dahuff, reported it with amendments, and submitted a report thereon.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 544) to provide for the erection of a public building in the city of Great Falls, Mont., reported it with amendments.

MISSISSIPPI RIVER BRIDGE AT ST. LOUIS.

Mr. STONE. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 20210) to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River, to report it with an amendment, and I ask unanimous consent for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Commerce was to insert a new section, as follows:

SEC. 2. That for the purpose of carrying into effect the objects of this act the city of St. Louis may receive, purchase, and also acquire by lawful appropriation and condemnation in the States of Illinois and Missouri, upon making proper compensation, to be ascertained according to the laws of the State within which the same is located, real and personal property and rights of property, and may make any and every use of the same necessary and proper for the construction, maintenance, and operation of said bridge and approaches consistent with the laws of the United States and of said States, respectively.

The amendment was agreed to.

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

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

RED RIVER BRIDGE AT OSLO, MINN.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 20119) to authorize the village of Oslo, Marshall County, Minn., to construct a bridge across the Red River of the North, to report it favorably without amendment.

Mr. NELSON. I ask for the present consideration of the bill just reported by the Senator from Arkansas.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

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

CHESAPEAKE AND DELAWARE BAYS.

Mr. GALLINGER. I am directed by the Committee on Commerce, to whom was referred the joint resolution (H. J. Res. 21) authorizing the President of the United States to appoint a commission to examine and report upon a route for the construction of a free and open waterway to connect the waters of the Chesapeake and Delaware bays, to report it favorably without amendment, and I ask for its present consideration.

The Secretary proceeded to read the joint resolution.

Mr. HALE. Was the joint resolution just reported?

The VICE-PRESIDENT. It has just been reported by the Senator from New Hampshire [Mr. GALLINGER], who requested unanimous consent for its present consideration. It is being read for the information of the Senate.

Mr. HALE. It is a very grave question whether the Government ought to commit itself to any more of these schemes. I shall ask that it go over until I can examine it.

The VICE-PRESIDENT. The joint resolution will go to the Calendar.

Mr. GALLINGER. It has been partly read. I suggest that it be read through.

The VICE-PRESIDENT. Without objection, the Secretary will complete the reading.

The Secretary resumed and concluded the reading of the joint resolution.

Mr. HALE. Let it go over.

The VICE-PRESIDENT. It will go to the Calendar.

PARK AT CRAWFORD, NEBR.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 19181) to grant a certain parcel of land, part of the Fort Robinson Military Reservation, Nebr., to the village of Crawford, Nebr., for park purposes, to report it favorably without amendment. The bill is a very short one, is of an important local nature, and I ask that it may have immediate consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

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

WORKS OF RIVER AND HARBOR IMPROVEMENT.

Mr. MALLORY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 20266) to amend an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations," approved May 16, 1906, to report it favorably with an amendment. I call the attention of the Senator from Iowa [Mr. DOLLIVER] to the bill.

Mr. DOLLIVER. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Florida.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Commerce was, on page 2, line 2, after the word "operating," the first word in the line, to insert "locks, dry docks, or other works, to be conveyed to the United States free of cost, and of constructing, maintaining, and operating;" so as to make the bill read:

Be it enacted, etc., That an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations," approved May 16, 1906, be amended so as to read as follows:

"That whenever any person, company, or corporation, municipal or private, shall undertake to secure any land or easement therein, needed in connection with a work of river and harbor improvement duly authorized by Congress, for the purpose of conveying the same to the United States free of cost, or for the purpose of constructing, maintaining, and operating locks, dry docks, or other works to be conveyed to the United States free of cost, and of constructing, maintaining, and operating dams for use in connection therewith, and shall be unable for any reason to obtain the same by purchase and acquire a valid title thereto, the Secretary of War may, in his discretion, cause proceedings to be instituted in the name of the United States for the acquirement by condemnation of said land or easement, and it shall be the duty of the Attorney-General of the United States to institute and conduct such proceedings upon the request of the Secretary of War: *Provided*, That all expenses of said proceedings and any award that may be made thereunder shall be paid by the said person, company, or corporation, to secure which payment the Secretary of War may require the said person, company, or corporation to execute a proper bond in such amount as he may deem necessary before said proceedings are commenced."

SEC. 2. That the said act of May 16, 1906, be, and the same is hereby, repealed.

The amendment was agreed to.

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

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

LAKE ERIE AND NIAGARA RIVER TUNNEL.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (S. 6493) to authorize the city of Buffalo, N. Y., to construct a tunnel under Lake Erie and Niagara River, to erect and maintain an inlet pier therefrom, and to construct and maintain filter beds for the purpose of supplying the city of Buffalo with pure water, to report it favorably with an amendment, and I submit a report thereon. I call the attention of the Senator from New York [Mr. PLATT] to the bill.

Mr. PLATT. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Minnesota.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Commerce was, on page 1, line 12, after the word "light," to strike out the period and insert a colon, and then strike out "also to construct and maintain filter beds between the new channel in Black Rock Harbor and Bird Island pier, and extending from the northerly line of Hudson street produced, along the line of the new channel not more than 3,300 feet;" so as to make the bill read:

Be it enacted, etc., That it shall be lawful for the city of Buffalo, in the State of New York, to construct and maintain a tunnel under Lake Erie, Niagara River, Black Rock Harbor, and the United States lands known as Fort Porter, extending from a point 1,000 feet, more or less, southeasterly of the Horseshoe Reef light 11,000 feet to the present pumping station of the city of Buffalo, and to erect and maintain an inlet pier therefrom, said inlet pier to be located not more than 1,100 feet southeasterly of the present Horseshoe Reef light: *Provided*, That the top of the said tunnel shall be located at least 40 feet below mean lake level, and that the city of Buffalo shall maintain a light from sunset to sunrise on the inlet pier at its own expense.

The amendment was agreed to.

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

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

RAILROAD SIDINGS IN THE DISTRICT OF COLUMBIA.

Mr. ALLEE. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 19682) authorizing the Commissioners of the District of Columbia to permit the extension and construction of railroad sidings in the District of Columbia, and for other purposes, to report it favorably with amendments, and I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill.

Mr. HALE rose.

Mr. HEMENWAY. I hope the Senator from Maine will not object.

Mr. HALE. After this I shall feel constrained to call for the regular order. To-day has been devoted by the order of the Senate to the consideration of the canal bill, which is to come up as soon as the routine morning business is concluded, and a vote is to be taken at 3 o'clock. There are half a dozen Senators who want to speak, and their time is now being taken up by these bills.

After this, Mr. President, I shall object to the consideration of anything, and call for the regular order.

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

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

The first amendment of the Committee on the District of Columbia was, on page 1, line 7, after the word "property," to insert "owners on the west side of Sixth street;" so as to read:

That from and after the passage of this act so much of Sixth street in Center Eckington, excepting that part lying between the north and south building lines of V street, shall be completely vacated and abandoned for public use and shall revert to the abutting property owners on the west side of Sixth street, and the Commissioners of the District

of Columbia are hereby authorized to permit the extension and construction of two railroad sidings across V street, between Fifth street and the Baltimore and Ohio Railroad right of way.

The amendment was agreed to.

The next amendment was to add a new section at the end of the bill, as follows:

SEC. 4. This act may at any time be amended or repealed, and no party shall be entitled to damages or to compensation of any kind in case the sidings or structures authorized by this act are required to be discontinued or removed.

The amendment was agreed to.

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.

Mr. ALLEE, from the Committee on the District of Columbia, to whom was referred the bill (S. 6391) authorizing the Commissioners of the District of Columbia to permit the extension and construction of railroad sidings in the District of Columbia, and for other purposes, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

LANDS IN CHOUTEAU COUNTY, MONT.

Mr. CARTER. From the Committee on Public Lands I report back favorably without amendment the bill (H. R. 19916) withdrawing from entry certain public lands in Chouteau County, Mont., and leasing the same to the board of trustees of the Montana College of Agriculture and Mechanic Arts, and I ask unanimous consent for the present consideration of the bill.

Mr. HALE. I have just announced that, in the interest of the Senators who desire to speak on the canal bill, I shall object to the consideration of any further bills. I had already made that announcement.

Mr. CARTER. Very well.

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

BILLS INTRODUCED.

Mr. BULKELEY introduced a bill (S. 6505) granting an increase of pension to Theodore Morgan Benton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BENSON introduced a bill (S. 6506) granting an increase of pension to Henry Z. Bowman; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CARTER introduced a bill (S. 6507) to provide for the disposal of certain lands within the abandoned military reservation of St. Michael to persons claiming the same and having improvements thereon for the purposes of trade; which was read twice by its title and referred to the Committee on Public Lands.

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

A bill (S. 6508) granting an increase of pension to John M. Johnson; and

A bill (S. 6509) granting a pension to Sarah Virginia Richardson.

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

A bill (S. 6510) granting an increase of pension to Sarah R. Williams; and

A bill (S. 6511) granting an increase of pension to Rudolph Papst.

WITHDRAWAL OF PAPERS—APPALACHIAN FOREST RESERVE.

On motion of Mr. SIMMONS, it was

Ordered, That the originals of the illustrations accompanying Senate Document No. 84, Fifty-seventh Congress, first session, relating to the proposed Appalachian Forest Reserve, be taken from the files of the Senate and delivered to the Department of Agriculture.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14171) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 4.

That the House recede from its disagreement to the amendments of the Senate numbered 2 and 5, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "five hundred thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum named in the last line of said amendment insert "one hundred and sixty-five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four hundred thousand dollars;" and the Senate agree to the same.

GEO. C. PERKINS,
F. E. WARREN,
JNO. W. DANIEL,
Managers on the part of the Senate.

WALTER I. SMITH,
J. WARREN KEIFER,
JOHN J. FITZGERALD,
Managers on the part of the House.

The report was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 7083. An act to repeal section 5, chapter 1482, act of March 3, 1905;

H. R. 11030. An act to authorize the counties of Yazoo and Holmes to construct a bridge across Yazoo River, Mississippi;

H. R. 12080. An act granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon;

H. R. 19431. An act permitting the building of a dam across the Mississippi River between the counties of Stearns and Sherburne, in the State of Minnesota; and

H. R. 19680. An act directing the Secretary of War to cause an examination and survey to be made of Coney Island channel.

H. R. 11044. An act authorizing and directing the Secretary of the Treasury, in certain contingencies, to refund to receivers of public moneys acting as special disbursing agents amounts paid by them out of their private funds; was read twice by its title, and referred to the Committee on Public Lands.

H. R. 19607. An act for the acknowledgment of deeds and other instruments in Guam, Samoa, and the Canal Zone to affect lands in the District of Columbia and other Territories; was read twice by its title, and referred to the Committee on the Judiciary.

H. R. 20017. An act to regulate the checking of baggage by common carriers; was read twice by its title, and referred to the Committee on Interstate Commerce.

H. J. Res. 43. Joint resolution authorizing the Secretary of war to furnish condemned cannon for a life-size statue of Gen. Henry Leavenworth, at Leavenworth, Kans.; was read twice by its title, and referred to the Committee on Military Affairs.

BYRON K. MAY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

In compliance with the resolution of the Senate (the House of Representatives concurring) of June 14, I return herewith Senate bill No. 1510, entitled "An act granting an increase of pension to Byron K. May."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *June 18, 1906.*

Mr. McCUMBER. The President having returned, pursuant to the concurrent resolution of the Senate, the bill (S. 1510) granting an increase of pension to Byron K. May, I move that the bill be laid upon the table. The claimant under the bill died after it reached the hands of the President.

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

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

PANAMA CANAL.

Mr. HALE. I call for the regular order.

The VICE-PRESIDENT. The morning business is closed, and the Chair lays before the Senate the unfinished business under the unanimous-consent agreement.

The Senate, as in Committee of the Whole, resumed the consideration of the 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. If it is agreeable to the Senate, I wish to submit some remarks at a quarter past 2, closing the debate.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. CULLOM. Mr. President, I desire to address the Senate very briefly on the pending bill to determine the type of the Panama Canal.

The country is to be congratulated on the fact that, after a century of waiting, Congress has determined that a canal shall be constructed under American control across the Isthmus, and we are now considering the last general legislation that will be necessary to insure the completion of the canal.

The people of the country are not so much concerned over the type of the canal as they are over the fact that they want an American canal constructed across the Isthmus in the shortest possible time.

EFFORTS TO SECURE A CANAL.

There has never been, Mr. President, within my knowledge, a question which was discussed so long in Congress without definite result as the question of an isthmian canal.

It was a live question when I entered the House in 1865, and all during my term of service there has scarcely been a session when there has not been more or less discussion over an isthmian canal.

We have spent millions in investigating routes and years of time in the removal of treaty obligations which stood for half a century as an effectual barrier against the construction of any canal across the Isthmus. It has only been within the past five years that any real progress toward securing a canal has been made.

Senators remember very well the long discussion which we had over the abrogation of the Clayton-Bulwer treaty, and the ratification of the first and second Hay-Pauncefote treaties, providing for a neutral canal, to be constructed at the expense of the United States and to be under our sole management and control. We were all in favor of the Nicaraguan route at one time, but, fortunately or unfortunately, as the future will determine, we secured an option on the Panama route, and then the discussion was reopened and long continued as to which route should be selected.

I desire to say that I had the honor of making a brief speech in favor of the Nicaragua route before it was known that we could possibly secure the other, and since that time I have been in favor of the Panama route.

THE SPOONER ACT.

The Spooner Act was passed, the route was determined, we determined that we would have a canal, work was actually commenced on the Isthmus, and I assumed, of course, that the Spooner Act settled it that we were to have a lock canal. But that question was agitated; it was submitted to a board of consulting engineers, who, unfortunately, could not agree; there was criticism, and the President preferred that Congress should have an opportunity to express itself on the question whether the canal should be a lock or a sea-level canal, and if Congress prefers to remain silent he has determined to construct a lock canal, as he has a right to do under the Spooner Act.

THE SPOONER ACT CONTEMPLATED A LOCK CANAL.

When the Spooner Act was passed I think it was almost the unanimous opinion in Congress that a lock canal was to be constructed. It is true that there was some talk of building first a lock canal and gradually converting it into one at sea level, but, so far as I now remember, it was not suggested that we build a sea-level canal in the first instance. From the report of the Board of Engineers we know now that it would cost more than $200,000,000 to convert a lock canal into one at sea level, and if we are to construct a sea-level canal at all, we should do it now. But it is also plain to me, from the reports of the Board of Consulting Engineers, that a lock canal is practicable; that it will meet every requirement of commerce; that it is equal in every respect, and in many respects superior, to the so-called "sea-level canal," and there seems to me no reason why we should go to the enormous expense of constructing the sea-level canal recommended.

THE LOCK CANAL.

I am in favor of the so-called "lock canal." I have studied carefully the majority and minority reports of the Board of Consulting Engineers, and also the report of the Commission, and I do not think there is any question but that the lock canal, with a summit level at elevation of 85 feet, is preferable to the sea-level canal recommended by the majority of the Board. The truth is, both canals are lock canals, and it is impossible to have a canal at sea level across the Isthmus without one or more locks. This is true, as is well known, on account of the 20-foot tide.

THE IDEAL SEA-LEVEL CANAL.

At first I was much impressed, as I suppose other Senators have been, with the idea of a sea-level canal. My idea of a sea-level canal was a broad, straight waterway connecting the Atlantic and the Pacific at sea level throughout, through which the commerce of the world could pass without interruption, costing practically nothing for mere operation. If such a canal could be constructed, it would be, as has been stated, the ideal canal; but such a canal is impossible, not only on account of the tide, but on account of the enormous cost, too great for even this Government, with its unlimited resources, to undertake. The sea-level canal recommended is far different, having one great lock a thousand feet long, narrow, curved, costing more to maintain, when interest charges are taken into consideration, than the lock canal.

BOTH CANALS ARE PRACTICABLE.

I was much pleased in reading the reports of the Board of Consulting Engineers and of the Commission to find that they all substantially conceded that either type of a canal can be constructed, so whichever type Congress may select, we are sure to have a canal, and money spent on either type will not be wasted.

REASONS FOR PREFERRING THE LOCK CANAL.

Mr. President, I base my preference for the lock canal, with an 85-foot summit level, on the reasons set forth in the minority report of the Board of Consulting Engineers, on the report and recommendation of the Commission, on the recommendation of the chief engineer, Mr. Stevens, on the recommendation of the Secretary of War, and finally on the recommendation of the President, under whose Administration this great work has been commenced, and who has done more than any of his predecessors to bring about the construction of an isthmian canal.

WEIGHT OF EVIDENCE IN FAVOR OF LOCK CANAL.

I think the weight of evidence before the Senate is in favor of the lock canal.

Mr. Noble, Mr. Abbott, Mr. Stearns, Mr. Ripley, Mr. Randolph, of the Board of Consulting Engineers, than whom there are no abler engineers in this or any other country, join in an admirable report recommending the lock canal. The Isthmian Canal Commission, consisting of Messrs. Shonts, Magoon, Hains, Ernst, and Harrodd, recommend the lock canal. Mr. Stevens, who has proved himself to be entitled to the first rank among practical engineers, and who is more familiar with the work and with conditions on the Isthmus connected with the work than any other engineer, approved the adoption of the lock canal and strongly recommended to the Commission that it give its official voice in favor of such a type.

On the other hand, we have the recommendation of the majority of the Board of Consulting Engineers, consisting of Messrs. Davis, Parsons, Burr, Hunter, Guerard, Tinchuzer, Welcker, and Quellennec, and Mr. Endicott, of the Commission, recommending the sea-level type.

The engineers of this country who are familiar with the practical working of lock canals are in favor of the lock canal; the foreign engineers are in favor of the sea-level type. The President says that the foreign engineers are more familiar with the Suez Canal, a sea-level canal, which explains this preference.

I would place great faith in the mere recommendation of our own great engineers, and when their recommendation is supported by the able minority report before the Senate, it is sufficient to convince me that we should adopt the lock canal.

TIME AND COST.

It being admitted that both canals can be constructed and that both are practicable, I attach more importance to the question of time and expense than to any other consideration.

TIME.

First, as to the question of time. It is admitted, I believe, that the lock canal can be constructed in eight and one half or nine years. The majority of the Board claim that the sea-level canal can be constructed in from twelve to thirteen years. Mr. Stevens thinks it will take eighteen or twenty years, and the President says that it will take twice as long to construct a sea-level as a lock canal. Others claim it will take twenty-five years or more. There is much difference of opinion as to the time, but certain it is that it will take years longer—an indefinite length of time longer—to make the enormous excavation at the Culebra cut, where at one point an excavation must be made so that the sea-level canal when constructed would have an embankment on each side of nearly 600 feet, to construct the sea-level canal.

We have waited for a canal for more than fifty years—at least since we entered into the Clayton-Bulwer treaty in 1850—and I want a canal constructed, so that the present generation,

who will bear the cost of it, will enjoy some of its benefits. The question of time to me is a very serious consideration.

We know how long it will take to construct a lock canal. We do not know with any degree of definiteness how long it will take to construct a sea-level canal, except that it will take years longer. That element alone is of sufficient importance to induce us to favor the lock type.

COST.

Then there is the question of cost. The lock canal will cost less than $140,000,000. It is admitted by all that the sea-level canal will cost to exceed a hundred million dollars more, and the Isthmian Canal Commission and Mr. Stevens claim that it will cost $132,000,000 more to construct the sea-level than the lock canal. It is admitted by everyone that it will cost vastly more to build a sea-level canal of sufficient width in order that vessels of the largest size may pass each other at all points with safety.

A hundred and thirty-two million dollars is an enormous difference. It is an enormous amount of money; and I do not think there is a country or government in the world excepting our own that would hesitate one minute in selecting the type of a canal, it being admitted that both types are practicable, by which this enormous amount of money can be saved.

THE CANAL WILL BE A PAYING ENTERPRISE.

No one can tell now whether the canal when constructed will become a paying enterprise from a commercial standpoint. It is to our credit that the question of profit has not entered into the construction of this great waterway. We want the canal, and the people want it, even if it will not pay annually for its own maintenance. But, in my judgment, the canal will pay. We can not probably expect, at least for years to come, that it will be patronized by the world to the extent that the Suez Canal has been patronized. De Lesseps, than whom there was no better judge, was willing to spend millions for the construction of the Panama Canal, feeling sure that it would be a great paying investment. The Suez Canal, I am informed, has paid to its stockholders in one year, over and above all the expenses of operation, many millions of dollars. The lock canal can accommodate about as much commerce as can the sea-level canal, and whichever type is selected, I am sure, will not prove a failure from a financial standpoint.

At the same time, if we can save over a hundred million dollars on the initial cost, we should do so.

COST OF MAINTENANCE.

The cost of maintaining the sea-level canal will be less than the cost of maintaining the lock canal, owing, of course, to the increased number of locks; but when we take into consideration the interest charge on the increased cost of the sea-level canal, we are informed by the Commission that the cost of operation and maintenance, including fixed charges, will be less by some $2,000,000 per annum for the lock than for the sea-level canal.

COMPARISON OF TWO TYPES.

Now, as to the description of the two types of canal, in my judgment, there is no question but that the lock canal recommended by the minority of the Board is superior to that type of sea-level canal recommended by the majority. It is not the ideal sea-level canal. Such a canal, of course, would be superior to any canal that could be devised.

As to width and depth, the lock canal proposed is much superior to the sea-level canal.

WIDTH AND DEPTH.

In my judgment, the width proposed in the sea-level canal is inadequate.

The lock canal will be 1,000 feet wide for 19 miles of its length, or over 38 per cent. It will be over 500 feet wide for over 10 miles of its length. It will be less than 300 feet wide for only one-eighth of its length, and for more than two-thirds of its length it will be 500 feet wide or more, and it will be nowhere less than 200 feet wide. There will be one or two lakes provided where vessels can turn and retrace their course, if desirable.

Now, compare this with the sea-level canal. The sea-level canal for nearly one-half its length will be only 150 feet wide and for nearly five-sixths of its length it will not exceed 200 feet. It will be necessary to have regular stopping places where vessels of large dimensions can pass each other, as for a majority of the distance the canal will not be of sufficient width for large vessels to pass even at reduced rates of speed.

This is a most important feature. The tendency is toward larger and speedier vessels, and the comparatively great width of the lock canal will prove of the greatest advantage.

The report of the Commission sets forth very clearly the advantage of this increased width in the lock canal.

The following appears, in substance, from the report (p. 83):

PASSING OF VESSELS.

In the sea-level canal it will be necessary for one of two ships of medium or large size about to meet to make fast to mooring piles while the other passes at reduced speed. The broad channels afforded by the lock canal with summit level at elevation of 85 feet will enable ships to pass through them at much greater speed and with much greater safety than in the narrow channels of the sea-level canal, and as there will be only a small proportion of channel less than 300 feet wide in the lock canal very little loss of time will occur at meeting points; but in the sea-level canal, with its narrow channel all the way across the Isthmus, the time lost at meeting points will be considerable, even with moderate traffic, and will increase with great rapidity as traffic increases. With ships approaching in dimensions those contemplated by the act of Congress—the Spooner Act—the transit across the Isthmus even with a small traffic would require more time in the proposed sea-level canal than in the lock canal.

There is another great objection to the sea-level canal, as recommended by the Board. Their plan contemplates a canal with numerous curves.

The Commission has stated that in the narrow channels of the sea-level canal night navigation will be more hazardous than day, and ships will probably move at lower speed than assumed for the calculation of time of transit. Unless ships arrive very early in the day they will not be able to pass through the canal by daylight on the day of arrival, but will have to submit to the delays of night navigation or tie up until next day. Taking, for example, a tonnage of 20,000,000, the annual loss on the basis of earnings of one-half mill per ton mile would not be less than $1,500,000, which, capitalized at 3 per cent, shows that an expenditure of $50,000,000 would be justified to avoid such a delay. The Commission concludes by stating (p. 84):

> By the adoption of the summit-level canal instead of a sea-level canal, the time of transit is shortened, not only without additional cost, but with a large saving.

The lock canal is also superior in the matter of depth, an important feature for larger vessels.

So in the general description of the canal—in curvature, in width, and in depth—the lock canal has very much the advantage of the sea-level type.

SAFETY.

There has been considerable discussion of the relative safety of the two types of canal. It is self-evident that the more gates and locks there are the more danger there is for accidents. The sea-level canal has one lock, the lock canal has several, and of course there is a possibility of accident every time the vessel enters the lock, but the possibility is a very small one. We have had more experience with locks than any other country. Our canal at Sault Ste. Marie has three times the traffic of the great Suez Canal. The latter is a sea-level canal and the former a lock canal. The lock canal at the Soo has given the utmost satisfaction, and few, if any, accidents have occurred.

Then, again, the plans proposed for the lock canal provides for duplicate locks, reducing the probability of delay of traffic, by reason of accident to the lock, to the very minimum.

The result of an accident by which a vessel should be sunk in the sea-level canal is much greater than in the lock canal here proposed. Owing to the narrow channel of the sea-level canal, if a great vessel should sink, it would entirely obstruct the passage. At but a very few points on the lock canal would this result occur. Such an accident is not improbable. At one time a vessel sunk in the Suez Canal, which delayed traffic for nine days, causing a loss of hundreds of thousands of dollars not only to the canal itself, but to the commerce passing through it.

In either type of the canal a vessel might be sunk, but there is much less probability of its delaying traffic in the lock canal than there is in the sea-level canal.

DESTRUCTION DURING WAR.

I think it is probably conceded that during war the lock canal could be more easily destroyed by an enemy. I do not place much stress on this objection. Either type of canal is susceptible of destruction by a hostile fleet, but, in my judgment, neither would ever be destroyed in time of war. The Hay-Pauncefote treaty contemplated that this shall be a neutral canal, open alike in time of peace as in time of war to the commerce of the world. Elaborate rules of neutrality are laid down; and I do not think there is any nation that would destroy the canal dedicated by us, as it has been, to the free commerce of the world. But if the United States should be at war, we would take as much care to protect the canal as we would our own coast. If thought to be in danger, we would protect its approaches as well as throughout its entire

length. If an enemy should overcome us, and desired to do so, they could as easily destroy the sea-level as the lock canal.

RÉSUMÉ OF REASON IN FAVOR OF LOCK CANAL.

For the reasons I have given, Mr. President, I am strongly of the opinion that Congress should either pass a law selecting the lock canal, or should leave it in the hands of the President, who has advised us that if we do not express to the contrary he will proceed, under the Spooner Act, to construct a lock canal. To sum up the reasons in favor of the lock canal: We know how long it will take to construct it. We know it will not exceed nine years. With the sea-level canal, it is indefinite. It may take eighteen, it may take twenty-five years. If we select the lock canal, the present generation will enjoy its benefits. The canal is to be for all time, but if we select the sea-level type, only future generations will enjoy its benefits. The lock canal will cost from one hundred to one hundred and thirty-two million dollars less than the sea-level canal, an enormous amount for even this nation. Both canals are thoroughly practicable, and one will accommodate as much of the commerce of the world as the other. The lock canal is wider and deeper and has less curvature than the sea-level canal—important considerations, as I have attempted to show. It will provide a quicker passage for large vessels; and taking into consideration its cost, it will cost far less to operate and maintain it; and in time of war it can be as easily defended as can the sea-level canal.

maintain it; and in time of war it can be as easily defended as can the sea-level canal.

Mr. KITTREDGE. Mr. President, I understand that the Senator from Wisconsin [Mr. SPOONER] desires to address the Senate on the unfinished business.

Mr. HALE. Mr. President, if no Senator is ready to go on with the debate on the canal bill, I should like, by unanimous consent, to run the sundry civil appropriation bill until the debate is resumed on the canal bill. Of course I do not want to interfere, but I can use up the time very profitaby to the Senate if no Senator is ready to speak on the canal bill.

Mr. HOPKINS. I will say to the Senator from Maine that an arrangement was made that the Senator from Wisconsin [Mr. SPOONER] should address the Senate on the canal bill this morning. I do not see him in the Senate at the present time, and, of course, I do not want any arrangement made that will prevent his having an opportunity to speak.

Mr. HALE. If I get the appropriation bill up by unanimous consent, I shall withdraw it, of course, if any Senator is ready to speak on the canal bill.

Mr. MILLARD. Mr. President, will the Senator from Maine allow me a moment?

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

Mr. HALE. Certainly.

Mr. MILLARD. I merely want, Mr. President, to make a correction, which I think should be made, of a statement appearing in the RECORD of yesterday, on page 9106, in the portion of the letter of Mr. Hunter which was read by the Senator from South Dakota [Mr. KITTREDGE]. I should like to have the Secretary read the paper which I send to the desk.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

In the item of $5,005,000 of cost of the lock canal, found upon page 95 of the report of the Board of Consulting Engineers, is included an amount for clearing the wide channel of trees, brush, etc.

At the head of that statement is found a reference to a detailed statement of the estimated cost of building a lock canal at 85 feet level, cited as Appendix T, which is to be found upon page 425 of the aforementioned report, and from which the following extract is made:

Excavation from Gatun locks (mile 7.7½) to Obispo (mile 31.25), making channel 45 feet deep and not less than 500 feet wide for 23.51 miles, of which 15.92 miles is not less than 1,000 feet wide.

Earth excavation in the dry, 600,000 cubic yards, at 40 cents	$240,000	
Indurated clay excavation at Gatun, 130,000 cubic yards, at 70 cents	91,000	
Earth excavation (dredging), 12,960,000 cubic yards, at 25 cents	3,240,000	
Rock excavation in the dry, 1,160,000 cubic yards, at $1.15	1,334,000	
	4,905,000	
Cutting trees in Gatun Lake	100,000	
Total		5,005,000

Mr. MILLARD. That statement is verified by the testimony of the chief engineer on page 255, volume 1, of the printed testimony. I simply call the attention of Senators to the fact that Mr. Hunter is mistaken in the statement that there is no provision made for clearing out the trees, the brush, and the jungle there is in the Gatun Lake. I also wish to say that this morning I had an interview with the chief engineer, who tells me that ample provision is made for such work and that the channel at Gatun will be a thousand feet wide.

Mr. FORAKER. Will the Senator state again from whom he got the information he just gave?

Mr. MILLARD. A portion of it I took from the report of the Board of Consulting Engineers. What I stated last was from the chief engineer, who stated it to me this morning.

Mr. FORAKER. And his statement is that there is a proper provision made in the estimates for clearing off of a channel a thousand feet wide for a certain distance and of a different width for another distance through this lake?

Mr. MILLARD. Yes, sir; provision is made in the estimates for clearing a channel a thousand feet wide.

Mr. FORAKER. What is the amount of that estimated cost?

Mr. MILLARD. The entire appropriation is a little over $5,000,000, but the appropriation for the particular work of clearing away the roadway is $100,000. That will be found in the printed testimony.

Mr. FORAKER. Did the engineer in that conversation give you any idea of the character of the growth that covers this land that is to be submerged?

Mr. MILLARD. It is a growth that is natural to that country. There are only a few trees scattered over the country; but there is a growth that is natural to that region, which is probably from 10 to 40 feet high. You might call it a jungle, except where the river is.

BUREAU OF INSULAR AFFAIRS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4109) to increase the efficiency of the Bureau of Insular Affairs of the War Department, which was, in line 4, after the word "President," to insert "for the period of four years, unless sooner relieved."

Mr. LODGE. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

COMMITTEE SERVICE.

Mr. CLAY. I desire to tender my resignation as a member of the Committee on Commerce.

The VICE-PRESIDENT. The junior Senator from Georgia asks to be excused from further service on the Committee on Commerce. Without objection, it is so ordered.

Mr. SIMMONS. Mr. President, I desire to tender my resignation as a member of the Committee on Public Buildings and Grounds.

The VICE-PRESIDENT. The Senator from North Carolina asks to be excused from further service on the Committee on Public Buildings and Grounds. Without objection, he is excused.

Mr. BLACKBURN. Mr. President, I ask that the Senate authorize the assignment of the Senators named in the list which I send to the desk to the various vacancies on committees there indicated.

The VICE-PRESIDENT. The Senator from Kentucky submits a resolution, which will be read.

The Secretary read as follows:

Resolved, That the following appointments be made to fill vacancies in the committees of the Senate: Mr. CLAY on Appropriations, Mr. TALIAFERRO on Finance, Mr. SIMMONS on Commerce, and Mr. OVERMAN on Public Buildings and Grounds.

The resolution was considered by unanimous consent, and agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following acts:

On June 19:

S. 280. An act to provide a life-saving station at or near Greenhill, on the coast of South Kingston, in the State of Rhode Island;

S. 2270. An act for the relief of Nicola Masino, of the District of Columbia;

S. 4250. An act to further protect the public health and make more effective the national quarantine;

S. 4376. An act to relinquish all the interest of the United States of America in and to a certain lot of land lying in the District of Columbia and State of Maryland, formerly belonging to John C. Rives, deceased; and

S. 5811. An act to amend section 3646 of the Revised Statutes of the United States, as amended by act of February 16, 1885, as amended by act of March 23, 1906.

On June 20:

S. 2624. An act granting an honorable discharge to Henry G. Thomas, deceased, Company C, Second Kentucky Cavalry;

S. 4806. An act to regulate the landing, delivery, cure, and sale of sponges;
S. 1976. An act granting a pension to William N. Dickey;
S. 2294. An act granting a pension to Michael Reynolds;
S. 3735. An act granting a pension to Phebe W. Drake;
S. 6264. An act granting a pension to Cornelius Sullivan;
S. 257. An act granting an increase of pension to Caleb T. Bowen;
S. 1254. An act granting an increase of pension to Orlando H. Langley;
S. 1422. An act granting an increase of pension to George L. Wakefield;
S. 1936. An act granting an increase of pension to Lorenzo W. Smith;
S. 2501. An act granting an increase of pension to Jessie E. Foster;
S. 2566. An act granting an increase of pension to George H. Rodebeaver;
S. 2853. An act granting an increase of pension to Bridget Quinn;
S. 3122. An act granting an increase of pension to Erastus C. Clark;
S. 3168. An act granting an increase of pension to Obadiah Derr;
S. 4047. An act granting an increase of pension to William Morehead;
S. 4318. An act granting an increase of pension to Henry S. Bennett;
S. 4375. An act granting an increase of pension to David McCredie;
S. 4390. An act granting an increase of pension to Rebecca A. Alexander;
S. 4391. An act granting an increase of pension to Abner R. Barnes;
S. 4459. An act granting an increase of pension to Edwin K. Lamson;
S. 4550. An act granting an increase of pension to Henry Moody;
S. 4651. An act granting an increase of pension to Rufus M. Ashley;
S. 4741. An act granting an increase of pension to Andrew J. Workman;
S. 4961. An act granting an increase of pension to William Ickes;
S. 5038. An act granting an increase of pension to James Richards;
S. 5148. An act granting an increase of pension to Mildred McCorkle;
S. 5155. An act granting an increase of pension to Charles H. Van Dusen;
S. 5195. An act granting an increase of pension to Sidney H. Cook;
S. 5262. An act granting an increase of pension to Frank N. Nichols;
S. 5353. An act granting an increase of pension to Thomas W. Carter;
S. 5447. An act granting an increase of pension to Oliver H. Hibben;
S. 5543. An act granting an increase of pension to William A. Humrich;
S. 5598. An act granting an increase of pension to Almond Greeley;
S. 5800. An act granting an increase of pension to James N. Davis;
S. 5810. An act granting an increase of pension to Thomas McGowan;
S. 5870. An act granting an increase of pension to Samuel H. Morrison;
S. 5877. An act granting an increase of pension to Charles O'Bryan;
S. 5898. An act granting an increase of pension to Louisa A. Clark;
S. 5952. An act granting an increase of pension to Hyacinth Dotey;
S. 6006. An act granting an increase of pension to William H. Crouch;
S. 6041. An act granting an increase of pension to James N. Brown;
S. 6065. An act granting an increase of pension to Ellen M. Dyer;
S. 6138. An act granting an increase of pension to Eliza P. Norton;
S. 6141. An act granting an increase of pension to Ransom C. Russell;
S. 6154. An act granting an increase of pension to Edwin Freeman;
S. 6155. An act granting an increase of pension to Samuel H. Davis;
S. 6164. An act granting an increase of pension to Julius S. Cuendet;
S. 6168. An act granting an increase of pension to Calvin Lambert;
S. 6187. An act granting an increase of pension to Martha Jane Bolt;
S. 6188. An act granting an increase of pension to Sarah Young;
S. 6192. An act granting an increase of pension to John Coker;
S. 6222. An act granting an increase of pension to John A. Alden;
S. 6272. An act granting an increase of pension to Harvey Gamble; and
S. 4184. An act to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii.

On June 21:

S. 59. An act providing for the establishment of a uniform building line on streets in the District of Columbia less than 90 feet in width;
S. 4170. An act to amend an act approved March 3, 1891, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes;" and
S. 4268. An act changing the name of Douglas street to Clifton street.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HALE. Mr. President, I ask unanimous consent that the regular order of business be temporarily laid aside, and that the sundry civil appropriation bill be laid before the Senate.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the unfinished business be temporarily laid aside and that the sundry civil appropriation bill be laid before the Senate. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes.

Mr. HALE. Mr. President, when any Senator desires to go on with the unfinished business, I shall, of course, withdraw the appropriation bill.

The reading of the bill had been completed and certain amendments had been passed over. I wish to call up the amendments on pages 154 and 155, and I ask that the committee amendments be agreed to, if there be no further objection to them.

The VICE-PRESIDENT. Is there objection to agreeing to the amendments? The Chair hears none.

Mr. MALLORY. What are the amendments?

Mr. HALE. I can state them. The first is the amendment on page 154, beginning in line 21, and the second is on page 155, beginning in line 10, both in relation to the marshals and district attorneys in southern California and Idaho. The amendments were reported by the Committee on the Judiciary. They went over last night.

The VICE-PRESIDENT. The question is on agreeing to the amendments.

The amendments were agreed to.

Mr. HALE. Now, Mr. President, I wish to call up the amendment on pages 153 and 154, to which I ask the attention of the Senator from Wisconsin. It was at his request that this amendment was passed over.

Mr. SPOONER. Is that the amendment in regard to the preparation of law indexes?

Mr. HALE. Yes.

Mr. SPOONER. I hope the Senate will not agree to the amendment of the committee. The preparation of the indexes which are provided for by that clause of the bill involves a very small expenditure of money. I have looked into the matter with a good deal of care, and I think it very important that the work should be done, and done under the auspices under which I am sure it will be done if the provision is left in the bill; that is, under the auspices of men in the Library who are lawyers and well educated. It is a matter which will make it of very great value. It is not a code. As I understand, it is proposed to have it in the Library, so that if a Senator wants to know

the statute law upon a particular subject he can obtain the information, and obtain it accurately in a very few moments. There is nothing of a job in it. The Senator will understand that the well-educated lawyer is a man admirably adapted for that sort of work, and that work ought not to be done by laymen. There are different methods of indexing statutes.

Mr. HALE. If the Senator will allow me, I will say that the committee had very little information in regard to the matter, and struck it out on the suggestion that the House itself had not completed its consideration. I am not sure but what the House has since then, under a suspension of the rules, voted for a proposition that covers the matter. The main object of the Senate amendment was that information might be gotten in conference or by action on the part of the House. That is why the committee struck out the provision.

Mr. SPOONER. The matter was very carefully examined by Mr. LITTLEFIELD, who went into it, I am informed, very thoroughly. I myself have felt very greatly, and I suppose other Senators have also, the need of an accurate and thoroughly well-prepared index of the statutes. The amendment involves a small sum. There is no committal by Congress to any publication of it hereafter. It will be made in the Library; it will be kept there; it will cover all phases of every class of subjects dealt with by our statutes, and it will be of very great value to Senators and Members of the other House.

There are other provisions in the bill, one of which, I notice, involves an appropriation of $10,000 for a work which does not approximate in importance, no matter how well it may be done, this matter. I refer to the republication of the organic acts, etc. There has already been one edition. It will only be necessary to add to it, perhaps, the organic act for Oklahoma, and I hope not soon, although it is possible it may turn out otherwise, that of Arizona, embracing New Mexico. It is provided in this bill that $10,000 shall be paid for a republication of that work, which is historical only——

Mr. HALE. If the Senator from Wisconsin, who is a member of the Judiciary Committee, having this more in charge than the Committee on Appropriations, is entirely certain in his own mind that the amendment is right, and that it is according to the action of the House, and that nothing since has been done, I am willing that the amendment shall be disagreed to. I think perhaps it would be safer to agree to it, and then in conference I will say to the Senator, unless more information comes, I should be in favor of the Senate receding. I leave that to the Senator himself.

Mr. SPOONER. If I were not thoroughly impressed with the idea that it was an important work which ought to be done, and that it will be well done, I would not support it. The only evidence I have is that the House agreed to it, which I find in this bill. I know nothing about any subsequent action of the House. I know it was looked into by Mr. LITTLEFIELD, who is a very careful man. I know the House embodied it in this bill, which represents the judgment of the House upon it; and I think it is wise legislation.

Mr. HALE. It is a question, not of the work being well done, but whether this provision does cover what the Senator wants and what the House wants and what Mr. LITTLEFIELD wants. Of course, if the Senator is confident of that, and the amendment is disagreed to, then it will not be open at all in conference.

Mr. SPOONER. Let the House provision be agreed to with an amendment, so as to have it open in conference.

Mr. HALE. That is a good suggestion.

Mr. SPOONER. I move to amend, then, in line 24, page 153, by striking out the words "seven hundred and twenty dollars" and inserting "six hundred dollars."

The VICE-PRESIDENT. The Senator from Wisconsin proposes an amendment to the amendment, which will be stated by the Secretary.

The SECRETARY. It is proposed to strike out in line 24, on page 153, "seven hundred and twenty" and insert "six hundred," so as to read "six hundred dollars."

Mr. SPOONER. That will leave it open in conference?

Mr. HALE. Yes; that leaves it open.

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

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment to strike out the clause as amended.

The amendment was rejected.

Mr. HALE. The next amendment is on page 102. I have been waiting for the Senator from Mississippi [Mr. MCLAURIN]. I see he is in his seat, and I call up the amendment. Let the Secretary state it.

The SECRETARY. On page 102, after line 9, the committee propose to insert the following:

For the traveling expenses of the President of the United States, his attendants and invited guests traveling with him, to be disbursed at the discretion of the President, $25,000.

Mr. MCLAURIN. Mr. President, to keep the record straight, I withdraw the appeal I took from the decision of the Chair yesterday evening. I wish to thank the Senator from Maine for waiting until my return to the Chamber. I had been out to make a call upon a sick Senator, and I did not expect this bill to be taken up to-day, because I believed from the reading of the unanimous-consent agreement for taking a vote on the canal bill that that bill was to be considered immediately after the routine morning business.

Mr. President, this amount is a small sum for the United States Government, so far as that is concerned. It would hardly be felt by the Government. It is not on that account that I object to the amendment. But I object to it because of the principle contained in it. I do not believe that in principle it is right. I do not believe it is in conformity with our idea of government; at least the idea of government which was entertained by the founders of the Government.

That feature which more attracts me to the country than anything else is the form of government which recognizes the equality of all the people of the country before the law. When the President of the United States is elected he is elected to perform the functions of an office created under the Constitution. I do not believe he is a different man from what he was before. It does not make a man a better man because he is selected to be President of the United States. True it is, if a man who has the elements of manhood in him is elevated to a responsible position, the very responsibility is calculated to develop those elements of manhood in him. But it does not make him a better man than he was before, and he is not selected for the purpose of giving him a dignified position or for the purpose of making him better than the remainder of the people of the country, or for the purpose of giving him any distinction or any title. But he is elected because according to the form of our Government it is necessary that some man shall be selected out of all the voters of the country to discharge the functions of this important office.

The same thing may be said with reference to the Senators and Representatives and the judicial officers of the United States. I have no patience with the idea of paying men for dignity and speaking about the dignity of the position. The dignity of a man is in the man himself, and the position of the man who labors either with his brain or with his hands, who either does mental or manual labor, is as dignified as that of a man in any other position. The man who delves in the mine to bring up the ore that is used, the man who follows the plow to make the corn and the wheat and the other produce which go to support the life of the people of the country are in as dignified a position as anybody else. That is what our Government recognizes; that is what our form of government means; and the simplicity of the form of government attracts me more than anything else about the Government, together with that part of the system of government which recognizes the equality of every man before the law.

I have no objection to a man using his wealth in any way he pleases, if he has acquired it honestly. If a man upon an equal footing with everybody else goes out and by mental effort or manual effort or in any other way acquires wealth, I have no objection to his utilizing it in any way he sees proper. But I do object to taxing the people of the country, even the most infinitesimal tax, for the purpose of making a class distinction.

Dignity is innate. I like that dignity which is innate; that which is developed by energy, exercse, exertion; that which comes from within, and that which does not come from without. All the powers of office that you can bestow upon a man, all the influence of wealth that he can acquire, can not give him dignity if he has no innate dignity.

Now, what is the proposition here? It is that the President shall be given $25,000 for his traveling expenses. Is there anything in the Constitution that ever contemplated anything of the kind? Why should he be given any amount of money for his traveling expenses? I am willing—not only am I willing, but I am desirous—that the President shall be paid a salary commensurate with the responsibilities and the duties that devolve upon him as an officer and in the position to which he has been elevated, but I am not willing that the United States shall establish a principle that because a man is in high position he is better than the man in low position. Where will this thing end? If the President, because he is in the highest position in this country, must have this distinction, and this discrimination

must be made in his favor, then the man who is next highest to him ought to have the next discrimination, and the man who is next highest to that man ought to have the next discrimination in his favor. And so by this kind of legislation you commence at the bottom and you take the man who says "gee" and "haw," the man who delves in the mines, the man who works for his living with his mind and muscle, and you go one step above, on, on, on, until you get the whole load upon him.

> Honor and shame from no condition rise;
> Act well your part, there all the honor lies.

It is said that the President must have $25,000 to pay the traveling expenses of whom? Of himself? No, no; not that alone; but the traveling expenses of the President and his attendants and invited guests. Who are to be his attendants? I suppose, I do not know, but I just take it upon construction, that it is intended to mean those of the Secret Service who go along with the President for the purpose of protecting him against real or imaginary harm. I do not believe the President of the United States is in any danger of harm from anybody. True it is that three Presidents have been assassinated, but a great many other men have been assassinated who were not Presidents.

But if it be necessary to take along the attendants, who are to be the invited guests? Is this to be an electioneering tour that the President is to take over the country, and to take along the newspaper men who will give out to the press that which the President desires shall be given out and who will conceal that which he desires shall be concealed?

I wish to say here, lest it slip my memory at some other time, that I have no reference to the present incumbent of the White House. I would have these remarks apply to every President alike, of whatever party, of whatever political conviction, and whatever views he may have which, as has been said, it is intended by this kind of gallivanting over the country to disseminate and impress upon the people of the country. I would just as soon that the $25,000 should go to the present incumbent of the White House as to any other man who may occupy it. He would be just as much entitled to it as any other man who may occupy the Presidential chair. There ought to be no such discrimination in favor of any man as to permit him to take newspaper correspondents such as he desires to take along with him and to exclude such as would not give out such information as he desired to be given out.

Is this intended to permit him to carry along newspaper correspondents? I have seen it advocated, upon the principle that the President is expected to disseminate certain views; that he is a leader of opinion and of thought in the country, and that his thought, whatever it may be, must be, by the country paying his expenses, impressed upon the body politic of the country by his going out among the people and discussing with them and impressing upon them his peculiar views and tenets upon any question.

One man has gone so far as to say that the President never would have been able to have raised the public mind to that tension which would have enabled the passage of the rate bill had it not been for the fact that he gallivanted about over the country and impressed his views upon the people of the country. Mr. President, a long time ago, when the present occupant of the White House was in full accord with the party that was fighting that sort of legislation, there was all over this country Democratic speakers, led by William J. Bryan, one of the greatest men ever produced in this country, advocating the doctrine of railroad rate regulation—advocating legislation which would prevent discriminations and differentials in rates; and the President finding the country ripe for that, recommended it to Congress, and then the people had some hopes of it being enacted into law, because the President, being at the head of his party and he calling upon his party to enact legislation, the country expected it to be done. It was not because it was necessary for him to go over the country to impress his views upon the people of the country, but the people of the country were behind this sentiment, this principle, and this doctrine before it ever occurred to the President to send his famous message to Congress in 1904.

As I was saying a while ago, if newspaper correspondents are to be permitted to go with the President on these junketing trips, I want it to be by an amendment to this amendment, which will permit every correspondent of every newspaper in all this country, without distinction of party politics, to go along in that crowd and see what the President is doing, and report it impartially to the people, and let both sides of it be reported.

Mr. SPOONER. If the Senator will permit me, he could eliminate the objection to which he is now speaking by offering an amendment prohibiting any newspaper correspondent from traveling with the President.

Mr. McLAURIN. No, sir; I think the whole amendment ought to be eliminated. But if any newspaper man is to go, I am in favor of all of them going, if they desire to go. I should like to have the whole newspaper profession go on one of these trips and let them see what is going on and let them have some voice in the education of the people as to the opinions the President is intending to disseminate.

I have here a newspaper article which I wish to read. I do not know whether this is exactly the place in what I have to say where I want to read it, but I wish to put it in the RECORD. It is upon this idea of the President being not only the President of the United States, the Executive officer, but the legislative officer and the judicial officer of the country. Before I get away from what I was saying just now—the Senator from Wisconsin spoke about eliminating the objection by not allowing newspaper men to accompany the President. If this amendment is to go through, I want some other people to be put in there. I think the Vice-President ought to be permitted to go over this country and let his views be known to the people, because there might come another calamity of assassination of the President, and the Vice-President would become President, and his views likewise should be before the people of the country.

Mr. McCUMBER. Mr. President——

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

Mr. McLAURIN. With pleasure.

Mr. McCUMBER. The Senator from Mississippi being an excellent lawyer, I want, while he is on his feet, to call his attention to a provision in the Constitution, and ask him as a lawyer whether or not the amendment is not absolutely against the constitutional prohibition. I call his attention to section 1 of Aricle II of the Constitution, which provides:

> The President shall, at stated times, receive for his services a compensation—

Not salary, but compensation—

> which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

And then I desire to call the Senator's attention to the reading of this amendment:

> For the traveling expenses of the President of the United States, his attendants and invited guests traveling with him, to be disbursed at the discretion of the President, $25,000.

Is not this $25,000 to be paid to the President? Is it not in effect additional compensation, and even if it be not considered as compensation, does it not come clearly under the definition of emoluments of office? And are we not going straight up against the prohibition of the Constitution, which was inserted for the very purpose of preventing Congress from taking away from the President during his incumbency in office any of his emoluments or any of his compensation because of disfavor, and also to prevent our adding to it during his period of incumbency because of any favor? I ask that as a legal proposition.

Mr. HALE. Will the Senator from Mississippi let me say a word?

Mr. McLAURIN. With pleasure.

Mr. HALE. The committee which put this provision onto the bill as an amendment took consideration of the question presented by the Senator from North Dakota. Undoubtedly, if the amendment is adopted, it will have to take its chance first with the Comptroller. Whether the Comptroller of the Treasury will pass these payments, which he must if they are to meet the approval of the Department, or will arrest them upon the ground that this sum is an emolument and is forbidden by the Constitution, I can not say, and no other Senator can say. It is like other things which, in the discretion of Congress, are done, but finally, when it comes to the crucible of the law officers or of the courts or of the Comptroller, the provision has to take its chance. Notwithstanding that, the committee, in its discretion, reported this amendment, which must take its chance.

Of course any Senator who thinks it is an emolument can not conscientiously vote for it, but will vote against it. But it is not a point to be raised to throw the amendment out, that in the end it may be determined to be unconstitutional. It is for Senators in their own minds to decide whether they will vote for it.

Mr. McCUMBER. Will the Senator from Mississippi permit me one word further?

Mr. McLAURIN. With pleasure.

Mr. McCUMBER. The Senator from Maine, I think, meets the whole question upon that point when he says that no Senator can conscientiously vote for this amendment unless he believes that it is not an emolument. I believe no Senator who takes

an oath to support the Constitution of the United States will vote for a proposition which he believes to be unconstitutional. I believe, further, that we can practically satisfy any Senator present that this is an emolument. It has been decided over and over again in like cases that everything of that character is an emolument of office and that it is an increase of the salary or compensation. If that be true, then certainly we have no right to adopt this amendment.

There is another proposition, of course, which is whether or not a point of order will lie against the amendment. I expect to raise a point of order when I get the floor at some future time, and upon a different proposition, as I understand, than that which formed the basis of the point of order which was raised by the Senator from Mississippi [Mr. McLAURIN].

Mr. McLAURIN. Mr. President, the constitutionality of every question when it is raised must first be passed upon by every Senator for himself. He owes it to the country as well as to his constituents, and he owes it to himself, if there is any constitutional question in it, to satisfy himself whether that is a valid objection, whether the provision proposed to be adopted impinges the Constitution or not.

Now, that responsibility can not be shifted to the Comptroller or anybody else. It must be decided by the legislative body. It is one of the principles of construction, when judicial tribunals are called upon to construe a statute and when its constitutionality is questioned, that the Congress is presumed to have carefully considered the question and to have decided that it is constitutional; and that has great weight with the court.

I did not raise the constitutional question on this matter. The Constitution seems not to be considered when legislation is objectionable, and when legislation is desired those who desire it generally treat the Constitution as an antiquated document. I remember discussing some years ago a constitutional question and some Senators treating the Constitution with derision, as if the Constitution had anything to do with any legislation of Congress.

I therefore did not raise the constitutional question; but I hold that whatever it is, the simplicity of our form of Government is being invaded whenever we undertake to make any distinction in favor of any class or any man, it does not make any difference how high his position. I do not believe, as I have said before in this desultory talk that I am making, that there ought to be any discrimination before the law between the highest official in the land and the humblest private citizen. It does not make any difference who he is, the law is made for him, the law is executed for him. Those who have the distinction of being called out from the great mass of the American people to execute the laws ought not to have any discrimination made in their favor, but they ought to be called upon to obey the law, just as the humblest citizen in the country is called upon to obey it.

There has been too much disposition here to allow the will of the President to override the will of Congress and to allow the President to think for Congress. Here Senators when they begin to discuss questions say the President will be satisfied with this or the President will not be satisfied with it; that this amendment meets the opinion or the approval of the President, and therefore he asks that the Senate adopt it, or that it is disapproved by the President and therefore he asks that the Senate do not adopt it.

It were better for each department of the Government to confine its attention to its own business, the executive to that which is executive and administrative, the legislative to that which is legislative, and the judicial to that which is judicial. It were better, if the President desires to make any communication to Congress or to give his views on any question pending before Congress, on any question which he thinks ought to be legislated about, that he should do so by message, as was contemplated by the Constitution when it was framed by the makers of the Constitution.

Here is a little article that strikes me as being very sensible and very forcible. I find it in the Washington Post of yesterday morning, June 20:

CONGRESSIONAL INDEPENDENCE.

Every intelligent reader of this paper will bear us out in the declaration that it is not a partisan, but an onlooker in Vienna and an independent commentator on current events, political and general; and yet we have opinions, and they are as dear to us as are those of the stalwartest Republican or the Bourbonest Democrat to him.

Under our system the only lawgiver in this nation is the Congress, and if there is one thing that ought to preserve its political chastity and legislative integrity, though the heavens fall, it is the Congress. It is first in the Constitution; it was the firstborn of the matchless statecraft of the fathers; to it was given the purse.

As a lawgiver the President's position is that of a negative quantity—at least that is what the Constitution says about it—and he can only advise or partially veto. That is all he has got to do with legislation.

We hold to the paradox it is better to do the wrong thing the right way than to do the right thing the wrong way—that is to say, it is better that Congress pass a bad law as the result of its own free and independent deliberation than to enact a good law at the dictation of the Executive. A vicious law can be repealed; a wound of the independence of Congress makes an ulcer, and it might easily grow to be a cancer.

To speak the plain truth, Congress is flat on its back right now with more ulcers than Lazarus had sores. It has done things it did not want to do, and has left undone things it wanted to do. It has been completely overshadowed in the Government. And was it for this that the Long Parliament fought a king for seven years in the old country?

It would do Congress a power of good to study the history of the proposed legislation of the British Parliament, known as "Mr. Fox's India bill," which was defeated by the "King's friends." Over here we call them "cuckoos."

This paper is the friend of the President and it is the friend of Congress; it is also and likewise the friend of its country.

I am the friend of the President. I am the friend also of this Government. I am the friend of this country. It is my country, and I love the country as a patriot ought to love his country. It is for that reason I do not desire to see any encroachment made upon our form of government, which has for its basic principle the equality of every man before the law, and also the proposition that there shall be no class discrimination in legislation in this country—that the humblest man in the country, as he walks the street, is the equal before the laws of his country of any other man how high soever his position may be.

The office of President of the United States is a great office, I agree. But however great it is, it is made for the purpose of executing the laws in obedience to the Constitution and statutes of the United States and not for the purpose of dignifying any man or exalting any particular man. When a man occupies that position, he ought to occupy it as the servant of the people, put there to execute the laws of the people. It is enough distinction coming to a man that he is selected by all of the American people to occupy that position.

Mr. President, there are some fifteen or sixteen million voters in the electorate of this country. Out of that number I suppose there might be found ten or twelve million, many of whom would be equal to the position, who would be glad to occupy the position and pay their own traveling expenses, wherever they desired to go over the country. He would not desire to go with a retinue following him. He would not desire to go with his invited guests, whether they be a few selected out of the many newspaper correspondents of the country to publish only what he desires to publish and to conceal that which he desires to be censored; but he would be willing to go and pay his own expenses, without any retinue of that kind following him.

The present Executive, whom I like very much, and who is a genial man, has been a rather expensive luxury to this country, in addition to the salary he has received. I believe there has been put upon the Mansion since he has occupied it something like $400,000. He has a yacht at his disposal. He has carriages and horses, and they are kept up by the Government. He has coachmen also. It seems to me that this discrimination in his favor ought to be sufficient.

Mr. HALE. What does the Senator say?

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

Mr. McLAURIN. Certainly.

Mr. HALE. Does the Senator from Mississippi say that the Government furnishes the President's coachman?

Mr. McLAURIN. I did not catch what the Senator said.

Mr. HALE. Neither did I catch what the Senator said. I thought he stated it as a proposition that the President already had his coachman furnished by the Government.

Mr. McLAURIN. Let me read here to the Senator from Maine and to the Senate on page 101 of the bill:

Executive Mansion: For ordinary care, repair, and refurnishing of Executive Mansion, and for purchase, maintenance, and driving of horses and vehicles for official purposes, to be expended by contract or otherwise, as the President may determine, $35,000.

For extraordinary repairs of the Executive Mansion, to be expended by contract or otherwise, as the President may determine, $35,000.

For fuel for the Executive Mansion, greenhouses, and stable, $6,000.

For care and maintenance of conservatory and greenhouses, $9,000.

For repairs to greenhouses, Executive Mansion, $3,000.

There are $35,000 here for the "purchase, maintenance, and driving of horses and vehicles for official purposes."

Mr. HALE. Yes; that Executive Office is the same as every departmental office. No Secretary of any Department, no Assistant Secretary, and no bureau officer has any business to use for his family and his private purposes any public carriage.

Mr. McLAURIN. Will the Senator allow me to ask him if they do not do it?

Mr. HALE. I do not know of anybody who does. If I did know, I certainly would help to make a fuss about it. They have no right to do it.

Mr. McLAURIN. Does not the President use a carriage that is provided by the Government and horses for himself?

Mr. HALE. Not for his private use any more than the Secretary——

Mr. McLAURIN. But what does the Senator call "private use?"

Mr. HALE. Anything that is outside of official business. It is the same with the President as it is with the Secretary. Every Department has a carriage and a horse, and the Secretary uses it for official purposes if he visits another Department or if he comes to Congress. Congress allows him that and appropriates for it. But when it comes to the family use and for social purposes, for visiting or for anything that is not official, any official—I do not care who he is—who transcends the principle that is involved in all these appropriations is wholly and entirely wrong. I do not think that a Cabinet minister in Washington ever uses or pretends to use for visiting or for any social function the official carriage or wagon that is used for official purposes.

Mr. McLAURIN. What about the President?

Mr. HALE. And I have no doubt the President does not. I am very sure he does not.

Mr. McLAURIN. Does the Senator know of the President's having any carriage horses or carriage in this city that is not purchased by the Government?

Mr. HALE. I have not looked into that; but I have no doubt whatever that the President's horses that draw his carriages that take his family and his visitors about Washington, into the country or anywhere, are purchased by him, kept by him, and the coachman employed, hired, and paid for by him. I should be very much surprised if I found that anything else was the fact.

Mr. McLAURIN. Will the Senator allow me to ask him if it is not a fact that there is kept what is known as the "President's yacht," *The Sylph*, and that the President uses that for his own private purposes?

Mr. HALE. That is another question, Mr. President.

Mr. McLAURIN. It is on the same principle.

Mr. HALE. No; it is not on the same principle.

Mr. McLAURIN. It is the same principle.

Mr. HALE. It is not the same principle. Congress legislates and in terms takes into hand the question of carriages every year in the appropriation bills.

Now, the question whether the President takes a Government vessel and goes on a cruise in a ship owned by the Government, run by the Government, crews paid for by the Government, whether the President gets on board, goes down the river, or goes along the coast, is another question. Congress has never taken that up.

Mr. McLAURIN. Will the Senator answer me the question whether it is a fact that he does that? I am not objecting to that. I raise no question about that. I am objecting to this appropriation. I asked the Senator whether the carriage horses and carriages that are kept by the President are purchased by the President with his private funds, and the Senator does not seem to know whether the President uses the Government carriages and carriage horses or not. I want to know if the Senator knows whether the President uses the yacht that is spoken of as the President's yacht for his private purposes.

Mr. HALE. No; I do not know.

Mr. McLAURIN. The Senator is the chairman of the committee that has control of naval affairs.

Mr. HALE. I know at least that it is not the President's yacht.

Mr. McLAURIN. I understand that.

Mr. HALE. It is not in any way the President's yacht. It is not used for the President's purposes alone.

Mr. McLAURIN. But is it not called the President's yacht?

Mr. HALE. The Senator may call it so.

Mr. McLAURIN. Is it not called so in public? I have not called it anything; but is not that what it is called in the press?

Mr. HALE. That may be. A great many things are called in the press.

Mr. TILLMAN. Will the Senator allow me?

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

Mr. McLAURIN. When the Senator from Maine gets through I will yield to the Senator from South Carolina.

Mr. HALE. That the President sometimes gets on board of—I think it is the *Mayflower*—a Government vessel, takes an outing, goes down to the sea and goes along the coast, or gets on board the *Dolphin* and does that, I have no doubt. In my day every President that I have known has done that, and nobody objects. It does not add——

Mr. FORAKER. If the Senator from Mississippi will allow me, I should like to ask whether anybody objects to that. Is not the President the chief of the Army and the Navy?

Mr. McLAURIN. I will yield to the Senator from South Carolina, and then I will yield to the Senator from Ohio. When the Senator from Maine is through I agreed to yield to the Senator from South Carolina.

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

Mr. McLAURIN. When the Senator from Maine shall have concluded, I will.

Mr. TILLMAN. I wish to ask the Senator from Maine a question, with the permission of the Senator from Mississippi.

Mr. McLAURIN. I have no objection if the Senator from Maine has none.

The VICE-PRESIDENT. The Senator from Mississippi yields.

Mr. TILLMAN. Are not the President's official duties so continuous, in a manner, are not his mind and his time so fully occupied with his official work or with work which he considers it necessary to perform, that he never has a moment of his own except for the recreation or the exercise necessary to health? Practically, I mean, of course.

Mr. HALE. Undoubtedly.

Mr. TILLMAN. Then if he uses the stables and the horses provided by the Government is it a proper and legitimate thing for him to do? And if it is necessary for us to consider the question as to whether he pays for those horses or not, I think the Senator from Maine, after having disputed the proposition advanced by the Senator from Mississippi, owes it to himself and to the Senate to make the inquiry. He can send a telegram or he can get a message to the White House and ascertain just what is the fact in the matter of the use of the horses, stables, and coachman, etc., provided for at the bottom of page 101:

> Executive Mansion: For ordinary care, repair, and refurnishing of Executive Mansion, and for purchase, maintenance, and driving of horses and vehicles for official purposes, to be expended by contract or otherwise, as the President may determine, $35,000.

I think the Senator from Maine could very easily discover whether or not there are other horses, whether there is another stable, whether there is a private coachman or not. I do not think it makes much difference whether there is or whether there is not; but having disputed the proposition of the Senator from Mississippi, I think he owes it to us to find out.

Mr. HALE. I do not care about getting any information. I have no doubt about it myself. If the Senator has any doubt, he can do that. I have no doubt that the President's private horses and carriages, equipage, and everything that is connected with his family visitors and his friends and social duties are bought and paid for and maintained by the President himself. I have no doubt whatever about that.

Now, when you come to the matter of going on board a yacht—the *Mayflower* or the *Dolphin*—the President is a busy man, and he is the better competent to do his whole duty, to perform his engrossing duties, because once in a while he takes an outing. I do not know of anybody who is inclined to complain because the President does that. So I am not at all troubled about anything of this kind. I do not think the President is exceeding in these things the law or the natural privileges of the place.

Mr. McLAURIN. I now yield to the Senator from Ohio.

Mr. FORAKER. I should not have interrupted as I did. I beg the Senator's pardon. I was not aware that other Senators had asked the privilege of interrupting. I only wanted to ask a question, and I did ask it, out of order, probably; but I have no doubt it is in the RECORD. However, I can repeat it to the Senator.

The question I asked was simply whether or not Senators were remembering that the President is Commander in Chief of both the Army and the Navy. I suppose if, in his judgment, it is necessary to go aboard a ship and sail about somewhere, there is nobody to question his right to do it, unless it be some gross abuse of it, which I do not understand anybody charges. Certainly there has been no ground for it under the present Administration.

I will say to the Senator I do not feel called upon to make answer to what he has been talking about; but, as I understand it, charges similar to those he has been calling attention to might have been made against any President we have had. They are all provided for by Congress—that is to say, we make appropriations for all the different purposes that are named.

They may be a little bit larger, but I imagine not very much larger than they have been heretofore. They are certainly no larger than the natural growth of the necessities would seem to require.

Mr. McLAURIN. I suggest that——

Mr. SCOTT. Mr. President, I rise for a question.

The VICE-PRESIDENT. The Senator from West Virginia will state his question.

Mr. SCOTT. I understand the Senator from South Dakota [Mr. KITTREDGE] has given notice that at fifteen minutes after 2 he will proceed to close the debate on the canal bill. There are several of us who would like to say just a few words on that subject before the Senator from South Dakota makes his final speech, and if the debate on this bill runs a little longer I would suggest that we would all be cut out.

Mr. McLAURIN. I want, before that is done, if the Senator from West Virginia will not raise any objection to it, to put the record straight. The Senator from Ohio has his predicate wrong. I never made any charge against the President. He speaks about the charges I have made or charges similar to these being made. I made no charge against the President. I merely stated that when Congress provided carriages and vehicles and coachmen and yachts for the President, I made no objection to it, but I thought that was sufficient, and it ought not to go to the extent of making an appropriation to pay the traveling expenses of the President and his guests. That was all I said. Then the Senator from Maine interrupted to ask me a question, if there was any coachman provided by the Government for the President.

Mr. HALE. Mr. President——

Mr. McLAURIN. If I am mistaken about that, I want to be corrected. I would not make a misstatement in reference to the facts.

Mr. HALE. Mr. President——

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

Mr. McLAURIN. Certainly.

Mr. HALE. Let me appeal to the Senator. We are taking up this time by the grace of Senators in charge of the Panama Canal bill, and several Senators wish to have the opportunity of a two or three minutes' talk on that bill. I ask that the Senate resume the consideration of the unfinished business.

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

Mr. McLAURIN. Mr. President, I just want to put myself right in the RECORD, and to say that I was not making any charge against the President.

Mr. HALE. This will come up as soon as the canal bill is disposed of. I shall then ask the Senate to resume the consideration of the appropriation bill.

PANAMA CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the 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. SCOTT. Mr. President, for a great many years I have been thoroughly of the opinion that the building of a canal across the Isthmus should be a sea-level canal. I have given the subject careful consideration. From information I have been able to obtain from those better posted, and the fact that we are compelled to vote upon the type of canal hastily and without giving some of us an opportunity to examine the hearings taken before the committee, and desiring above all things that we may have a canal and that, should I live out my allotted time, I may be permitted to see it in operation across the Isthmus of Panama, I am inclined to favor the proposition of a lock canal. I feel this way because it can be built so much quicker and so much cheaper; and we are told by so eminent an engineer as Mr. Stevens, a gentleman in whose ability and honesty of purpose I have every confidence, that this canal can later be made into a sea-level canal of the kind I have always felt we should have—of 400 or 500 feet in width. Therefore, Mr. President, when I vote this afternoon on the canal question I shall register my vote for a lock canal. But at the same time, if a sea-level canal could be built in a reasonable length of time of the proper width and dimensions, I should certainly adhere to the conviction I have held for years—in favor of that type of canal.

Mr. FORAKER. Mr. President, I do not care to discuss this question beyond saying something similar to that which has just been said by the Senator from West Virginia.

I remember, when the proposition was before the Senate some time ago as to whether we should adopt the Panama or the Nicaragua route, I was greatly influenced in favor of the Panama route, as no doubt many other Senators were by the fact stated at page 11, according to the print I have before me, of Report 783, part 2, Fifty-seventh Congress, first session, where the Interoceanic Canal Committee, or a majority at least of its members——

Mr. KITTREDGE. A minority.

Mr. FORAKER. Yes; it was a minority report. I was looking to see. A minority of the members of that committee set forth the advantages of the Panama route as contrasted with the Nicaragua route, and then, after they had enumerated nine specific advantages, they added the following:

> In addition to these facts stated by the Commission are the two following, not referred to by them, but which have become of controlling importance, viz:
>
> 10. It is recognized that a sea-level canal is the ideal. The Panama Canal may be either constructed as a sea-level canal or may be subsequently converted into one. On the other hand, no sea-level canal will ever be possible on the Nicaragua route.

The proposition thus stated by the minority members of the committee at that time was discussed very elaborately in the Senate, and I remember that it had a controlling influence with other Senators than myself in voting to adopt the Panama instead of the Nicaragua route.

That report was signed by Senators Hanna, Pritchard, MILLARD, and KITTREDGE. From that time I supposed it was in everybody's mind that a sea-level canal was the ideal canal, and that at the proper time, if not at the beginning, we would construct a sea-level canal.

It was never determined, I believe, that we should construct a sea-level canal at the beginning or that we should construct one at all, but that we should construct a canal on the Panama route, and we would locate it there in preference to any other route, because we might, if we saw fit to do so, make of it a sea-level or, in other words, an ideal canal.

Now, like the Senator from West Virginia, I had remained of the idea ever since until within the last two or three months, when this discusison was commenced, that it was the part of wisdom to build a sea-level canal, and I supposed that would be the result of the investigations that were being made by the committee. I did not have time, because occupied with other work, to follow the hearings before that committee and read the testimony as it was taken and printed from day to day for the benefit of the committee and for the benefit of Senators.

I was therefore somewhat unprepared when, a few days ago, it was insisted that we should settle this matter at this time by voting upon it. I then made a request that there might be further time than was proposed to be given us in order that we might investigate this subject and read the testimony to obtain further information. With quite a number of other duties pressing upon me, I have not yet been able to read all of that testimony, but I have read enough of it to find that there is a positive difference of opinion among the ablest engineers of the country, not only as to whether we should prefer and build at this time a sea-level canal or a lock canal, but a wide difference of opinion among those engineers as to what kind of a lock canal we should build if we determine to build a lock canal.

The minority of the Committee on Interoceanic Canals have reported in favor of a lock canal at an 85-foot level. There was testimony before that committee—and it semeed to me to be in many respects very persuasive testimony—in favor of the proposition that if we build a lock canal it should be at a 60-foot level. A great many things were said in favor of the 60-foot-level lock canal that seemed to me to give it an advantage over the 85-foot lock canal. So it is, as a result of reading after those learned engineers who have been on the ground and who have made investigations, and who have given us the benefit of what they learned by means of these investigations—as a result of reading that there is still to my mind a good deal of doubt as to what is the wisest and best thing to do.

But we are to vote, and every Senator must speak for himself in a few minutes. There is no time to investigate further, and I propose, although with some misgiving as to whether that is the wisest thing to do, to follow what has been indicated as the preference of those who have the greatest responsibility with respect to this canal. The President, the Secretary of War, the House of Representatives, the engineer in charge, Mr. Stevens, who, so far as I can judge, reading after him, is a very able engineer and a very fair-minded man, all concur that they want a lock canal, and are so insistent upon that as the result of their investigations that, in view of their responsibility, I do not feel, under the circumstances, like voting for a different kind of canal as to which, if they were to go on with the construction of it, would be proceeded with on their part with a great deal of misgiving as to its wisdom.

Now, it is not necessary for me to stop and point out what the troubles are. I am satisfied, however, that the dam at Gatun

will be a safe dam, but I am not satisfied as to the safety of the locks, or that the ground under the dam will be safe as against percolations or erosions, or whatever it is proper to call them, of the water that will be brought to bear upon it; in other words, the gulches in the indurated clay, as pointed out on these maps which hang on the walls, are shown by the testimony to be filled with a different kind of material from that which is found elsewhere where the dam will be situated, and are already shown to have water in them. What the result of this will be I do not know, but as the men who have the responsibility and who have investigated the subject prefer to take that responsibility rather than any other, I am compelled, aside from all question of relative cost, to leave it to them to determine.

I might point out a number of difficulties, but I want to say further only that I have reached this conclusion not because I think the sea-level canal would be a failure if it were constructed in accordance with the report of the majority. As I understand, it is proposed to be 150 feet in width at the bottom where it passes through the dirt, and where it passes through rock it is to be 200 feet wide at the bottom, so that its narrowest part is not where the rock is, as has been all the while repeated here, but where it would not do so much harm if a ship trying to pass another should meet with the accident of running against the side of the canal. We have been told how a ship would be crushed by going against the rocks.

I do not know of anything else that it is necessary to comment upon. I have no fear, so far as I am concerned, as to the success of a sea-level canal on account of the tidal lock. That does not present any such difficulty as was suggested here yesterday; at least it does not convey any such difficulty to my mind. The tidal lock would be situated differently from the locks at the Gatun dam. If there should be any accident in connection with those locks, there would certainly be a very disastrous result, but not necessarily any disaster whatever if there should be an accident of an ordinary kind in connection with the tidal lock.

But, as I have intimated before in reference to this matter, I did not take the floor for the purpose of discussing it. I only took the floor to express the doubt I have and the regret I have that I can not vote as I propose to vote with greater satisfaction to myself.

Mr. KITTREDGE. Mr. President, the advocates of the lock canal express the opinion that the period of nine years to construct the lock canal is too great and that eighteen to twenty or twenty-five years will be required to build the one at sea level. The minority of the Board of Consulting Engineers estimate the time as nine years and fifteen years, respectively. Mr. Burr, in his testimony before the committee, stated that by working two shifts of men, instead of one, the time of construction for the sea-level canal would be reduced to less than ten years. Mr. Parsons, who was the engineer for the New York subway, a work which cost thirty-five millions, and was finished in less time than he had estimated as necessary, stated to the committee that in his opinion the sea-level canal would be finished in eleven years. Mr. Hunter, a member of the Board, and chief engineer of the Manchester Ship Canal, in a letter recently presented to the Senate, states that after a careful consideration of all the facts and conditions and the arguments of the minority of the Board, that he is confident that the Culebra excavation, the work that measures the time for completion of the whole undertaking, can be finished in ten years, and that the time estimated by the minority of the Board for the completion of this plan is far too short.

He points out that the Gatun and other dams can never be accepted as safe and secure unless cut-offs of some kind are carried down through the silt and alluvium, upon which it is proposed to base them, so as to absolutely stop the subsurface flow.

Mr. HOPKINS. Before the Senator gets to the Gatun dam and the question of the length of time—he has quoted the evidence of Professor Burr and others—I wish to ask if in their testimony they make any statement as to the number of cubic yards that can be excavated per shovel?

Mr. KITTREDGE. Mr. President, they do; and I will cover that point a little later on.

Mr. HOPKINS. Very well.

Mr. KITTREDGE. I will take your own engineers.

Mr. HOPKINS. I want to make a suggestion when the Senator reaches that point.

Mr. KITTREDGE. Mr. Hunter also expresses the belief that the magnitude as to quantity of masonry in the proposed six locks at three sites and as to the time of completing them has been underestimated; that with a proper allowance of time for curing these defects and to complete the lock canal, construction must be extended for several years. This is the opinion of the greatest canal engineer in England, thoroughly practical in every sense, and whose achievements stand as monuments of his ability and genius.

Mr. John F. Wallace is another whose opinions concerning these questions are important. He was the chief engineer of the Panama Canal for thirteen months, having left the position of chief engineer of one of the great railroad systems of the United States, and has held many responsible engineering positions with several great systems, in the discharge of which duties he had the direction of expenditures of from $10,000,000 to $30,000,000 annually. He is also a past president of the American Society of Civil Engineers.

As above stated, having been the chief engineer of the canal when a reorganization of the Commission for the construction of the canal was effected, he was retained in the position he had then held for nearly a year and was also made a member of the Commission itself. His duties were thus much extended and enlarged by order of the President. Mr. Wallace has had larger experience in the work of steam-shovel railway excavation and transportation than any engineer in the world, and is an authority on the kind of construction operations that will very largely predominate at Panama. On page 569 of the engineers' testimony he says, in effect, that he can not find any basis for the opinion that the difference in time required for constructing the two types of canal could possibly exceed three years, qualifying this statement in this way:

> But, considering that the work on the sea-level canal is plain, ordinary, everyday work of digging and hauling away what is dug, I do not believe that very much additional time would be required for the sea-level canal.

He also calls attention to the fact that the time may very well be much shortened by working at night as well as by day, the latter having been the basis of his original figures. Again, on page 608, he says:

> I doubt very much whether six large locks, with an immense amount of concrete and structure that has got to be put in by labor more or less skilled and put in in forms, and depending upon material coming there just in right quantities and at the right time—I doubt very much whether the central excavation could not be taken out at Culebra for a sea-level canal as soon as the six immense locks could be constructed. It is an open question in my mind. I think the minority have underestimated the time it will take to construct these locks.

And further on Mr. Wallace repeats and reiterates his opinions as above given.

To summarize, it comes to about this: That eight of the engineers of the Consulting Board and the former chief engineer express the opinion that the maximum time for constructing the sea-level canal will be from twelve to thirteen years, allowing for the 20 per cent additional time, as I explained in my former remarks in the Senate. Several of them, including those who have had most experience in construction work of the kind presented, place the time at eleven, ten, and even nine years. If there are any men in the world better qualified to make estimates of time to build the canal, I do not know where to find them.

The minority of the Board expresses the belief that it will take at least six years longer to excavate the sea-level canal than the lock plan they recommend.

In the hearing before the committee Mr. Noble repeats this opinion, but Mr. Stearns does not appear to have touched upon this subject in his testimony. General Abbott addressed a letter to the committee on the general question, but does not refer to the time of construction. Mr. Stevens, the present chief engineer, in the hearings before the committee makes no comment upon the estimate of time required to accomplish the work on either plan; but in his letter to the Commission, dated January 26, 1906, and which is printed in connection with the two reports, he says:

> I also believe that the difference in time required for construction as between the two types will be very much greater than reported, and I would not care to set a less time than eighteen or twenty years for the building of the sea-level canal, while I am firmly of the belief that the time as shown in the minority report for the construction of the high or 85-foot summit level is ample.

In this connection it is interesting to note the testimony which Mr. Shonts and Mr. Stevens recently gave before the committee of the House upon this question. On the 23d day of April Mr. Shonts addressed a letter to the Secretary of War, in which, among other things, he says:

> Chief Engineer Stevens during the month of March, without making any special effort, but following the general policy of work herein outlined, removed 240,000 cubic yards of material, with an average of 10.7 steam shovels working. The reports up to the 15th of this month indicate a still greater degree of efficiency in excavation. He believes that by July or August he will have forty shovels installed, and will be in a position to remove approximately 1,000,000 cubic yards per month. The actual cost for material handled during March, figuring in contractor's expenses, was 53½ cents a cubic yard.

It is not a difficult mathematical proposition to figure out the

length of time, according to this statement, that would be required to construct the sea-level canal. He states that with forty shovels operating in July or August he can remove 1,000,000 cubic yards per month. In a year, therefore, he will excavate 12,000,000 cubic yards. There are to be excavated in the great Culebra cut only 110,000,000 cubic yards, requiring, therefore, according to his statement, not eighteen, twenty, or twenty-five years, but a little more than nine years to make that excavation; and all concede that the time to construct the sea-level canal is measured by the excavation of this cut. It is to be observed that his estimate is based upon the use of only forty shovels, and it is conceded that at least eighty shovels may be profitably employed in this cut. If the latter figures were employed, it requires no argument to demonstrate that the work can be completed in a still shorter period.

Mr. Shonts is supported in this statement. On page 113 of the testimony given by Mr. Stevens before the House committee, he says:

> In March we got rid of 250,000 yards of stuff. * * *

On page 96 he says:

> At Culebra cut the work we have been doing, under Mr. Wallace and under myself, has been done with the old equipment, which is out of date, which is too small, which is not economical to use; and it would have been poor business judgment to go ahead and make yardage and take out that cut with that equipment. In that sense of the word there has been no great loss of time, and the only use I have made of that equipment, both engines and cars, has been simply in preparing for the new equipment, getting in new tracks and new yards, and things of that kind. In other words, the only modern equipment we have had since I have been there has been the shovels. No cars; no engines; nothing of the sort, all of which are now arriving.

So, then, it appears that, nothwithstanding all these handicaps, Mr. Stevens dug out and carried away from Culebra cut 240,000 cubic yards of earth and rock, besides, according to his statement, drilling and blasting ahead for 361,000 cubic yards of additional rock work.

The statements of Mr. Randolph, of the minority of the Board of Consulting Engineers, whom the Senator from Illinois [Mr. HOPKINS], no doubt, well knows, as he was the chief engineer of the Chicago Drainage Canal, upon this subject are interesting. Mr. Randolph has had an extensive and valuable experience in conducting large engineering works where numbers of steam shovels have been used, notably in the Chicago Drainage Canal. Respecting the sea-level canal as planned by the majority, he said:

> I regard the plan as entirely feasible and practicable, and I believe that it can be carried out within the estimate of cost. If a sea-level canal is to be built, this is the practicable route.

I read from page 137 of the report of the Board of Consulting Engineers.

On page 405 of the report of the Board, Mr. Randolph submits an estimate of the plan required to make the Culebra excavation, stated at 106,000,000 yards. He assumes that each shovel will work only nineteen day of ten hours each, and remove only 500 cubic yards per day, whereas the maximum capacity of these shovels is 3,000 cubic yards per day when permitted to work without interruption. But with these figures as a basis, he declares that 93 steam shovels would do the work in ten years, and 117 in eight years. These, be it remembered, are figures of one of the minority engineers.

In this connection, I repeat the statement made by me in the remarks I submitted to this body some time ago. Every structure and every feature connected with the sea-level canal has met the approval of all the engineers of the Consulting Board, minority as well as majority. There are no doubts respecting this type of canal. The doubt begins when it is proposed to construct a lock canal.

In this connection it may be interesting to read just a word from the testimony of General Hains, of the Isthmian Canal Commission, so highly praised by some of the Senators speaking for the lock canal. I read from page 727 of the testimony of engineers before the Committee on Interoceanic Canals:

> Senator MORGAN. General, if the country between Gamboa and Pedro Miguel was as open and as easy of being cut through by digging or by dredging as the country between Bohio and Gamboa, would you prefer a lock canal across between Gamboa and Pedro Miguel to a sea-level canal through that same area?
>
> General HAINS (after a pause). I do not know that I could answer your question offhand; but I am rather inclined to think, Senator, that I would prefer a sea-level canal under those circumstances.

Then his objection to a sea-level canal, Mr. President, is not based on any feature except the excavation of 57,000,000 cubic yards from the Culebra cut—for that is the exact figure agreed upon by all the members of the engineering board—and because of that excavation he asks and the minority of the Committee on Interoceanic Canals asks, this body to recommend and advise the construction of a lock canal. He would have this Government balk at the job of excavating 57,000,000 yards of material, covering a distance of only 8 miles and a fraction, and 85 feet lower than the lock canal.

Mr. Hunter estimates that each shovel will work twenty days in a month, and gives an average daily output of 800 yards, while Mr. Wallace estimates that the daily output would be 1,000 yards per day and twenty days per month. In this connection it should not be forgotten that the steam shovels have a capacity in favorable material of 3,000 cubic yards per day, which Mr. Stevens confirms.

I contend that the data at hand and the most competent engineers in the world, men of the most extensive practical experience, fully warrant the opinion expressed by the majority, that the time required for the completion of the sea-level canal is but slightly, if any, longer than would be required in the building of the lock canal with its six enormous locks and fully five miles of dams.

It has been stated here, Mr. President, that "a great many vessels are unable to enter Suez because the width and depth are not sufficiently great."

Let us see about this. The battle ship *Mikara*, with 76 feet beam, and the cruiser *Good Hope*, of 78 feet beam, have passed through that canal—and I refer to the report of the Board, page 177, and the engineering testimony, page 824. It should be remembered, Mr. President, that in the Suez Canal the maximum depth is 31 feet and the bottom width is only 108 feet, as against 150 feet bottom width in the proposed sea-level canal at Panama, and 40 feet draft of water.

Lloyd's Register of Shipping gives the beam of all existing vessels by name. There are but four vessels in existence with a beam greater than 78 feet, which is the beam of the *Good Hope*, and they are the British battle ships *Agamemnon* and *Lord Nelson*, and the Russian battle ships *Pavd* and *Perasvanni*. There is not a commercial vessel afloat with beam of over 77.7 feet, and only two are building that will have a beam of 88 feet.

Attention is here called to the notable event of the passage of a huge craft through the Suez Canal—the great dry dock *Dewey*, 500 feet long, and 150 feet broad—a huge iron box, not a ship, but a monster, without any power of its own, towed through the Suez Canal without accident or mishap, and without interrupting traffic an hour. That statement is based upon the report of the Navy Department.

The minority say that the Suez Canal has 13 miles in curves, and the Panama sea level would have 19, or 6 miles more than the other. Also, that the Suez Canal has at times a current of 2½ miles an hour, in which "large vessels do not steer well," and they ask "How would such vessels get on under such circumstances in a curvature four and one-half times that in Suez?" If the Senators who had used the testimony had quoted their authority a little further they would have done better. The testimony and the report read "However, the navigation is never interrupted on account of the current.'" (See p. 176 of Report of the Board of Consulting Engineers.) It would seem that the minority supposes that if a canal 50 miles long has over 13 miles in curvature, the navigation of it by large vessels would be attended with insuperable or very great difficulty; and yet every vessel of the tens of thousands that have already passed Suez, including hundreds of our 10,000-ton ships, have had to turn several curves of shorter radius by 1,000 to 2,000 feet than any proposed in Panama. One of these has a curve 50 per cent sharper—that is, a radius only half as long.

The Kiel Canal has 23⅔ miles in curvature out of 58, and yet the great battle ships of Germany are passing it daily.

At Manchester there is one curve of 3,300 feet radius, with bottom in the curve of 135 feet, against Panama of 8,200 feet radius and 200 feet bottom width, and yet vessels 470 feet long and 25 feet draft are daily passing these curves with the greatest ease.

Great stress is laid by the minority upon the awful things that would happen to vessels navigating the Panama Canal in the portion where tributary streams bring in their quota of water and create currents varying from 1 mile to 2.64 miles per hour; and in another place the minority of the committee says "the Consulting Board concede that the amount of water to be led into the canal during the wet season will make a current between Obispo and the shores of Limon Bay varying from a mile an hour to 2.64 miles, according to the rainfall and flood."

The Board of Engineers has made no such admission or concession. They have said that sluices are provided for in the Gamboa dam capable of discharging 15,000 second-feet of water, the average annual flow of which will not reach 5,000 second-feet. The Board also says that if 15,000 feet should be discharged, and the tributary streams below were all at maximum flood at the same time, the current developed would never exceed 2.64 miles an hour, and as no flood has been known to last

more than about sixty hours, the time during which such a maximum current could exist would not exceed a half dozen days in any year, for there has never been a year since observations began in 1882 when the rivers were in flood more than twice, and then for but two or three days at a time.

The *majority* demonstrates that never for more than a week or so each year will the current exceed 1 mile an hour, and this is all predicated on the assumption that all the flow from the Chagres at Gamboa will seek exit to the Atlantic, whereas, in fact, a very considerable part, estimated at one-third, will flow toward the Pacific. It is extremely doubtful if it will ever reach 1½ miles an hour.

Now, to what purpose is all of this? To discredit the sea-level plan. But the minority have apparently forgotten that Mr. Noble, who is twice referred to by the minority of the committee as the "dean of American engineers," told the committee that, in his belief, the plan of the majority for controlling the Chagres floods and the flow of the tributary streams was adequate and satisfactory.

A comparison with Suez is altogether favorable to Panama. It is not half as long. It will be about one-third deeper. It will be nearly 40 per cent wider in its narrowest part. It will have nearly one-third greater area in cross section. It will have much less abrupt curvature. It will be much easier to navigate by large vessels. It will have currents of no greater velocity than exists in Suez and which does not retard navigation. It will require no more, if as much, dredging to maintain; and, finally, it will be a better canal in every way; but if a canal of the small dimensions of Suez as it is now existed at Panama, it would be a much better canal than the one desired by the minority—a high-level multilock one.

It would accommodate 99 per cent of all the vessels that now are afloat, and so far meet the requirements of the United States that the canal problem would be deemed to be solved, if a transit like Suez now existed at the Isthmus of Panama.

But it does not exist at Panama, and this nation has undertaken to construct one of capacity adequate to accommodate not 90, but 100 per cent of all vessels in existence and in expectation.

The sea-level canal proposed by the Board of Consulting Engineers will do this, and no plan yet proposed providing high lift locks *will* do it.

It was claimed during this discussion that De Lesseps began the construction of the canal at Panama on the sea-level plan and failed because a sea level was not the better canal at that place.

The first effort to raise funds failed, and then De Lesseps had an examination made by certain engineers of his own selection, and they reported that a sea-level canal could be constructed at a cost of $166,800,000. It should be borne in mind, however, that the canal then proposed was practically of the dimensions of the Suez Canal, which had been then recently constructed—26 feet draft and 72 feet bottom width.

The next attempt to raise money for the project was successful. Monsieur De Lesseps at once commenced work, and the Isthmus was soon teeming with life and activity, but no surveys had been made or matured plans proposed, and no data existed to show what would be the magnitude of the undertaking.

Had De Lesseps spent two years' time and two or three million dollars in surveys, studies, and preparation, a vast sum would have been saved and the work really and substantially advanced. Meanwhile the press, especially that of France, was subsidized to aid the financial schemes of the promoters, and vast sums were spent in the propaganda in bribing and corrupting those who had the power to retard the work or to levy blackmail.

Yet the work went on and the laboring force and equipment were rapidly expanded, so that in 1887 some 17,000 men were employed.

The total amount of money raised—$246,000,000—was quite sufficient had it been properly expended to have completed a sea-level canal of dimensions equal in respect to width and depth of channel to those of Suez; but it has been estimated that the actual expenditures on the Isthmus, outside of useless machinery bought and shipped to Panama from France, did not exceed at the time of the collapse $50,000,000 or $60,000,000, although, when attempting to sell the enterprise to the United States, it was claimed that over $100,000,000 had been spent on the Isthmus.

By 1887 it became evident even to sanguine De Lesseps that his ability to raise money was fast disappearing. Grasping at straws, he reluctantly accepted an alternative of introducing temporary locks of small size, to be made wholly of metal, these to be later removed and a sea-level canal to result. He announced that this programme could and would be carried to completion, and that the canal in five years from 1887 would be passing vessels and earning a revenue out of the surplus with which he would finish the sea-level canal a few years later. Apparently De Lesseps believed this, and work was immediately begun in excavating the lock pits.

But the French investors had lost all faith in the enterprise. The last efforts to raise money, by the issue of lottery bonds, failed, and in 1889 the bankruptcy of the French company was announced.

It has been asserted by a member of the minority of the canal committee that this collapse was due to the fact that an attempt had been made to achieve the impossible—a sea-level canal. This is a wholly unjustified opinion for which no proof can be cited. The result would have been exactly the same had the lock plan been adopted originally instead of later.

The two and only causes of failure were, first, the beginning of construction work without any adequate studies or preparations, and, second, because approximately four-fifths of the capital raised was dissipated, squandered, and lost, principally in France. The type of canal attempted to be made had nothing to do with the collapse. The outcome beggared and ruined a great many of the French people and resulted in the criminal conviction and incarceration of many of the leading spirits in the swindle. De Lesseps himself died a few years later, a convicted criminal. I make no hazard in repeating that had proper measures been taken in advance, and honesty and intelligence characterized the effort, both on the Isthmus and in France, a sea-level canal 26 feet deep and 75 feet bottom width would have been open to the shipping of the world and in general use by the year 1895.

From 1889 to 1894 no work was done at Panama save to care for property. In 1889 a commission to study the situation was convened by the receiver of the old company, and it reported in 1890, a date when the criminal prosecution of the promoters, directors, and contractors of the defunct company was being carried on in the French courts for frauds and embezzlements of all kinds and bribing the national legislature. It was seen to be useless to attempt to complete the canal on any plan that would involve the expenditure of a large sum, for the public was disgusted with the very name "Panama." It was, however, hoped that in time this feeling would pass away and the stench of the past be forgotten. A scheme involving the minimum of expenditure in time and money was proposed as an alternative—a lock canal—but the French public and the world's investors would have nothing to do with it, and so the work languished until 1894, when a feeble reorganization was effected, composed largely of the old promoters and contractors, some of whom, to escape conviction for fraud and embezzlement, subscribed to the capital stock of the new company, which resumed work feebly in the year stated with a capital of some $11,000,000.

The policy was to continue work in a small way, with the hope that the past would be forgotten by degrees and that later funds could be raised to complete a canal of small dimensions, but this hope proved elusive. There was a little work done on the Culebra and Empire summits, but the limited capital was rapidly vanishing. It was evident that another collapse was impending. L. N. B. Wyse again appeared on the scene with a scheme for a lock canal and M. P. Bunau-Varilla, who claims to have been the author of the provisional lock plan proposed to De Lesseps, wrote a book—indeed, two books—to show how easy it would be to make a provisional lock canal and later to transform it to one at sea level.

The company next resorted to a commission or committee of scientists to galvanize the enterprise into life and to convince the public that the scheme was realizable on a commercial basis and that profits to investors were in sight.

This committee consisted of six Frenchmen, two Germans, two Americans, one Belgian, one Englishman, one Russian, and one Colombian. They were in session over two years and reported in 1898, but result was nil so far as concerned resuscitation of the scheme. Another body of engineers appointed by the French company, four Frenchmen and one American, indorsed the report of the earlier committee for a small, inadequate, and entirely unsatisfactory lock canal. That these three commissions did not know very well that their project was but a makeshift it is impossible to believe; at all events the French and European public knew it and would have nothing to do with a plan that proposed to hoist the world's commerce and navies over a hill 100 feet high when they also knew that the Suez shares were selling at four or five times their face value, and that the profits of this sea-level route were increasing year by year.

The French company, which had set two or three thousand men at work in 1894, reduced this force steadily, so that by

1900, after all three reports of the commissions and committees had proved ineffective, they had reduced the number of men to about a thousand.

About this time an effort was made to Americanize the "enterprise," as they called it, to recharter the company under the laws of New Jersey, the French company to transfer to the other all property, rights, and interests; for it was painfully evident to the French promoters of the Panama Canal that never in the world could a dollar be raised for a private company if the United States should take up Nicaragua, which then seemed probable. The old Panama bonds were then selling for but two or three dollars per share, as reported on the Bourse. This last spasm also fell flat, for the capitalists of the United States would not subscribe for a dollar of the new stock, and the result was abortive.

About this time the Walker Commission reported that the executed work at Panama and Panama Railroad stock was worth $40,000,000. Here was a ray of hope, and it was seized upon with eagerness. The final result is well known.

But all this does not signify that the route is an impracticable one or that the property is not worth what we paid for it—the contrary is the case. Perhaps by waiting a few years we could have had the unfinished work for nothing, for the company was on the verge of collapse. But the course pursued by the Government was a wise one, for it removed many troublesome questions and enabled us to secure at Panama the ideal canal—one at sea level—and which would have been opened ten years ago had the French people gone about it in the right way and excluded fraud, bribing, and graft.

The attempts to patch up a provisional makeshift failed, as was inevitable, for Panama is no place to build a lock canal. There, and there only, in America can the ideal canal be realized—one at sea level—dividing the continents and joining the oceans at one uniform level.

It is probable, indeed almost certain, that considering the disastrous, tragic ending of the French attempt, it was beyond the power and capacity of any corporation to raise the necessary capital to complete this task. But it is quite within the ability of this nation to show to the world a finished interoceanic transit route in ten or eleven years—a canal of type, dimensions, and capacity to afford convenient passage for the largest existing ships as well as those that may be reasonably anticipated and that will endure for all time and remain throughout the ages as a monument to American energy, perseverence, brains, and integrity.

Mr. President, I yield the floor, so that the junior Senator from Ohio [Mr. DICK] may occupy the remaining five minutes.

Mr. DICK. Mr. President, Senators will remember that when in a former Congress we changed from the Nicaraguan to the Panama route, one of the determining factors in the controversy was that at Panama we might do what was impossible at Nicaragua, namely, construct a sea-level canal. In my judgment when that determination was made the action was not more important than what we shall determine now in our vote to settle the type of canal we shall build. We can understand with this great diversity of testimony, expert and otherwise, how honest men may honestly differ as to which is the better. But having changed my vote from support of the Nicaraguan route to that of the Panama route, I have failed thus far to find reasons which compel me to recede from my position in favor of a sea-level canal across the Isthmus of Panama, or to change my judgment and convictions.

We are called upon to determine on short notice and after very limited debate the type of canal which the United States shall construct. This enterprise is undoubtedly the greatest project ever undertaken by any government, involving as it does the expenditure of hundreds of millions of dollars.

It is generally admitted that we must spend at least two hundred million dollars and years of time in the construction of the canal, whether it be a lock or a sea-level canal, and in my judgment the people of the United States care less whether it shall cost a few millions more or take a few more years of time, than that when completed it shall be an entire success.

It is a tremendous undertaking, and while it may prove as profitable an investment as the Suez Canal, yet, on the other hand, the traffic which passes through it may prove disappointing and the enterprise may never return interest on the investment. We have, however, engaged in the task, and can not draw back. The cost is so stupendous that no aggregation of private capital would undertake the work. We can not permit any foreign government to engage in the project, and the United States can not now retrace its steps, but must prosecute the work to a successful end.

What object should be kept in view in realizing this dream of centuries—a ship canal across the Isthmus of Panama? Should we construct the best kind of a canal, one which will be adequate to meet all probable demands, or shall we be content with the cheapest canal which can be constructed in the briefest time?

It is difficult for me to bring myself to look at this question in the way in which it is considered by the chairman of the Committee on Interoceanic Canals. In his remarks recently delivered in this Chamber, he said (p. 8703):

> In my view of the subject we are expected by the people to provide for a practical canal at the least possible cost, to be constructed in the shortest possible time.

We can not agree that the people have given any such mandate in this matter. What they want is not a canal sufficient for the needs of to-day or to-morrow, but a canal sufficient to meet all future demands which may reasonably be expected.

We are building this canal, not for to-day, but for the centuries, and the element of time, as well as the element of expense, while matters to be considered, it is true, nevertheless weigh little compared with the success of the project, which may be determined by the character or type of canal.

The statute under which the site of the canal was acquired and the work has so far been prosecuted, provides that the canal "shall be of sufficient capacity and depth as shall afford convenient passage for vessels of the largest tonnage and greatest draft now in use and such as may be reasonably expected." There has been no intimation, so far as known, that the public is demanding any less to-day in the capacity of the proposed canal than it demanded at the time that act was passed, and so, we repeat, the people have never said, and in all probability never will say, that time and cost are the sole elements to be considered in deciding upon the type of the canal which is to connect the Atlantic and Pacific oceans.

The problems connected with the construction of this canal are essentially such as must be solved through the aid of expert evidence. What is the most feasible kind of canal to be constructed, a sea-level or a lock canal; and if the latter, how many locks shall there be, and what shall be the height of the various levels, are questions that can be answered only with the assistance of the highest engineering skill known in the world. From the time that Ferdinand De Lesseps, the great Frenchman who constructed the Suez Canal, turned his energy and ability to piercing the Isthmus of Panama, a great many engineers and engineering boards have wrestled with the problems involved in the construction of a ship canal between the Atlantic and the Pacific. As to the type of canal to be finally selected for the United States, there can be no question at all that, other things being equal, a sea-level canal is preferable to a lock canal. When private capital was engaged in this enterprise, the question of time and the question of cost was of much more relative importance than it is now, since the United States has engaged in the enterprise. The limitations imposed upon the French company engaged in the work called forth a report favoring a lock canal. The superior advantages, however, of a sea-level canal have been fully recognized by every person who has paid any attention to the subject. It is admitted by the President himself in his remarks to the Board of Consulting Engineers, when he received them at Oyster Bay, September 11, 1905. In the course of his remarks on that occasion he said:

> There are two or three considerations which I trust you will steadily keep before your minds in coming to a conclusion as to the proper type of canal. I hope that ultimately it will be proved feasible to build a sea-level canal. Such a canal would undoubtedly be best in the end, if feasible, and I believe that one of the chief advantages of the Panama route is that ultimately a sea-level canal will be a possibility.
>
> If to build a sea-level canal will but slightly increase the risk and will take but little longer than a multilock, high-level canal, then of course it is preferable; but if to adopt the plan of a sea-level canal means to incur great hazard and to insure indefinite delay, then it is not preferable. If the advantages and disadvantages are closely balanced, I expect you to say so. I desire also to know whether, if you recommend a high-level, multilock canal, it will be possible after it is completed to turn it into or to substitute for it in time a sea-level canal without interrupting traffic upon it.

This Board of Consulting Engineers, which the President called to his assistance, consisted of nine citizens of the United States and one engineer nominated, respectively, by the British, German, and French Governments, the Government of the Netherlands, and the consulting engineer of the Suez Canal. All these gentlemen were men of high standing and skilled engineers. To them was given the task of considering the various plans proposed for the construction of the canal and to report their conclusions after having considered and decided the questions presented to them. After making a careful study of all of the problems involved in the undertaking, this Board presented two reports, a majority report signed by eight members of the

Board, recommending that the sea-level type be adopted for the Panama Canal, and a minority report signed by five members, recommending a lock canal at an elevation of 85 feet above sea level. The Board found that at Panama alone is a sea-level canal in open cutting feasible, and expressed no doubt of the practicability of such a canal.

The canal recommended by the Board has a depth of 40 feet, with a bottom width of 150 feet in earth, with side slopes adjusted to the nature of the ground, so as to give a surface width of from 302 feet to 437 feet. In rock the section is to be altered so as to have a bottom width of 200 feet and a surface width of 208 feet. At the Pacific end the canal is to be protected by a tidal lock located between Ancon and Sosa hills. It is also stated that this width will be sufficient to permit steamers to maintain a speed of 6 to 8 knots per hour, and to allow two ordinary merchant steamers to pass each other on the line of the canal without stopping.

Outside of the considerations of time and cost, two important elements must be kept constantly in mind in determining the type of this canal. It is not only to be a commercial highway, uniting the two oceans, over which it is hoped will pass a never-ending stream of merchant ships, but, what is of greater importance, the canal is to be part of the military and naval defense of the United States. It will double the efficiency of our Navy by permitting our battle ships and cruisers to move quickly from our Atlantic coast line to our Pacific coast line, and vice versa, without rounding Cape Horn.

These two considerations make it absolutely imperative that that type of canal be adopted, other things being equal, which will be the safest and the least liable to accident and interruption of traffic.

Year after year we are constructing larger ships both for commerce and for war purposes, and the canal should be large enough and adequate enough and practical enough to admit of the transportation of all these ships without hindrance and without danger. The size of battle ships has been constantly increasing, until they have reached the dimensions of the *Dreadnaught* class, a marine monster which Germany, Japan, the United States, and possibly other nations may equal. The engineers report it would be almost impracticable to lock a ship of this class up and down in the proposed lock canal. Of what value would the canal be to this country if in time of great national peril it would be impracticable to send our largest battle ships through it? The Atlantic liners are steadily increasing in size, and there is promise that before many years we shall see them 900 feet long and 90 feet in beam. It would be equally impracticable to send such vessels through a lock canal. The American people will not be satisfied with that type of canal. What they demand is the very best canal which money and brains and brawn can produce, and they will not be satisfied with any temporary expedient.

I can not forget, either, Mr. President, that in most of these discussions and in nearly all of the testimony, it is generally admitted that the sea-level canal is the ideal canal, and nearly everyone who has discussed the matter has admitted that the lock canal is but an intermediate construction, which, at some future time may be developed into a sea-level canal. We had better, Mr. President, take the time now and pay the expense necessary to construct that which shall be durable and permanent, and which shall answer the necessities and requirements for all time in the future.

A sea-level canal possesses the incomparable advantage of being a final and completed enterprise. Nearly every supporter of a lock canal regards such construction as a half-way measure, as merely the beginning of what is in time to be changed to a sea-level canal. The President frankly avowed that position in the remarks quoted above. The Board reported that it was practicable from an engineering standpoint to change any lock canal to a sea-level canal, but that it would be impracticable from a financial standpoint until the capacity of the canal was taxed by the increase of traffic, which would be remote, and declared that if a sea-level canal is to be constructed in the near future it should be built at once.

One of the main considerations to be kept in mind is the absolute necessity of securing safe and uninterrupted navigation across the Isthmus when the canal shall be ready for traffic. No one will deny that a sea-level canal is superior to a lock canal in this respect. The sea-level canal will require only one lock, which will be needed at the Pacific end because the tide there rises as high as 20 feet as against an ebb and flow at Colon of only 2½ feet. The engineers tell us, however, that this lock will only be required one-half of the time, so that the destruction of that lock at most would disable the canal only one-half the time. The absolute necessity of guaranteeing safe and uninterrupted passage through the canal when opened to commerce convinced the Board of Consulting Engineers that a sea-level canal was imperative. Accidents which have occurred in the past few years in the lock of the Soo Canal and in the Manchester Ship Canal, and which escaped very serious results only by the narrowest of margins, give warning that a lock canal at Panama might by some such accident be destroyed beyond possibility of repair within several years. In view of the conflict of expert opinion on the possibility of danger arising from this source, the only prudent plan to follow is to adopt a canal type which obviates that danger entirely.

We are told that the channel of a lock canal will be wider than the channel of a sea-level canal, and therefore boats can make better time through the former. In the many miles of lake navigation which the lock-canal advocates hold up to us as proving beyond question the superiority of that type of canal, a channel must be excavated, and it will have the disadvantage of being a submerged channel, such as exists in Lake St. Clair and the Detroit River, in the Great Lakes.

Such channels must be marked by lines of buoys or otherwise, and will retard the speed of vessels as much as will the channel of the sea-level canal. The Board gives the assurance that vessels can make the passage through a sea-level canal in several hours better time than through a lock canal. It is even more apparent that more vessels can pass through a sea-level canal within a given time than can pass through an 85-foot level canal with three locks, or lifts, at both ends.

The cost of maintenance is admittedly much less in the case of a sea-level canal, and the possibility of disabling it in time of war or of an interruption to traffic at any time is so incomparably less that these considerations alone should decide the issue for that type of a canal unless the elements of time and cost preponderate strongly in favor of a lock canal.

We have neither the time nor inclination to enter upon a discussion of the complicated engineering problems involved. They have been presented ably and exhaustively in this Chamber. It is a case where experts differ, but there are a few points which are clear even to a lay mind. The type of canal which presents the fewest engineering problems, which will be the simplest in construction and at the same time will be the cheapest to maintain, the easiest to defend, and the most invulnerable to accident, the type which can handle the greatest traffic, will be permanent and lasting, is the sea-level canal. It will cost more and require a longer time to construct it, it is said. Will not this greater cost and longer time be counterbalanced by the superior qualities of a sea-level canal? Of course there is impatience to see the canal completed as soon as possible. I can understand that the men connected with the construction work, the executive officers in control, and even the legislative department charged with the duty of providing means to build the canal are anxious to see the work completed within their official life; but that is a minor consideration and of no consequence compared to the responsibility and duty of Congress to legislate for the best canal possible. I am satisfied that this difference in time and cost of construction explains the strong sentiment in favor of a lock canal. It is equally apparent that this difference has been greatly overestimated. As the Board well says:

> The time required for the construction of a ship canal across the Isthmus is one of the main elements of the whole subject. If the execution of the work in accordance with any one plan could be completed within a reasonable time while the execution of the work under another plan of equal merit could be realized within a less time, it is clear that the latter plan should be adopted. If, however, there are two plans, both feasible and each involving an amount of work which can be accomplished within a reasonable period, it is clear that the execution of that plan requiring the longer period may be justifiable if the advantages thereby gained are sufficient or more than sufficient to compensate for the delay. If the work required under the less desirable plan can be finished within ten or eleven years, while that under the more desirable plan would require but two years longer, the small delay in the passage of the first vessel through the waterway might easily be neglected in comparison with the advantages secured under the better plan.

The time of construction and the cost under any plan is largely conjectural. The report of the Board gives strong assurance to the faith that a sea-level canal will not require more than two or three years longer time than the lock canal, and that the actual difference in cost will not exceed fifty to seventy-five million dollars. It is even possible, in view of the delays which may arise in constructing the locks called for by that type of canal, that a sea-level canal can be finished sooner than the other type.

In the opinion of many competent witnesses, the quickest way to construct a canal is to let it out to private contractors. It is notorious that Government work is much more expensive than private work, even when the two are identical in character. There is plenty of evidence from the Isthmus that laborers and foremen and engineers engaged on the canal work are not, as a rule, working as hard as they would be if working for private

employers. There is little question that American contractors can build a sea-level canal in less time and for less cost than the Government can construct a lock canal.

Why not construct a canal which, when completed, will eliminate all possible competition in transportation of freight across the Isthmus? The Mexican Government is spending some $50,000,000 in terminal facilities for its short transcontinental railroad across the Isthmus of Tehauntepec. If we build a sea-level canal at Panama, a Mexican canal at this point will never materialize. If we construct a lock canal, and it proves remunerative, we need not be at all surprised to see a competing canal constructed at Tehauntepec.

We have not dwelt on the liability of Panama to be disturbed by earthquake shocks. There is a record of many earthquakes, and some very destructive ones, occurring on the Isthmus. They may occur again. It does not require any argument to show that a sea-level canal is less liable to damage from such eruptions than would be a lock canal. This consideration is not without weight.

The majority of the experts favor a sea-level canal, and the arguments they present in support of their position have not been satisfactorily answered. I favor the type of canal which presents the fewest doubts and will be the most durable, believing the American people will indorse that decision when they finally understand the case. We can even afford to wait a few years and to spend a few more millions to secure the best canal.

The VICE-PRESIDENT. The hour of 3 o'clock has arrived.

Mr. DICK. I ask unanimous consent to extend my remarks in the RECORD.

Mr. HALE. I dislike to interfere with the Senator from Ohio, because he is always so reasonable, but the Senate has never had the practice of extending remarks in the RECORD.

Mr. DICK. Then I withdraw my request.

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

The Secretary read as follows:

Be it enacted, etc., That a sea-level canal, connecting the waters of the Atlantic and Pacific oceans, be constructed in accordance with the report and plans of the Board of Consulting Engineers for the Panama Canal created by the order of the President, dated June 24, 1905, in pursuance of an act entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June 28, 1902.

Mr. HOPKINS. I offer an amendment in the nature of a substitute.

The VICE-PRESIDENT. The Senator from Illinois proposes an amendment, which will be stated by the Secretary.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That a lock canal be constructed across the Isthmus of Panama connecting the waters of the Atlantic and Pacific oceans, of the general type proposed by the minority of the Board of Consulting Engineers, created by order of the President dated January 24, 1905, in pursuance of an act entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June 28, 1902.

The VICE-PRESIDENT. The question is on agreeing to the amendment just read.

Mr. KITTREDGE. I move that the amendment be laid on the table, and on that question I call for the yeas and nays.

Mr. HOPKINS. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CLAY (when Mr. BACON'S name was called). My colleague is necessarily absent from the Senate. He is paired with the junior Senator from Missouri [Mr. WARNER]. If my colleague were present he would vote "yea."

Mr. BAILEY (when his name was called). I have a general pair with the Senator from West Virginia [Mr. ELKINS]. He is absent, and I therefore withhold my vote.

Mr. NELSON (when Mr. CLAPP'S name was called). My colleague is unavoidably absent, attending the funeral of the late Congressman Lester. If he were present he would vote "nay."

Mr. PROCTOR (when Mr. DILLINGHAM'S name was called). My colleague is necessarily absent. He is paired with the senior Senator from South Carolina [Mr. TILLMAN].

Mr. SCOTT (when the name of Mr. ELKINS was called). My colleague is absent from the city, but he is paired with the Senator from Texas [Mr. BAILEY], as announced by that Senator.

Mr. HALE (when Mr. FRYE'S name was called). My colleague is absent, but he is paired with the Senator from Oregon [Mr. GEARIN]. Otherwise my colleague would vote "nay" and the Senator from Oregon would vote "yea."

Mr. FULTON (when his name was called). I have a general pair with my colleague [Mr. GEARIN], who is not present. It has been arranged to transfer that pair to the absent Senator from Maine [Mr. FRYE], and I therefore will vote. I vote "nay."

Mr. GAMBLE (when his name was called). I have a general pair with the senior Senator from Nevada [Mr. NEWLANDS]. It has been arranged whereby that pair shall be transferred to the junior Senator from Nevada [Mr. NIXON], and I will vote. I vote "nay."

Mr. PENROSE (when Mr. KNOX'S name was called). My colleague is absent, and will be absent for the remainder of the session. He has a pair upon this bill and any questions arising in connection with it with the junior Senator from Kentucky [Mr. MCCREARY]. I make this announcement now to stand for all other votes arising on the bill.

Mr. LONG (when his name was called). I have a general pair with the senior Senator from Idaho [Mr. DUBOIS]. By arrangement that pair is transferred, so that the Senator from Idaho [Mr. DUBOIS] is paired with the junior Senator from Michigan [Mr. ALGER], and I will vote. I vote "nay."

Mr. MCCREARY (when his name was called). I am paired on this bill with the Senator from Pennsylvania [Mr. KNOX]. If he were present I should vote "yea."

Mr. MCENERY (when his name was called). I am paired with the junior Senator from New York [Mr. DEPEW], who is absent. I therefore withhold my vote. If he were present I should vote "nay."

Mr. MORGAN (when the name of Mr. PETTUS was called). My colleague is detained from the Senate to-day. He is paired, however, with the junior Senator from Massachusetts [Mr. CRANE]. If my colleague were present he would vote "yea."

Mr. PILES (when his name was called). I was paired with the junior Senator from Arkansas [Mr. CLARKE]. I understand that he subsequently paired with the junior Senator from Minnesota [Mr. CLAPP]. If that be correct, I desire to vote. I vote "nay."

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. He is absent. A pair has been arranged between the Senator from Mississippi [Mr. MONEY], who is absent, and the Senator from Vermont [Mr. DILLINGHAM], and that allows the Senator from Wyoming [Mr. WARREN] and me to vote. I vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY]. By the arrangement just mentioned by the Senator from South Carolina [Mr. TILLMAN], the Senator from Mississippi will stand paired with the Senator from Vermont [Mr. DILLINGHAM] for the day, and the Senator from South Carolina [Mr. TILLMAN] and I are at liberty to vote. I vote "nay."

The roll call was concluded.

Mr. STONE. I wish to announce that my colleague [Mr. WARNER] is absent, attending, on the order of the Senate, the funeral of the late Representative Lester. He is paired with the senior Senator from Georgia [Mr. BACON]. I do not know how he would vote.

Mr. WETMORE. I desire to announce that my colleague [Mr. ALDRICH] is paired with the Senator from Colorado [Mr. TELLER]. If present, my colleague would vote "nay."

The result was announced—yeas 31, nays 36, as follows:

YEAS—31.

Ankeny	Culberson	Latimer	Platt
Berry	Daniel	McCumber	Rayner
Blackburn	Dick	McLaurin	Simmons
Burnham	Foster	Mallory	Stone
Burrows	Frazier	Martin	Taliaferro
Carmack	Gallinger	Morgan	Tillman
Clark, Mont.	Hale	Nelson	Whyte
Clay	Kittredge	Overman	

NAYS—36.

Allee	Cullom	Heyburn	Perkins
Allison	Dolliver	Hopkins	Piles
Benson	Dryden	Kean	Proctor
Beveridge	Flint	La Follette	Scott
Brandegee	Foraker	Lodge	Smoot
Bulkeley	Fulton	Long	Spooner
Burkett	Gamble	Millard	Sutherland
Carter	Hansbrough	Patterson	Warren
Clark, Wyo.	Hemenway	Penrose	Wetmore

NOT VOTING—22.

Aldrich	Crane	Gearin	Nixon
Alger	Depew	Knox	Pettus
Bacon	Dillingham	McCreary	Teller
Bailey	Dubois	McEnery	Warner
Clapp	Elkins	Money	
Clarke, Ark.	Frye	Newlands	

So the Senate refused to lay on the table Mr. HOPKINS'S amendment.

The VICE-PRESIDENT. The question recurs on agreeing to the amendment proposed by the Senator from Illinois [Mr. HOPKINS].

The amendment was agreed to.

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

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

On motion of Mr. HOPKINS, the title was amended so as to read: "A bill to provide for the construction of a lock canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction."

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of the sundry civil appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes.

Mr. McCUMBER. I wish to ask the Senator from Maine if he expects to dispose of the bill this afternoon?

Mr. HALE. I can only say that I certainly hope and believe that it can be disposed of. One of the subjects of controversy upon the bill has been eliminated by the action of the Senate upon the Panama Canal bill, which has just passed from the consideration of the Senate. That in effect disposes upon the appropriation bill of that question.

So nothing is left now except the amendment relating to the traveling expenses of the President, and possibly one other amendment. I should hope that we may easily this afternoon, it now being but a little after 3 o'clock, dispose of these disputed questions, so that the bill may go to the House of Representatives and we may get into conference upon it.

I can not, of course, limit debate, nor will any appeal of mine, I presume, interfere, but I should hope that Senators will appreciate the real stress of weather that we are under and the necessity of sending this bill to the House of Representatives so that we may have an early conference upon it, in order that we may adjourn on Thursday or Friday or Saturday of next week.

That is all, Mr. President, that I can say in reply to the Senator.

Mr. McCUMBER. Mr. President, I will state my reason for asking the question. As the Senator knows, the Senator from Georgia [Mr. BACON] is necessarily absent. It would have been impossible but that one of the Senators from Georgia should have attended the funeral of their late colleague in the other House. The Senator from Georgia has attended that funeral and has not yet returned. In a talk which I had with him before leaving he expressed himself very strongly upon the pending amendment, and signified his intention of opposing it on the floor, and a set purpose to do so. I am satisfied that he did not expect that the matter would come up and be disposed of before he could be present.

Under the circumstances, it seems to me that the Senator from Maine ought not to attempt to press this amendment to a final vote during the absence of the Senator from Georgia. I am certain myself that I do not wish to delay this matter, but I am equally certain that the Senator from Georgia does desire to be heard upon the amendment.

Mr. HALE. Mr. President, I am equally certain from my knowledge of the Senator from Georgia that he would not expect at this time in this emergency that the pending bill should be delayed because he is absent. I should be the last man who would do him any discourtesy. I know that generally he was aware of the fact that the bill would be brought up and would be pushed as fast as possible. I can not consent, simply because he is absent, to delay a bill in which everybody is interested. I am entirely willing to take my chances of being subjected to any censure on the part of the reasonable Senator from Georgia, who is now absent. I will very willingly take that responsibility.

Mr. McCUMBER. It is possible the Senator from Maine can see a greater exigency in the matter of this bill, and the saving of twelve hours in the time it shall pass the Senate, than some of the other Senators. For my part I do not see why it is of any greater concern to be immediately gotten out of the way than any other appropriation bill. All appropriation bills must be passed before Congress adjourns, and why this bill should be singled out to be regarded as a case of wonderful emergency that can wait for nothing else, and not even for a Senator to return from a funeral who is four hours absent now from the time of return, seems to me to be rather strange.

Mr. HALE. Mr. President, this bill has not been singled out. It takes its regular course. We are within a week of the time when every Senator hopes to adjourn. I am doing nothing unusual or unreasonable in asking the Senate to stick to the bill until it is passed.

The Senator from Georgia has no more local interest in the pending amendment than any other Senator. It does not affect his State alone. It is a general subject in which he has general interest. As I have said, I am willing to take the chances of being censured or found fault with by that Senator when he returns. No man appreciates the condition of the business of the Senate better than the absent Senator from Georgia.

Mr. McCUMBER. Yet, notwithstanding the fact that the Senator is willing to take any chance of censure, it does not seem to me that that is the basis on which we should consider whether or not we should drive this bill through without reference to Senators being absent. That is not the only question involved in the bill. Undoubtedly the Senator from Georgia being necessarily absent, would not censure anyone, but, as a matter of courtesy, from the fact that I know he would like to be heard upon it, and from the fact that I know he intended to be heard upon it, it seems to me there is nothing before us that demands this wonderful rush upon this particular bill.

Mr. HALE. Let the question before the Senate be stated by the Chair.

The VICE-PRESIDENT. The pending amendment will be stated by the Secretary.

The SECRETARY. On page 102, after line 9, the Committee on Appropriations reports to insert:

For the traveling expenses of the President of the United States, his attendants and invited guests traveling with him, to be disbursed at the discretion of the President, $25,000.

Mr. CARTER. Mr. President——

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

Mr. McCUMBER. I yield to the Senator.

Mr. CARTER. It will be recalled by Senators that the announcement was made by me that immediately after the vote on the canal bill I should move that the Senate proceed to the consideration of executive business. The desire of the Senator from Maine to attempt the conclusion of the pending bill this evening constrains me to withhold that motion for the time being.

I will say to the Senator and to the Senate that the making of the motion seems to be in conformity with an understanding which will be quite disconcerted unless the executive session is held this evening; and in order that we may not pass the evening without the executive session, I desire to say now that at the hour of 5 o'clock, unless this bill shall sooner be disposed of, which I hope may be the case, I shall move an executive session, and I hope the Senator from Maine will concur with that motion.

Mr. HALE. That seems to me entirely reasonable, Mr. President.

The VICE-PRESIDENT. The Senator from North Dakota will proceed.

Mr. McCUMBER. The Senator from Mississippi [Mr. McLAURIN] had the floor, and I presume is still entitled to the floor upon the discussion of the pending amendment. I shall be very glad to yield to him. I know he has not finished his remarks.

Mr. McLAURIN. I will say to the Senator from North Dakota, if he desires to proceed now and will do so, it will be very satisfactory to me to go on after he shall have concluded.

Mr. McCUMBER. Mr. President, I am opposed to this amendment on two grounds. The first ground is a constitutional one. The second is upon principle. Lest I may be misunderstood, I wish to say now that in exact harmony with, I believe, every Senator on this floor, I am in favor of giving the President a salary that will be commensurate with his high official position.

If that salary is $75,000 or $100,000 per year, I am in favor of voting such salary, to commence at such time as the Constitution provides, for the benefit of this great office. But I am not in favor of this method of increasing his salary.

It may be that there are Senators here who care little whether they go over the Constitution or whether they crawl under it, so that they reach the particular point they have in mind, but I hope that for the sake of our own reputation we will give proper and honest consideration to every constitutional question that is properly raised in a great matter of this kind.

This provision is worded not to be an appropriation for the benefit of the Executive office for the payment of expenses in caring for the Executive Mansion or other proper appropriation, but is worded, and undoubtedly worded, with the intent that the salary of the President shall be increased this year $25,000.

I wish to call attention, Mr. President, to the peculiar language that is used in this amendment. It reads:

For the traveling expenses of the President of the United States, his attendants and invited guests traveling with him, to be disbursed at the discretion of the President, $25,000.

How is the President, who disburses this money at his discretion, to disburse it unless the money is in his hands for the purpose of disbursement? There is no provision that this money shall be disbursed by the Comptroller of the Treasury upon vouchers by the President or anyone else, but the one who is to use his discretion in the matter of the disbursement is the President of the United States himself. Therefore the money must necessarily come into the hands of the President and be by him disbursed.

I am fortified in this position by the absence of all provisions like those contained in other like laws providing for expenses of the executive or judicial departments, requiring a voucher for any expenses before such expenses are paid.

Then the result of this is what? Simply an additional payment of $25,000 per year compensation for the President of the United States.

Mr. President, the salary of the President of the United States, under the Constitution and under which we are presumed to be acting, is limited to the amount that has been fixed prior to his incumbency in that office, and it is limited both as to compensation and also as to any other emolument incident to this great official position.

Section 1 of Article II of the Constitution provides that—

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminshed during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

I first call attention to the fact that ordinarily our laws fixing compensation for Federal officers, executive or otherwise, and also in the States generally, adopts the word "salary" instead of the word "compensation." The word "salary" has a much more limited definition. It is understood to be a fixed sum to be paid to a person for a fixed service, generally paid weekly, monthly, or yearly. The word "compensation" will include, of course, in all cases salaries, but it will go beyond what is generally understood by the term "salary," and will cover any other thing that is of benefit, that compensates, that offsets for a service, a certain sum of money or any other thing of value.

So the word "compensation" as used in this provision of itself is broad enough to cover any character of emolument that amounts to a benefit to the President of the United States.

It is evident that the word "compensation," as I stated, has a much broader meaning. Webster definites "compensate" as follows:

To make suitable return to or for, as for services, loss, etc.; give an equivalent or recompense to or for; requite; remunerate.

It is even broader than that in its general acceptation. In general understanding it means any benefits that are received to counterbalance any services rendered.

The same author defines "salary" as follows:

A periodical allowance made as compensation to a person for his official and professional service or for his regular work.

Mr. President, the Constitution wisely provided that the compensation of the Executive shall neither be increased nor diminished during the term for which he has been elected.

The purpose of that constitutional provision was to prevent Congress from increasing the compensation of the Executive for any favor that Congress might receive from the Executive, and, further, to prevent any punishment of the Executive because he may have come, during his incumbency, into disfavor with the Congress of the United States.

Now, this $25,000 for traveling expenses is unqualifiedly an additional compensation. It does not make any difference whether it is given by a direct appropriation for salary or whether it is given under the guise of compensation for some purpose which he may use or he may not use, and which may cover that service ten times over or may not cover it, it is a benefit. It is something received by him as a gratuity in addition to that which he would receive had not this law been enacted.

Mr. President, this being a new favor, a benefit, it is clearly inhibited, in my opinion, under the Constitution of the United States. But under the terms of this same constitutional provision, and for the very purpose of making it impossible by reason of the granting or withholding of a favor for Congress to influence the Executive one way or the other, the fathers who adopted this Constitution went further than the mere matter of compensation, and declared that no emolument of any character whatever should be added to the compensation or emolument that was already provided for the Executive.

Now, what is the meaning of the word "emolument?" Senators will agree with me that, while "compensation" is much broader than the word "salary," so, too, "emolument" may be broader than either the word "compensation" or the word "salary." Webster defines the word "emolument" as follows:

The remuneration connected with any office, occupation, or service, whether as salary, fee, or perquisite; compensation.

Let me ask the Senator from Maine if this is not a perquisite in addition to the salary? Is not the effect of it to give a benefit in addition to what the Executive is receiving now under the provisions of law? The American and English Encyclopedia, which every Senator understands, bases its definitions upon the weight of an authority, and after collecting a list of authorities, gives this as the general definition of the word "emolument," as construed by the courts of the United States:

I especially invite the attention of Senators to this definition. On page 1204 of the American and English Encyclopædia we have the word "emolument" defined as follows:

A profit arising from office or employment; that which is received as a compensation for services, or which is annexed to the possession of office, as salary, fees, and perquisites; advantage; gain, public or private.

Mr. President, that is a pretty broad definition, but an examination of the authorities will show that it has as its foundation the great weight of judicial decision in the United States. Compare that with the pending amendment, which reads:

For the traveling expenses of the President of the United States, his attendants and invited guests traveling with him, to be disbursed at the descretion of the President, $25,000.

You will understand, Mr. President, that this goes further than the mere question of the traveling expenses of the President of the United States. It gives a perquisite, a gain to the office, in that by reason of it the power of the President is supreme to say whether or not the law, which will be enacted at this session of Congress against any Member of Congress or anyone else riding upon a free pass, may be abrogated or set aside at a moment's notice by the Executive of the United States. If the Senator from Indiana [Mr. HEMENWAY] desires to ride from Maine to California and the railway company should grant him transportation and he should accept that transportation, the prison doors are open for him; but if the President says to the Senator from Indiana, "As a personal friend of mine I should like to have you accompany me upon a trip without the cost of one cent for transportation," then the Senator from Indiana need not look to prison bars or fines or have any fear. In other words, the power is placed immediately in the hands of the President to say when the law shall be effective and when the law shall not be effective to any particular person.

Mr. President, I have always believed that there has been one principle in the Constitution of the United States which stands out grandly above all other principles, and there is embodied in the Declaration of Independence language which is immortal to every American citizen, that "all men are created equal"—not equal, Mr. President, in the sense of intellectuality or honesty or anything of that character, but equal under the laws of the United States; equal to stand for punishment for disobedience by any law that shall be enacted; equal to be guarded by every law that should receive the sanction of the Congress of the United States or that should receive the sanction of any State legislature in the Union.

We for the first time in the history of the United States propose to say that we will abandon this old landmark. I deprecate that in these later days we are gradually losing sight of some of the grandest principles, not only of our Constitution, but of the Declaration of Independence. This grand old standard of American citizenship has done more than any other declaration since the world began to uplift humanity, to say to the child, "You are as important under the law and under the same flag as any American citizen from the most lowly up to the Chief Executive of this great country." It implants in the heart of every child the conviction, the feeling that he is equal to any other man in the country; that the law which governs him governs every other man, from the President down. That principle, Mr. President, has made for the American people the grandest manhood and the noblest womanhood that the world has ever seen. I for one insist that the moment you take away from the American people their belief in the sublimity of that declaration, the moment you say to one of them, "You are to be governed by a certain law if you are a private citizen; you are to be governed by another law if you hold an official position, and you are superior to some laws if you hold the highest official position, or the law may be abrogated at any time or under any circumstances or conditions," you violate that principle, create a disrespect for all law, and

weaken your foundation of stable self-government. For that reason, Mr. President, I am opposed to this amendment.

If we want to grant an additional compensation to the President of the United States, why are we not brave enough to stand up here and grant it? I admit the Constitution will not allow us to grant it, unless we give it in futurity, but having that right, believing that with the great official position he holds it is necessary for him to entertain in a manner that very few private citizens could entertain and that it is necessary for him to travel, then we should give him a compensation that will be sufficient for that purpose. The old American principle has always been that the laborer is worthy of his hire. And I want to see maintained the proposition that we will pay men for their services; that we will pay our officials what those services are worth; that in a great office like that of the President of the United States we will pay a sum that will be commensurate with the dignity of that office. When we step beyond that we have adopted a new, a European policy, and that policy is not to appropriate a certain definite salary to cover all duties expected or imposed, but is a policy to appropriate for a great army of attendants. We may have in the future our Knight of the Bath, we may have the Knight of the Garter, we may have the Chamberlain, we may have the Keeper of the Keys of the Executive Mansion, all of them to be specifically appropriated for, and we may continue ad infinitum.

It seems to me a better policy, a more American policy, to say that the President shall have a given compensation, a given salary, and then let him employ his own attendants, let him have his own carriages; give him such a salary so that he can keep his own carriages; give him such a salary that he can pay his expenses in traveling, the same as any American citizen.

But, Mr. President, that is not the purpose of this amendment as I read it. The only purpose of it is to create an additional compensation, because the President is to receive this sum, whether he spends one dollar of it or not. As I read this proposed law, I do not understand that he is to give any vouchers. He has simply to ask for $25,000, or one-fourth of that each quarter, and then he will receive the full amount upon his request. There is no provision whatever for any vouchers. If it were intended, Mr. President, to be merely for the traveling expenses of the President, why should it not read "for his traveling expenses, not to exceed the sum of $25,000?"

Mr. HEMENWAY. Mr. President, I call the attention of the Senator to the language of the provision:

> For the traveling expenses of the President of the United States, his attendants and invited guests traveling with him, to be disbursed at the discretion of the President, $25,000.

Under that language the President could not use a dollar of that money for any other purpose than for traveling expenses.

Mr. McCUMBER. What does the Senator understand by this portion of the provision—"to be disbursed at the discretion of the President?"

Mr. HEMENWAY. To be disbursed at the discretion of the President for traveling expenses, and for no other purposes. He has no right to disburse at his discretion a single dollar except for traveling expenses, and he can not expend a dollar of this money for any other purpose.

Mr. McCUMBER. On the contrary, he is not compelled to spend a dollar for that purpose; but this $25,000 is given him. Why, then, is there not a provision that it shall not exceed $25,000?

Mr. HEMENWAY. There is a provision in the general law that no deficiency shall be created, and the President of the United States would hardly violate the law by exceeding the amount appropriated in this item.

Mr. McCUMBER. Mr. President, I do not give the language the same construction which the Senator gives it, but that is immaterial upon my proposition. The principle of the thing is this: It is making one law to govern one man and another law to govern another man.

Mr. HEMENWAY. Mr. President——

Mr. McCUMBER. I will yield in a moment.

But a few years ago we had practically this same question before Congress in another form, and that was to protect the President of the United States, making it an offense to commit an assault upon the President of a certain character, which assault upon another person might be punished only by a fine of five or ten dollars; making it a death penalty to point a gun at the Secretary of State, and making it not even a misdemeanor to point a gun at the Attorney-General of the United States, thereby making a clear distinction between individuals—making the body of one more sacred than that of the other.

Mr. President, that is the proposition I oppose in this bill. It simply says that the President of the United States may determine who shall be his guests. That is all right. But it further provides that he can take any number and he can pay their expenses in traveling from one place to another—not necessarily the members of his family, not the members of his Cabinet, but any person that he sees fit—and the expense is paid by the Government, where in the case of anyone else it would be considered criminal if he accepted any like service. In other words, I can travel from Maine to California with the President and the Government will pay for it, but if I travel in any other manner half way across the State of Maine into another State, I am guilty of a heinous offense if I do not pay for my transportation.

Mr. HEMENWAY. Mr. President——

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

Mr. McCUMBER. Certainly; I yield.

Mr. HEMENWAY. I wish to state that the Senator makes a mistake. This provision is for paying the traveling expenses of the President of the United States when he goes off on his trips to the different States. He does not go, I suppose, because he is anxious to make such trips, but committees come from all the States of the Union and invite him to visit their States. Necessarily the newspaper men desire to be on the same train on which the President travels, and it is right and proper that they should go on the train with the President. The people of the United States want to know something about the trip, and they get the information from the newspaper men who accompany the President. When he gets to the border of the State which my distinguished friend represents, no doubt he and his colleague, the governor of the State, and other prominent men of the State meet the President at the border line; and they are then taken on his train. It is to cover the expenses of carrying such guests that we propose to give to the President this $25,000 for traveling expenses. It is no discrimination in favor of the President as against you and me. We are not in such demand as is the President. We are not met by delegations and committees from the different States of the Union to invite us, as they do the President, to undertake such trips.

Mr. McCUMBER. I want the Senator to bear in mind that, while he may not be in the same demand as is the President of the United States, he is in demand as a public official; he is in demand in the State of Indiana, which he so ably represents upon this floor. The same reason would justify taking the Senator and making him an exception to the general law, although it might be on a smaller scale, because the demand might not be so great as would justify taking the President and making him an exception to the general law. Therefore we might say that the Senator from Indiana, to meet the requirements or the demands of the people to see him and get his opinion, should have his salary raised 50 per cent, or that $2,500 should be given him to pay his traveling expenses. The reason will apply in the one case just as much as in the other. It would be excepting him from the provisions of a general law.

Mr. HEMENWAY. There is where the Senator makes a mistake. There is no increased salary proposed here; there is no gain to the President.

Mr. McCUMBER. I am not basing the objection on an increase of salary, but on the simple proposition that the Senator is basing it upon, that the President should have his expenses paid. I believe in fixing a salary that will be sufficient to defray such expenses, but I do not believe in appropriating a sum of money that makes a distinction between the Executive and any other citizen of the United States.

Mr. TILLMAN. Mr. President, will the Senator allow me to interrupt him?

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

Mr. McCUMBER. Certainly.

Mr. TILLMAN. I should like to ask the Senator from Indiana [Mr. HEMENWAY] whether, in his judgment, it would be permissible, in the event Congress should grant this $25,000 for traveling expenses, for the President to use the money in going into States for campaign purposes? For instance, if there was a doubtful Republican State—we will say North Dakota—and our friend the Senator from North Dakota over there should feel that he needed some little help and that a "swing around the circle" by the Executive might benefit Republican politics out that way, would it be permissible for the President to utilize this money, granted in this way, for such a purpose, or would it be intended merely as a donation by Congress to let the President travel in any part of the country as a great statesman to enlighten all the people in a nonpartisan way?

Mr. HEMENWAY. There is no trouble about this provision. The traveling expenses of the President of the United States are

to be disbursed at the discretion of the President. The President could use the fund to go anywhere in the United States he wanted to and upon any mission he wanted to go, because the matter is left wholly within his discretion; and we would have to rely upon the discretion of the President of the United States as to whether or not he would use this money for political purposes. I think it safe to say that the present Executive of the United States would not use it for political purposes.

Mr. TILLMAN. Of course the limitations upon the appropriation, if it is made, would leave it to the discretion of the President to expend it according to his own judgment.

Mr. HEMENWAY. That is it.

Mr. TILLMAN. And the Senator thinks it would be impossible for the present Executive or any one of his successors—for if we start this it will go on indefinitely—to use this money for political traveling and going around to help out "the lame ducks" who want to get back to the Senate or to the House of Representatives, for instance.

Mr. HEMENWAY. I will say to the Senator from South Carolina that I do not believe the people of the United States will ever elect from either party—Democratic or Republican—a President who would use this fund for political purposes or for the purposes of making a political campaign. I have too much faith in the judgment of the Democratic party and of the Republican party and of all other parties to believe that they will ever nominate and elect a man who would take a fund provided by Congress and use it for the purpose of making a political campaign.

Mr. McCUMBER. Mr. President, we get somewhat away from the principle at the base of all this discussion; and that is the American principle of nondistinction between any officials or between American citizenship. The Senator can not possibly avoid the conclusion that this appropriation does make a distinction.

Once more I want to asssert that I believe the President should receive a salary sufficient so that he can travel over the United States, if he so desires, and, in addition to that, it should be sufficient, so that he may take a friend with him if he desires; but I do not believe that it is the American policy that we should single out one of the great number of Federal officials in the United States and say to that one: "The Government, in addition to your salary, will not only take you around the country, but any one you may designate." The President may have his friends go with him.

I do not for a moment suppose that this power would be unjustly used. That is not the question. The question is whether it is an unjust power—this creating a distinction in citizenship. Mr. President, every American breathes exactly the same free air in this country, and whenever you pass a law whereby you give certain rights to certain officials that are not granted to every American citizen you write on our national banner wherever it may float over our broad domain the word "falsehood." That banner does not stand for any such distinction.

Mr. HEMENWAY. Mr. President——

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

Mr. McCUMBER. Certainly.

Mr. HEMENWAY. I ask the Senator, when you elect a President of the United States, do you not grant him powers you do not have? When you are elected Senator from your State, do you not have powers that your constituents do not have? When you elect a Member of the House of Representatives, does he not have power that his constituents do not have? When you elect your members of the legislature, do you not give them powers that some one else does not have? There is nothing in the proposition of all being absolutely equal in power. Every time you elect a man to an office you confer upon him a power that other people do not have.

Mr. McCUMBER. The Senator is bound to take his own construction. I did not use the word "power" in that sense. A path master in a township has a power that the average citizen does not have, and every supervisor above him has still greater powers. So with every official in every State and in the Government of the United States; each has powers that are special to his office, but he has not got the right—that is the point—he has not got a right or privilege under the law that is different from the right of any other American citizen. That is the only matter in dispute here. The Senator can not by any possible theory or any character of argument assume that the official power should give certain rights to some that are not granted to every citizen. For instance, the right, for the benefit of one citizen, to disobey a particular law the application of which is common to every citizen. That is the objection that I have to the provision, Mr. President, upon principle.

Now, let us see if there are any further objections upon constitutional questions.

Mr. CARMACK. Will the Senator permit me to interrupt him?

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

Mr. McCUMBER. Certainly.

Mr. CARMACK. I merely want to suggest to the Senator that this appropriation is not at all necessary for the execution of any power conferred upon the President by the Constitution and laws of the United States.

Mr. McCUMBER. I think every Senator understands that. The appropriation is not necessary to carry out any of his official functions whatever. It is for the convenience of the President, and that convenience may benefit the public, but that don't make it an official function.

The Senator from Montana [Mr. CARTER] the other day made a suggestion that the Postmaster-General should give to every Senator free transportation over all the postal routes of the United States. That privilege would be considered as connected with the office of Senator. I do not think that proposition would receive a great deal of support by the people of the United States; yet the ground, the position, the reason for it was exactly the same as the Senator urges in this matter, namely, that the President may become acquainted with the people and the people may become acquainted with the President.

But outside of that there is this policy of building up a great army of underlings—instead of by paying a direct salary, of paying for and appropriating for certain purposes—as is done in all the monarchies of the world, and is done in France to-day. It is this, Mr. President, that I hope to avoid as much as possible. The moment we treat these individuals to be appropriated for in a manner different from that in which we treat others, the moment that we step outside of the old American principle of paying a salary, and then letting the recipient of that salary do what he sees fit with it, that moment we are adopting a course that has been adopted for hundreds of years in the old countries.

I deprecate the gradual tendency of the American people, partially by education, to ape the manners, the customs, and so forth, of the monarchies of the old world. I stood, Mr. President, but a few years ago under the Dome of this Capitol on a very solemn occasion. There was the bier of our beloved President McKinley. Surrounding that bier were the representatives of foreign governments, in all the regalia and in all the trappings of royalty. I could not but feel—and I say it without the least purpose of criticism of the foreign method—I could not but feel as I compared these men, these representatives of the great nations, with all their bangles, with all their spangles, with all their ribbons, with the plainly dressed American citizen, Theodore Roosevelt, as he stood by the bier of the great martyred President, and by his side our ex-President, Grover Cleveland—I say I could not but feel more patriotic; I could not but feel a deeper and grander love for the simplicity of the American character and real worth of American citizenship, and my heart could not but throb a little more rapidly with patriotic zeal for a country that produced such standards of manhood as I saw there that day. And yet we try to ape conditions in the Old World, and we insist more than ever that our foreign representatives shall surround themselves with all the gaudiness, the style, and so forth, that surround the foreign official, and that they shall become of them and like them.

Ah, my friends, let us travel in the old countries and let us see the distinction between the classes. There you look, on the one hand, into the lowest degree of poverty; far above that you observe great wealth, each vividly contrasting with the other, conditions that have been brought about by just this character of distinction that you are beginning to make to-day in holding one class of citizenship above another class. The result, then, has been to lift one up higher by greater and greater appropriations to care for the royal families, while the others are dragged down deeper and deeper into the dregs of poverty.

We see in this grand old country of ours no such distinction. We see American manhood from the laborer up to the President of the United States. I for one want to maintain that principle. I want every American citizen to feel that God Almighty never made any man whose rights are different from or greater than his own.

Mr. HEMENWAY. Mr. President——

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

Mr. McCUMBER. Certainly.

Mr. HEMENWAY. In view of the remarks of the Senator from North Dakota, one would think there was danger of the President of the United States purchasing royal robes, sur-

rounding himself with royal attendants, and all that kind of business if this appropriation be granted. Now, is it not just the reverse? The Czar does not go out among his people. These royal personages of whom the Senator talks do not go out among their people.

We are trying to provide an appropriation for traveling expenses for Theodore Roosevelt, the President, whom the Senator has eulogized, in order that he may get out and see the people and shake hands with them and mix with them. There is nothing here that tends to royalty or the breaking down of the good, old-fashioned American way of shaking hands and getting together. The amendment merely tends to bring the people and the President together by giving the President a proper allowance for traveling expenses, so that he may get out and see people who might never have the pleasure of seeing the President of the United States unless he visited their State.

Mr. McCUMBER. Oh, Mr. President, the Senator begs the question again. That is not the question at all. It is a question of principle, I say, and the principle which I have enunciated before is as respects making a distinction between citizens. Once acknowledge that distinction, and it will gradually grow and produce one of two things, either the condition of the Old World, which I have pointed out, or that which is a thousandfold more liable to occur—to drive us into socialism or paternalism. Paternalism I acknowledge to be the inevitable result of all social evolution. It is that thing which is sure to come. It is that thing which ought to be as slow as possible in coming, because the moment that you destroy individuality, that moment you destroy those functions which make for the grandest manhood and womanhood, and we want the field of opportunity always open for individual effort. But at the same time we do not want to create even in the President of the United States an individuality—not official position, but an individuality—distinct from that of the average American citizen; and that is all I claim in this case.

It is not the meager $25,000. Give the President a salary of $500,000, if it is necessary, but we should not legislate a distinction in citizenship based upon official position under the guise of enabling the President to mingle with the people.

Mr. HALE. Mr. President——

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

Mr. McCUMBER. With pleasure.

Mr. HALE. Why does the Senator keep harping, I will say, upon the proposition that he is willing to increase the salary of the President? He knows we can not do that.

Mr. McCUMBER. I know we can do it at the proper time.

Mr. HALE. We can not do it so as to apply to the present occupant of the office of the Presidency. That is a thing with which we have nothing whatever to do. The Senator, I think, appreciates that as much as I do. We can not raise the salary of the present President.

Mr. McCUMBER. We are living under a Constitution. Neither the Senator from Maine nor I made that Constitution, and we ought not to try to avoid it. Because we can not jump over it, we ought not to attempt to crawl under it.

Mr. BAILEY. Mr. President——

Mr. McCUMBER. I yield to the Senator from Texas.

Mr. BAILEY. I simply wish to ask the Senator from Maine, if he is anxious to increase the salary of the President of the United States, why not increase it now for the next Administration? As far as I am concerned, I think the honor of the office, together with the salary, is quite enough as it now stands. I did not know that it is absolutely necessary that the present incumbent of that office should have additional compensation, for that is what it is. But if it is necessary that anybody should have it, probably he is the one who needs it. I understand the expenses at the White House have been increased something like $100,000 under this Administration. Of course, I do not know that that is true. If it is true, all I have to say is that the present President has cost more and been worth less to the country than anyone we have ever had.

Mr. McLAURIN. Mr. President——

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

Mr. McCUMBER. I yield.

Mr. McLAURIN. I wish to make a suggestion in response to what was said by the Senator from Maine, that the Senator from North Dakota knows we can not increase the salary of the present President of the United States. I should like to know of the Senator from Maine whether he means that we can not do that directly, because this seems to be an effort to do that indirectly which it must be admitted we can not do directly.

Mr. McCUMBER. That we may have no misunderstanding as to what we must mean by the word "emolument," I will concede that we may furnish the President, as we have in past times, the Executive Mansion. That is Government property. It does not belong to the President. We may make it larger or may make it smaller. We may have one attendant to care for it or we may have a hundred to care for it. We may increase the expense from $60,000, as it was a year ago, to $113,000, the amount which I understand is recommended for this year. We can do that without any question. That is not personal to the President. We may furnish all the help that is necessary. That is not a perquisite of the office itself. But when we appropriate a sum of money for the Executive, which sum of money is to be used at his discretion to defray his traveling expenses as Executive or to defray the expenses of any friends whom he wishes to have travel with him, that is a perquisite or an emolument which goes with the office; and that is prohibited by the Constitution of the United States.

Let me call the Senator's attention to another case. I have not had time to go very far into this question or to look up authorities particularly since the matter was brought up for consideration last evening. But I give you again the definition that is given by the encyclopedia. That is:

> Emolument is a profit arising from office or employment; that which is received as a compensation for services, or which is annexed to the possession of office, as salary, fees, and perquisites; advantage, gain, public or private.

Now, will anyone say that this is not an advantage; that the sum of $25,000 to pay expenses is not a gain; that this sum is not a public or a private advantage for the incumbent of the office; and if it is such, it is certainly an emolument.

Mr. McLAURIN. Mr. President——

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

Mr. McCUMBER. Yes, sir.

Mr. McLAURIN. On that point I wish to call the attention of the Senator to the case of Reg. *v.* Postmaster-General (3 Queen's Bench Division, 428), where the Queen's Bench Division and the court of appeals of England held that traveling expenses are emoluments. This you will find in the tenth volume of the American and English Encylcopædia of Law, second edition, page 1205.

Mr. McCUMBER. I read the case just a few moments ago, before I commenced to speak on the subject. But I think I can give you one that comes nearer home and will better apply to our conditions.

Article 3, section 13, of the constitution of Pennsylvania provides that no law shall increase or diminish any public officer's salary or emolument after his election or appointment. The word "emolument," used in connection with the salary in the constitution of Pennsylvania, must necessarily mean exactly the same as the word "emolument" used in connection with the word "compensation" in the Constitution of the United States. In the case of Apple *v.* Crawford County (105 Pa. State, 300), in construing this constitutional provision, the court were construing the word "emolument," and they say:

> We think the word imports more than the word "salary" or "fees," and because it is contained in the Constitution in addition to the word "salary" we ought to give it the meaning which it bears in ordinary acceptation. By the definition above given it imports any perquisite, advantage, profit, or gain arising from the possession of an office.

It was held in a similar case that this came within the definition of the word "emolument," and it was held that the additional fee could not be given. Peeley *v.* York County (113 Pa. State Reports, 18) follows the same line. It is also followed in Fox *v.* Lavanna (4 Pa. County Court Reports).

In the case of McLain *v.* The People (9 Colo., 193), the court says:

> To hold that "emolument" as used in the connection in which it appears in this statute—

A similar statute—

> means any *accretion, increment, gain,* or *profit* to the office is, we think, manifestly in accord with common sense and common usage, as well as with the established rules for the interpretation of the English language and for the construction of statutes.

Again, the American and English Encyclopedia of Law, page 385, defines the word "compensation;" and you will see that it is broad enough, even without the other, to cover what I consider the objectionable point. It says:

> The term "compensation," as ordinarily used, includes all forms which the remuneration of public officers may take, whether salary, or fees, or percentage, or commission, or mileage—

Is not this equivalent to mileage, because all payments are made upon the mileage basis practically?—

> or special appropriation or allowances for necessary expenses.

It seems to me that this comes clearly within the inhibition of the Constitution.

I call attention now to the Illinois statute. Section 10 of article 10 of the constitution of Illinois provides:

The county board shall fix the compensation of all county officers with their necessary clerk hire, stationery, fuel, and other expenses: *Provided*, That the compensation of no officer shall be increased or diminished during his term of office.

In this case the county board fixed the compensation of the county treasurer to include fuel, stationery, and clerk hire. It was held in the case of Kilgore *v.* The People (76 Ill., 548) that this compensation, by extra fees for clerk hire or otherwise, could not be increased.

I believe that, taking the general acceptation of the word "emolument" and taking the judicial decisions, brief though they may be, which I have given to the Senate, we may justly base our position upon the proposition that these emoluments can not be increased during the present incumbency. Suppose that an amendment had become a law four years ago providing that the Chief Executive, in addition to his salary, should have the sum of $25,000 a year for other purposes, or that $25,000 a year should be expended yearly for the use of the President of the United States to pay his traveling expenses. Does any Senator claim that we could legally and properly cut that off at any time after having fixed it at the beginning of a term to apply to the office after that date? And if we can not take it away, neither can we add it.

Mr. SPOONER. Mr. President——

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

Mr. McCUMBER. With pleasure.

Mr. SPOONER. Would not the answer to the Senator's question depend entirely upon a further question, whether or not this is compensation within the meaning of the word as used in the Constitution?

Mr. McCUMBER. Whether it is an emolument.

Mr. SPOONER. No; whether a compensation.

Mr. McCUMBER. Compensation or emolument. Neither can be increased so as to apply to the present incumbent.

Mr. SPOONER. Very well. The Senator says it is salary.

Mr. McCUMBER. No; I say it is emolument. An emolument is something that is received as a gain, and if a grant is made in connection with the President's office of an emolument, we can not take it away so as to affect the present incumbent.

Mr. HEMENWAY. Suppose the President did not travel at all. Would he get a cent of this money?

Mr. McCUMBER. That is not the question at all.

Mr. SPOONER. I want to put another question.

Mr. McCUMBER. Whether he accepted it, he would be entitled to it. That is the provision, and the question is whether we can take away that to which he is entitled. That is the proposition.

Mr. SPOONER. Does not the Senator think that the word "emolument" as used in the Constitution was intended to be used in the sense of compensation?

Mr. McCUMBER. It is broader, I think.

Mr. SPOONER. Let me read——

Mr. McCUMBER. I think "compensation," as used in the Constitution, means a certain thing which all understood it to mean at that time. It is to be assumed that the people who adopted the Constitution would not have used an additional word if it was understood at the time that the words were synonymous.

Mr. SPOONER. Let me call the attention of the Senator to the language of the constitutional provision.

Mr. McCUMBER. I have it here.

Mr. SPOONER. I know the Senator has.

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

The word "other," it seems to me, throws a great light on the word "emolument" as there used. Is it not intended to prevent, under any device, a real increase of compensation? Of course the meaning which the word shall have must be determined by reference to the context, the language in connection with which it is employed.

Mr. McCUMBER. In construing any section of a statute, we must adopt a construction that will carry into effect the reasons for its adoption. The first question that would naturally be asked is why that provision in the Constitution was adopted? What is it to prevent? What wrong is it to cure? And considering what it is intended to prevent will assist us in determining what construction should be given to it.

Mr. SPOONER. What is it intended to prevent?

Mr. McCUMBER. It is intended to prevent Congress attempting to coerce the Executive by taking away any of his salary, his compensation or emoluments, and it is intended also to prevent Congress, by reason of any favor that it may receive or any number of favors, from adding to the compensation or emoluments of the President. Both are prohibited.

Mr. SPOONER. Does not the word "emolument," as used in the Constitution, evidently mean something which the President is entirely at liberty to put in his pocket?

Mr. McCUMBER. No, indeed. The definition that is given to the word "emolument," as used in constitutions, is exactly the same as defined by the courts in decisions which I have read. "Emolument" does not necessarily mean anything you may put in your pocket. It means anything that gives a benefit, a privilege, an advantage that would not accrue except by reason of the law which granted it. The right to ride free over the railways of the United States, under a law granted to the Executive of the United States, would be an emolument. It would not be something he could put in his pocket.

Mr. SPOONER. If the Senator will permit me, the Supreme Court of the United States had occasion once to place a construction upon the word "emolument." This was a controversy between the collector in New York and the United States on an accounting. Under "the act of 1802, the compensation of the collector was derived from three sources: First, fees allowed for the services already referred to; second, commissions on the duties received, and, third, a share of the fines, penalties, and forfeitures."

Congress passed an act by which it was provided—

That whenever the annual emoluments of any collector, after deducting the expenses incident to the office, shall amount to more than $5,000, the excess shall be accounted for, and paid into the Treasury. The act was not to extend to fines, forfeitures, and penalties, a share of which the collector was entitled to, under the twentieth section of the act of 2d March, 1799 (1 Stat. L., 697).

It was over these emoluments and the liability of the collector to account to the United States for them under the statute that the question arose. The court say:

The provision in this act, therefore, that whenever the annual emoluments, after deducting the expenses, exceeded the amount of $5,000, the excess should be accounted for, necessarily embraces in the limitation the fees as well as commissions belonging to the office, and would have embraced also the fines and forfeitures had it not been for the proviso to the act taking them out of the limitation.

The argument would be quite as strong in favor of excluding the commissions as in the case of fees, as the one can in no more appropriate sense be regarded as emoluments of office than the other, and thus the limitation would become a nullity.

These terms denote a compensation for a particular kind of service to be performed by the officer, and are distinguishable from each other, and are so used and understood by Congress in the several compensation acts; they are also distinguishable from the term "emoluments," that being more comprehensive and embracing every species of compensation or pecuniary profit derived from a discharge of the duties of the office; and such is the obvious import of it in these acts.

Now, will the Senator, in connection with that decision, go back to the language of the Constitution, because, in order to get at the meaning of the word as it is used there we must determine the intention of the framers of the Constitution in its use. If the Senator will permit me for just a moment, I will read it:

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other—

Referring to the word "compensation"—

any other emolument from the United States or any of them.

Now, is it not quite clear that that language was inserted to prevent Congress from surreptitiously or through any mere device, by annexing fees to the office, from increasing the salary or increasing the compensation?

Mr. NELSON. May I ask the Senator from Wisconsin a question?

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

Mr. McCUMBER. I yield.

Mr. NELSON. If the traveling expenses were limited strictly to official duty, the Senator from Wisconsin might be correct, but it relates to traveling expenses in general, official and not official.

Mr. SPOONER. That occurred to me.

Mr. NELSON. If you give a traveling expense outside of official duties, is it not one form of emolument?

Mr. SPOONER. That has occurred to me, but I am assuming this: The President of the United States acts under oath. He is sworn to execute the laws of the United States as they relate to others and as they relate to himself. He has no right under the Constitution, I think, to spend this money except for traveling expenses while engaged in official duty. When is the President not engaged in official duty?

Mr. HEYBURN. I should like to ask the Senator a question.

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

Mr. McCUMBER. I yield.

Mr. HEYBURN. Is not the objection, if there is an objection to this amendment, that it authorizes the President to disburse the bounty of the Government to his invited guests? Is not that the strongest objection to it, if there is one?

Mr. SPOONER. That is open to debate.

Mr. HEYBURN. It would be competent for us to provide for the expenses of an officer of the Government, but can we provide that that officer of the Government may in turn extend the bounty of the Government to a private citizen?

Mr. SPOONER. It is not a matter of bounty. The theory is not that it is a bounty. If in any sense whatever——

Mr. HEYBURN. It is a courtesy, then.

Mr. SPOONER. It is not a courtesy. If in any sense whatever it could be construed to be a bounty, it would seem to be a violation of the constitutional provision.

Mr. HEYBURN. Then it is a privilege which violates the interstate-commerce law.

Mr. SPOONER. In what respect?

Mr. HEYBURN. In that it authorizes the President to permit a private citizen to do something—that is, to ride free on a railroad—which he could not do otherwise than by the bounty of the Government.

Mr. SPOONER. It might be very important, in the discharge of official duty, that the President should invite some one to accompany him as his guest.

Mr. HEYBURN. How could an invitation to a private citizen to be entertained by the President when he travels be a part of the President's official duty or help in the performance of it? I am in favor of making provision for the traveling expenses of the President. But I want to see it done in such a way as not to be in violation of the Constitution.

Mr. SPOONER. I am not speaking of the details of this provision. I am only calling the attention of the Senator from North Dakota to the question whether, under the decisions to which I have directed attention and under the language of the constitutional provision, he does not give too broad a construction to the word "emolument," as used in that instrument?

Mr. MALLORY. Will the Senator from North Dakota yield to me for a moment?

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

Mr. McCUMBER. I yield.

Mr. MALLORY. I should like to ask the Senator from Wisconsin if I understand him aright. Do I understand him to contend that the word "emolument" is synonymous with the word "compensation" as used in that clause of the Constitution?

Mr. SPOONER. I do not see how the framers of the Constitution, who knew how to use words and who used perhaps as well, if not better, than any other body of men ever assembled the words which expressed aptly their purpose and their intention, could have used the word "other," qualifying the word "emolument," unless they intended by the word "emolument" to refer to such an appropriation by the Congress as would constitute an increase in the compensation of the President.

Mr. MALLORY. As I understand the Senator's interpretation of this language, it is that the word "compensation" has reference to the President's salary, and the word "emolument," in the clause "any other emolument," is properly placed in the same category as "compensation" and is equivalent to the word "salary."

Mr. SPOONER. Yes; gain or profit under some guise, which he may take to himself.

Mr. MALLORY. If that is so——

Mr. McCUMBER. I call the attention of the Senator to the fact that the word "salary" is not used. It is "compensation."

Mr. MALLORY. If the interpretation of the Senator from Wisconsin is correct, I call his attention to the last three words in the same clause:

> And he shall not receive within that period any other emolument from the United States, or any of them.

Certainly the Constitution did not contemplate that any of the States would be paying the President a salary or any compensation. It might possibly have contemplated that they would pay him something, but not of the character of salary or compensation for his services to the United States.

Mr. SPOONER. But it contemplated they might give him something that would be his after they paid it.

Mr. MALLORY. Undoubtedly; but not as compensation.

Mr. SPOONER. It would be emolument in the nature of compensation, for it would practically increase the annual sum which he received as President of the United States. Of course it was not intended that any State should be making presents of money to the President of the United States.

Mr. MALLORY. Undoubtedly; or presents of any kind, money or anything else. If it prohibited the States from doing it in the same clause and in the same language as it is prohibited to the United States, why should a distinction be drawn? Why should you not hold that the word "emolument" there refers to any gift or consideration that may be given to the President?

Mr. SPOONER. What does the Senator make of the word "compensation?" There is only one word in this clause to which the word "emolument" must refer.

> The President shall, at stated times, receive for his services a compensation.

Mr. MALLORY. That undoubtedly means salary.

Mr. SPOONER (reading):

> Which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument.

What does the word "other" refer to? It must refer to something, to some word which precedes it.

Mr. MALLORY. Does the Senator wish an answer?

Mr. SPOONER. Yes.

Mr. MALLORY. It undoubtedly refers to compensation. I do not question it; but then it goes on further and prohibits the States from giving the President this same emolument; and it is not reasonable to suppose that the framers of the Constitution contemplated that the States should be paying the President a salary. The conclusion would be that it prohibits States from giving the President a gratuity or making a present or doing anything to influence his action.. Now, if it is prohibited to the States, the same language prohibits it to the United States. That is my conclusion.

Mr. McCUMBER. Mr. President, the Senator from Wisconsin seems to attempt to make this amendment read with an entirely different intendment from that which was adopted by the committee which reported it. Let me ask the Senator from Wisconsin right here what official function is there on the part of the Executive of the United States which requires him to travel for the purpose of performing his official duties?

Mr. SPOONER. Suppose the question was one of building fortifications in some particular place, or acquiring a site for a fort, or to determine where a part of the Army should be located permanently, has the Commander in Chief of the Army, if he thinks it to be his duty, no right to decide the location and judge for himself as to the action for which he will be responsible?

Mr. McCUMBER. Oh, Mr. President, he has a right, but there is no law compelling him to do that.

Mr. SPOONER. May it not be his official duty?

Mr. McCUMBER. I think not.

Mr. SPOONER. Suppose the President of the United States, Congress not being in session, conceived it to be his duty to verify for himself conditions which have recently become quite notorious in Chicago, in order that he might know, as he has a right to know, not at second hand, but at first hand, would it not be in the discharge of an official duty?

Mr. CARMACK. Mr. President——

Mr. McCUMBER. Oh, Mr. President, you could carry that to any extent. You can say that with reference to his appointments. If there is a person living in California who is recommended for an official position, you can say that it is the function of the President of the United States to go to the State of California to see him personally, because he would know more about him, and he could, by an examination of the man personally, tell by talking with him better than by correspondence whether he would be fitted for any position. But those are not understood to be the particular functions of the President of the United States.

Mr. HEMENWAY. Mr. President——

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

Mr. McCUMBER. I yield to the Senator from Tennessee first, as he addressed the Chair first.

Mr. CARMACK. I wish to suggest to the Senator that none of the traveling expenses of the President, so far as I have ever heard, have been for any such purposes as that suggested by the Senator from Wisconsin.

Mr. SPOONER. I was endeavoring to answer the question put to me by the Senator from North Dakota as to what conceivable circumstances might give rise to the official duty of the President to travel.

Mr. CARMACK. The point is, further, what is the necessity for any such appropriation as this. As a matter of fact, we

know that the President has never done any traveling for any purpose of performing his official duties—at least I have never heard of his having done so. While one may imagine cases in which he might do it, he has never done so as far as I know, and therefore there does not appear to be any necessity for this appropriation.

Mr. HEMENWAY. Mr. President——

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

Mr. McCUMBER. I yield to the Senator from Indiana.

Mr. HEMENWAY. Mr. President, in order that there may be no misunderstanding as to the object of this amendment, I will state that I prepared the amendment and had it referred to the Committee on Appropriations, and there was no disposition or desire on my part, when I drew the amendment, to limit the traveling expenses to official trips. The idea of the amendment is that when a delegation from one of the States of the Union comes and asks the President to visit their State that he may go, that he may take on his train a sufficient number of newspaper men, as is customary, that he may take on his train, when it enters the border of the State, the governor and the reception committee and the gentlemen who necessarily and naturally go to meet him.

Now, then, just one minute more, if the Senator will permit me?

The VICE-PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, recedes from its disagreement to the amendments of the Senate numbered 6, 7, and 10, and agrees to the same with amendments in which it requests the concurrence of the Senate; recedes from its disagreement to the amendment of the Senate numbered 56, and agrees to the same; further insists upon its disagreement to the residue of the amendments to the bill, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FOSS, Mr. LOUDENSLAGER, and Mr. MEYER managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

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

S. 1031. An act granting to the State of California 5 per cent of the net proceeds of the cash sales of public lands in said State;

S. 1649. An act providing for the retirement of petty officers and enlisted men of the Navy;

S. 3263. An act to amend an act entitled "An act to establish a port of delivery at Salt Lake City, Utah;"

S. 3414. An act providing for a public highway on the east side of Fort Sherman abandoned military reservation, Idaho;

S. 5512. An act defining the qualifications of jurors for service in the United States district court in Porto Rico;

S. 5989. An act to authorize the construction of a bridge across the Missouri River in Broadwater and Gallatin counties, Mont.;

S. 6234. An act to authorize the Chicago, Milwaukee and St. Paul Railway Company, of Montana, to construct a bridge across the Missouri River in Lewis and Clarke County, Mont.;

S. 6451. An act to provide for a commission to examine and report concerning the use of the United States of the waters of the Mississippi River flowing over the dams between St. Paul and Minneapolis, Minn.;

H. R. 3459. An act for the relief of John W. Williams;

H. R. 4580. An act for the relief of Blank & Parks, of Waxahachie, Tex.;

H. R. 5221. An act for the relief of Edward King, of Niagara Falls, in the State of New York;

H. R. 9343. An act providing for the resurvey of certain townships of land in the county of Baca, Colo.;

H. R. 16472. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes;

H. R. 18536. An act providing for the subdivision of lands entered under the reclamation act, and for other purposes;

H. R. 18600. An act to amend section 10 of an act of Congress approved June 21, 1898, to make certain grants of land to the Territory of New Mexico, and for other purposes;

S. R. 47. Joint resolution granting condemned cannon for a statue to Governor Stevens T. Mason, of Michigan; and

S. R. 66. Joint resolution authorizing the Secretary of War to receive, for instruction at the Military Academy at West Point, Mr. Jose Martin Calvo, of Costa Rica.

NAVAL APPROPRIATION BILL.

Mr. HALE. Mr. President——

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

Mr. McCUMBER. I yield.

Mr. HALE. I ask that the action of the House of Representatives on the naval appropriation bill be laid before the Senate.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, receding from its disagreement to the amendments of the Senate Nos. 6, 7, and 10, and agrees to the same with amendments in which it requests the concurrence of the Senate; receding from its disagreement to the amendment of the Senate No. 56, and further insisting upon its disagreement to the residue of the amendments to the bill, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate further insist upon its amendments still in disagreement, that it disagree to the amendments of the House of Representatives to the amendments of the Senate and agree to the further conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. HALE, Mr. PERKINS, and Mr. TILLMAN, as the conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes.

Mr. HEMENWAY. Mr. President——

Mr. McCUMBER. I yield to the Senator from Indiana.

Mr. HEMENWAY. I make this statement so that there can be no misunderstanding on the part of the Senate as to what I believe the pending amendment provides for.

As far as the traveling expenses of the President himself are concerned, they would not amount to a thousand dollars a year. It is a very small item that goes to paying the expenses of the President himself. It is for the accommodation of the people. Already from various places over the United States the richer States and richer colleges invite the President to come, and they propose to pay his expenses while the States far distant and the States that do not care to pay the expense out of their treasuries of course can not make these offers.

This constitutional argument seems to me to be splitting hairs. Here is the proposition: Does the President gain one bit by this provision being passed? Can it in any possible way add 5 cents to his salary? I say "No." Then there is no compensation, there is no gain, there is no emolument.

The President does not travel as a matter of pleasure. He travels because of the desire of the people of the United States. They want to see him. They are anxious for him to come to their States. The people are anxious to see him, and he goes, following the custom that has grown up now, with his train prepared, with a certain number of newspaper people, with provision for receiving the guests, the committees, the governors, the Senators or Members of Congress, the prominent citizens who go to meet the Presidential train. Now, that is all there is of it.

Then what is the use to stand here for hours and talk about the Constitution? We have got into such a habit of discussing the Constitution here in the Senate that no single question can come up but what we have hours of constitutional argument. When you go to the meat of this proposition, what is it? You do not add one single red cent to the salary of the President. You do not add in the way of emolument or gain or profit one single red cent. You simply say, "Here, the people of the country want the President to come and see them. We have got to prepare for him;" and we put in a provision for traveling expenses. If he does not travel at all, he does not get anything—not one red cent—but if he does travel, we pay the expenses of the trip. Why? Because the people of the United States want him to travel. It is the people who want to see

him, and the people of the United States are willing to pay his expenses. They do not want him to accept courtesies from railroad companies, and they do not want the railroad companies to pull his train free. They want to pay for it, and they are able to pay for it.

Mr. CARTER. Mr. President——

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

Mr. McCUMBER. I yield.

Mr. CARTER. I suggest to the Senator from Indiana that in order to meet the great constitutional objection a provision might be added to the effect that the President should pay for his own meals to the Secretary of the Treasury, to the end that no gain could possibly come to him.

Mr. HEMENWAY. If that amendment would satisfy the gentlemen who are opposing the amendment, I think we could raise money enough in the Senate in a few minutes to provide for the President's meals, if they are afraid that is a perquisite. Furnishing the White House, under the argument of the Senator from North Dakota, is a perquisite. Putting a guard there at his door to guide our people through and show them the White House is a perquisite.

Mr. McCUMBER. I yielded to the Senator for him to explain what had been intended by the amendment.

Mr. HEMENWAY. If the Senator thinks I am occupying too much of his time, I beg his pardon.

Mr. McCUMBER. I do not object, except that I am about occupying the time the Senator from Montana [Mr. CARTER] proposed to take on another matter.

Mr. HEMENWAY. I will take the floor in my own right when I have the opportunity to do so, and will conclude what I have to say in about two and a half minutes.

Mr. McCUMBER. Mr. President, you see the difficulty here. Again the Senator from Wisconsin makes the proposition that the President would not take advantage of this provision, except for the purpose of performing the functions of government. The Senator who drafted the amendment now explains it exactly as I understood to be its real intendment, that the President could travel and the Government could pay his expenses, and pay the expenses of any invited guests he might ask to travel with him, so that the people would not have to pay it if they were called upon, and so the President would be free from accepting it.

Now, the Senator says this does not add one nickel's benefit to the President. He says he does not gain a single nickel. If he travels and expends in traveling the whole $25,000, he gains or saves 500,000 nickels, and that which is saved and that which is gained is, under the law, an emolument, and the Constitution says that the emoluments of the President shall not be increased during his incumbency in office.

Mr. HEMENWAY. Mr. President——

Mr. McCUMBER. I have only a minute's time, and we will take up this question again to-morrow.

Now, Mr. President, we get back here again to the spirit of the provision in the Constitution, the very spirit that the Senator from Indiana has forgotten. It was to prevent just exactly such things as this that that provision was placed in the Constitution of the United States.

I know that there are a great many here who think that we deal too much with the Constitution; but, Mr. President, it is a pretty good instrument to follow. It has a great many provisions that were sound then and are sound to-day and will be sound so long as the Republic exists. It will be well for the Senator from Indiana as well as the rest of us to give it a little consideration before passing any law that is liable to be in conflict with it.

It is $25,000 this year. What is it to be next year? Fifty thousand dollars? If I do not vote for $50,000 next year I incur or may incur the hostility of the Executive. The Constitution intended to protect me against any hostility on the part of the Executive by reason of recording my vote in a manner that will be for or against his personal interests; and therefore it provided that Congress should not have the power either to take away from the President's compensation or to add to his salary as compensation any emolument which would be beneficial to him during his incumbency in office. It was to continue the good relations and prevent any strained relations between the Executive and Congress that this provision was placed in the Constitution. That Constitution has served us up until to-day. No great complaint has ever been made against it. It will serve us for two years more. We can then raise the salary of the President of the United States to such an extent that he can possibly afford to pay for some of his friends and not have the Government of the United States pay for them.

Mr. President, I agreed to close at 5 o'clock, and will do so now. I will probably continue this discussion to-morrow.

Mr. HALE. Mr. President——

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

Mr. CARTER. I yield to the Senator.

Mr. HALE. It is very evident that the appropriation bill can not be passed to-night. I regret this very much, but the Senate desires an executive session. I will simply say that I shall ask the Senate in the morning after the routine business to take up the bill and end it. There are only two amendments, this and one other, to be disposed of, and, although the Senator has intimated that, resting over to-night, he will occupy a good part of to-morrow, I trust he will help us in getting the bill through to-morrow.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

Mr. CLARK of Montana. Will the Senator yield to me a few moments? I am obliged to leave the city this evening, and I desire to call up a bill which will give rise to no debate.

Mr. CARTER. I will withdraw the motion for that purpose.

PUBLIC BUILDING AT GREAT FALLS, MONT.

Mr. CLARK of Montana. I ask for the consideration of the bill (S. 544) to provide for the erection of a public building in the city of Great Falls, Mont., which was reported to-day. It was read and passed by the Senate a week ago to-day, but was recommitted to make certain amendments, which have been agreed upon, and they were reported by the committee to-day. I ask unanimous consent for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, on page 1, line 12, before the word "hundred," to strike out "three" and insert "two;" and in the same line, after the word "hundred," to insert "and twenty-five;" so as to make the clause read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, at a cost not exceeding $20,000, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, for the use and accommodation of the United States post-office and other Government offices in the city of Great Falls and State of Montana, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of $225,000.

The amendment was agreed to.

The next amendment was, to strike out, on page 2, from line 14 to line 11 on page 3, in the following words:

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after said examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all maps, statements, plats, or documents taken by or submitted to them in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

The amendment was agreed to.

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

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

ORA P. HOWLAND.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

Mr. GALLINGER. I will ask the Senator if he will yield to me that I may ask unanimous consent for the consideration of an urgent pension bill. It will take but a moment.

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

Mr. CARTER. I will yield to the Senator; but I will state that after the bill to which he has referred has been disposed of I can not yield further.

Mr. GALLINGER. I thank the Senator. I ask unanimous consent for the present consideration of the bill (H. R. 1326) granting an increase of pension to Ora P. Howland.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Ora P. Howland, late of Company H, Second Regiment Massachusetts Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

LANDS OF MENOMINEE INDIANS, WISCONSIN.

Mr. LA FOLLETTE. I ask that the Senator from Idaho [Mr. DUBOIS] and the Senator from Minnesota [Mr. CLAPP] be excused from further service on the conference committee on the bill (H. R. 13372) to authorize the sale of timber on certain of the lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin, and that the vacancies be filled by the Chair.

The VICE-PRESIDENT. Without objection, it is so ordered, and the Chair appoints the Senator from South Dakota [Mr. GAMBLE] and the Senator from Missouri [Mr. STONE] to fill the vacancies.

EXECUTIVE SESSION.

Mr. CARTER. I renew my motion 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 forty minutes spent in executive session the doors were reopened, and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 22, 1906, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate June 21, 1906.

NAVAL OFFICER OF CUSTOMS.

J. Stuart MacDonald, of Maryland, to be naval officer of customs in the district of Baltimore, in the State of Maryland, to succeed William T. Malster, whose term of office will expire by limitation June 22, 1906.

UNITED STATES ATTORNEY.

John C. Rose, of Maryland, to be United States attorney for the district of Maryland. A reappointment, his term having expired on June 10, 1906.

UNITED STATES MARSHAL.

John F. Langhammer, of Maryland, to be United States marshal for the district of Maryland. A reappointment, his term expiring July 16, 1906.

UNITED STATES DISTRICT JUDGE.

Charles M. Hough, of New York, to be United States district judge for the southern district of New York. An original appointment under the provisions of the act approved May 26, 1906, entitled "An act to appoint an additional judge for the southern district of New York."

COMMISSIONER OF EDUCATION.

Elmer E. Brown, of California, to be Commissioner of Education, vice William T. Harris, resigned.

PROMOTIONS IN THE NAVY.

Ensign John C. Fremont, jr., to be a lieutenant (junior grade) in the Navy from the 7th day of June, 1906, having completed three years' service in his present grade.

Lieut. (Junior Grade) John C. Fremont, jr., to be a lieutenant in the Navy from the 7th day of June, 1906, to fill a vacancy existing in that grade on that date.

P. A. Paymaster David C. Crowell to be a passed assistant paymaster in the Navy, with the rank of lieutenant, from the 15th day of April, 1906.

The following-named passed assistant paymasters to be passed assistant paymasters in the Navy, with the rank of lieutenant, from the 7th day of June, 1906:

James A. Bull,
Frank T. Watrous,
Arthur S. Peters,
Edwards S. Stalnaker,
Chester G. Mayo,
Jere Maupin,
James F. Kutz, and
Arthur S. Brown.

Asst. Naval Constructors Julius A. Furer and William B. Fogarty to be assistant naval constructors in the Navy, with the rank of lieutenant, from the 15th day of April, 1906.

Asst. Naval Constructors Sidney M. Henry and Lewis B. McBride to be assstant naval constructors in the Navy, with the rank of lieutenant, from the 7th day of June, 1906.

Civil Engineers De Witt C. Webb, Walter H. Allen, and James V. Rockwell to be civil engineers in the Navy, with the rank of lieutenant, from the 7th day of June, 1906.

APPRAISER OF MERCHANDISE.

J. Carlyle Wilmer, of Maryland, to be appraiser of merchandise in the district of Baltimore, in the State of Maryland, to succeed C. Ross Mace, resigned.

APPOINTMENTS IN THE ARMY—MEDICAL DEPARTMENT.

To be assistant surgeons, with the rank of first lieutenant, from June 20, 1906.

Albert Gallatin Love, of Tennessee.
Harold Wellington Jones, of Missouri.
Omar Walker Pinkston, of Missouri.
Mathew Aaron Reasoner, of Illinois.
Henry James Nichols, of New York.
Louis Hedven Hanson, of Wisconsin.
Lucius Locke Hopwood, of Iowa.
Charles Ernest Freeman, of Missouri.
Ferdinand Schmitter, of New York.
Howard Alden Reed, of Pennsylvania.
Henry Blodgett McIntyre, of Vermont.

COMMANDERS IN THE NAVY.

The following-named commanders, who have already been confirmed, to take rank from dates set opposite their names, to correct the dates of their promotions caused by the retirement of Lieut. Commander Franklin J. Schell, who was due for promotion and retired before qualifying therefor:

John G. Quinby, to take rank from July 1, 1905;
James H. Glennon, to take rank from July 8, 1905;
Percival J. Werlich, to take rank from September 8, 1905;
William R. Rush, to take rank from September 9, 1905;
Harry S. Knapp, to take rank from September 30, 1905;
William L. Rodgers, to take rank from December 27, 1905;
Roy C. Smith, to take rank from January 7, 1906;
Robert S. Griffin, to take rank from January 22, 1906;
Albert N. Wood, to take rank from February 10, 1906;
Edward Lloyd, jr., to take rank from February 12, 1906;
Richard M. Hughes, to take rank from February 19, 1906;
Frank W. Bartlett, to take rank from February 28, 1906; and
Frederick C. Bieg, to take rank from April 13, 1906.

Midshipman Charles A. Harrington to be an ensign in the Navy from the 2d day of February, 1906, to fill a vacancy existing in that grade on that date.

CONSUL-GENERAL.

Edward L. Adams, of New York, now secretary of the legation and consul-general at that place, for promotion to be consul-general of the United States of class 6 at Stockholm, Sweden, to fill an original vacancy.

CONSULS.

José de Olivares, of Missouri, to be consul of the United States of class 7 at Managua, Nicaragua, vice Chester Donaldson, appointed consul at Port Limon.

Lester Maynard, of California, to be consul of the United States of class 7 at Sandakan, British North Borneo, to fill an original vacancy.

COLLECTOR OF CUSTOMS.

George E. Cousens, of Maine, to be collector of customs for the district of Kennebunk, in the State of Maine. (Reappointment.)

POSTMASTERS.

CALIFORNIA.

John N. Newkirk to be postmaster at San Diego, in the county of San Diego and State of California, in place of John N. Newkirk. Incumbent's commission expired February 28, 1906.

Alfred A. True to be postmaster at Highland, in the county of San Bernardino and State of California, in place of Alfred A. True. Incumbent's commission expires June 30, 1906.

CONNECTICUT.

Henry Dryhurst to be postmaster at Meriden, in the county of New Haven and State of Connecticut, in place of Henry Dryhurst. Incumbent's commission expires June 30, 1906.

GEORGIA.

John M. Barnes to be postmaster at Thomson, in the county of McDuffie and State of Georgia, in place of Lulu M. Farmer. Incumbent's commission expired March 14, 1906.

ILLINOIS.

Frank E. Eckard to be postmaster at Vandalia, in the county of Fayette and State of Illinois, in place of John A. Bingham. Incumbent's commission expired June 10, 1906.

Joel S. Ray to be postmaster at Arcola, in the county of Douglas and State of Illinois, in place of Joel S. Ray. Incumbent's commission expires June 27, 1906.

IOWA.

Lew I. Sturgis to be postmaster at Oelwein, in the county of Fayette and State of Iowa, in place of Lew I. Sturgis. Incumbent's commission expires June 27, 1906.

KANSAS.

L. C. McMurray to be postmaster at McPherson, in the county of McPherson and State of Kansas, in place of Benjamin A. Allison. Incumbent's commission expires June 28, 1906.

KENTUCKY.

Thomas F. Beadles to be postmaster at Fulton, in the county of Fulton and State of Kentucky, in place of Thomas F. Beadles. Incumbent's commission expired January 13, 1906.

George W. Bury to be postmaster at Clinton, in the county of Hickman and State of Kentucky, in place of Joel P. Deboe. Incumbent's commission expired June 12, 1906.

Edna J. Kirk to be postmaster at Paintsville, in the county of Johnson and State of Kentucky. Office became Presidential April 1, 1906.

Ludlow F. Petty to be postmaster at Shelbyville, in the county of Shelby and State of Kentucky, in place of Ludlow F. Petty. Incumbent's commission expired March 1, 1906.

Orrin A. Reynolds to be postmaster at Covington, in the county of Kenton and State of Kentucky, in place of Orrin A. Reynolds. Incumbent's commission expired January 13, 1906.

Perry Westerfield to be postmaster at Sebree, in the county of Webster and State of Kentucky. Office became Presidential January 1, 1906.

MICHIGAN.

Miles S. Curtis to be postmaster at Battle Creek, in the county of Calhoun and State of Michigan, in place of Frank H. Latta. Incumbent's commission expires June 25, 1906.

Frank L. Irwin to be postmaster at Albion, in the county of Calhoun and State of Michigan, in place of Frank L. Irwin. Incumbent's commission expired January 21, 1906.

Scott Swarthout to be postmaster at Lakeview, in the county of Montcalm and State of Michigan, in place of Cary W. Vining. Incumbent's commission expired February 7, 1906.

MISSOURI.

Alexander F. Karbe to be postmaster at Neosho, in the county of Newton and State of Missouri, in place of Frank E. Miller, resigned.

NEW JERSEY.

L. W. Cramer to be postmaster at Mays Landing, in the county of Atlantic and State of New Jersey, in place of Shepherd S. Hudson, deceased.

NEW YORK.

George B. Harwood to be postmaster at Skaneateles, in the county of Onondaga and State of New York, in place of George B. Harwood. Incumbent's commission expired April 22, 1906.

OHIO.

John B. Elliott to be postmaster at Greenfield, in the county of Highland and State of Ohio, in place of John B. Elliott. Incumbent's commission expired June 19, 1906.

SOUTH CAROLINA.

James O. Ladd to be postmaster at Summerville, in the county of Dorchester and State of South Carolina, in place of James O. Ladd. Incumbent's commission expired April 30, 1906

WITHDRAWAL.

Executive nomination withdrawn from the Senate June 21, 1906.

Emma Metzger to be postmaster at Oakharbor, in the State of Ohio.

WATERS OF THE RIO GRANDE.

The injunction of secrecy was removed June 21, 1906, from a convention between the United States and Mexico, signed at Washington on May 21, 1906, providing for the equitable distribution of the waters of the Rio Grande for irrigation purposes.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 21, 1906.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

BANKING INSTITUTIONS IN THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the bill (H. R. 118) to amend sections 713 and 714 of "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, as amended by the acts approved January 31 and June 30, 1902, and for other purposes, with a Senate amendment.

The Senate amendment was read.

Mr. KLINE. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

The SPEAKER laid before the House the bill (S. 5709) to declare the true intent and meaning of parts of the act entitled "An act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February 11, 1893, and an act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, and an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," approved February 25, 1903, with House amendments disagreed to by the Senate.

Mr. JENKINS. Mr. Speaker, I move that the House insist on its amendments and agree to the conference asked for.

The motion was agreed to. The Chair appointed as conferees on the part of the House Mr. JENKINS, Mr. LITTLEFIELD, and Mr. DE ARMOND.

FISHERIES OF ALASKA.

The SPEAKER laid before the House the bill (H. R. 13543) for the protection and regulation of the fisheries of Alaska, with Senate amendments.

The Senate amendments were read.

Mr. CAPRON. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

BONDS FOR AMERICAN PRINTING HOUSE FOR THE BLIND.

The SPEAKER also laid before the House the bill (H. R. 16290) to postpone until 1907 the maturity of $250,000 of 4 per cent United States bonds held in trust for the benefit of the American Printing House for the Blind, with Senate amendments.

The Senate amendments were read.

Mr. SHERLEY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

BRIDGE ACROSS THE OHIO RIVER, WEST VIRGINIA.

The SPEAKER laid before the House the bill (S. 6146) to authorize the Back River Bridge Company to construct a bridge across the west or smaller division of the Ohio River from Wheeling Island, West Virginia, to the Ohio shore, a similar bill being on the House Calendar.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Back River Bridge Company, a corporation organized under the laws of the State of West Virginia, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto, for street railway and wagon traffic and other appropriate public uses, across the west or smaller channel of the Ohio River, known as the Back River, from a point near the southerly end of Wheeling Island, which is a part of the city of Wheeling, in the State of West Virginia, to the Ohio shore, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. GAINES of West Virginia. Mr. Speaker, I move the passage of the Senate bill, a similar House bill being on the Calendar.

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

A similar bill (H. R. 19856) was laid on the table.

RIGHT OF WAY THROUGH PUBLIC LANDS.

The SPEAKER also laid before the House the bill (H. R. 15513) to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States," with Senate amendments.

The Senate amendments were read.

Mr. LACEY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the amendments of the House of Representatives to bills and joint resolution of the following titles:

S. 1697. An act confirming to certain claimants thereto portions of lands known as Fort Clinch Reservation, in the State of Florida;

S. 4109. An act to increase the efficiency of the Bureau of Insular Affairs of the War Department; and

S. R. 47. Joint resolution granting condemned cannon for a statue to Governor Stevens T. Mason, of Michigan.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14171) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 20119. An act to authorize the village of Oslo, Marshall County, Minn., to construct a bridge across the Red River of the North; and

H. R. 19181. An act to grant a certain parcel of land, part of the Fort Robinson Military Reservation, Nebr., to the village of Crawford, Nebr., for park purposes.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of the harbor at Duluth, Minn., including the entrance thereto, with a view to determining what modifications of the present plan, if any, are desirable.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I call up the conference report on the naval appropriation bill, and ask unanimous consent that the reading of the report be dispensed with, and that the statement on the part of the managers of the House be read in lieu thereof.

The SPEAKER. The gentleman from Illinois calls up the conference report upon the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes.

The SPEAKER. The gentleman asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The following is the report and statement:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 34, 35, 38, and 47.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 5, 11, 12, 14, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 52, 53, 54, 57, 58, 59, and 63, and agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with amendments as follows:

In line 10 of said amendment strike out the colon and insert in lieu thereof a period.

In lines 10, 11, 12, 13, 14, 15, 16, and 17 of said amendment strike out the following: "*Provided*, That hereafter the pay and allowances of chaplains shall be the same, rank for rank, as is or may be provided by law for officers of the line and of the Medical and Pay Corps, all of whom shall hereafter receive the same pay on shore duty as is now provided for sea duty: *And provided further*, That the present pay and allowances of any officer now in the Navy shall not be reduced: *Provided further*," and insert in lieu thereof as a new paragraph:

"That all chaplains now in the Navy above the grade of lieutenant shall receive the pay and allowances of lieutenant-commander in the Navy according to length of service under the provisions of law for that rank, and all chaplains now in the Navy in the grade of lieutenant shall receive their present sea pay when on shore duty: *Provided*, That naval chaplains hereafter appointed shall have the rank, pay, and allowances of lieutenant (junior grade) in the Navy until they shall have completed seven years of service, when they shall have the rank, pay, and allowances of lieutenant in the Navy; and lieutenants shall be promoted, whenever vacancies occur, to the grade of lieutenant-commander, which shall consist of five members, and when so promoted shall receive the rank, pay, and allowances of lieutenant-commander in the Navy: *Provided further*, That nothing herein contained shall be held or construed to increase the number of chaplains as now authorized by law or to reduce the rank or pay of any now serving."

In line 17 of said amendment, commencing with the word "That," have a new paragraph; and in lines 17 and 18 of said amendment strike out the words "pay and;" and in line 21 of said amendment strike out the words "pay and."

And the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In line 4 of said amendment strike out the words "rank, highest;" and in lines 4 and 5 of said amendment strike out the comma after the word "commander" and the words "and of no higher rank;" and in lines 6 and 7 strike out the words "be appointed from civil life in the manner and at" and insert in lieu thereof the word "receive;" and at the end of said amendment insert the following: "*Provided further*, That such officer shall not have the benefit of retirement;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In said amendment, after the word "million," strike out the words "three hundred thousand;" and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the words "immediately available and to be;" and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In the last line of said amendment strike out the comma and the words "to be immediately available;" and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In line 6 of said amendment, after the word "graduation," insert the following "or that may occur for other reasons;" and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In said amendment strike out the words "one million" and insert in lieu thereof the words "five hundred thousand;" and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: On page 76 of the bill, at the end of line 5, insert the following: "But this provision shall not apply to or interfere with contracts for such armor already entered into, signed, and executed by the Secretary of the Navy;" and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-three million four hundred and seventy-five thousand eight hundred and twenty-nine dollars;" and the Senate agree to the same.

On amendments numbered 2, 6, 7, 13, 32, 33, 37, 55, and 56 the committee of conference have been unable to agree.

GEORGE EDMUND FOSS,
H. C. LOUDENSLAGER,
ADOLPH MEYER,
Managers on the part of the House.

EUGENE HALE,
GEO. C. PERKINS,
B. R. TILLMAN,
Managers on the part of the Senate.

The statement was read, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on each of the amendments of the Senate, viz:

On amendment No. 1: Provides for hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them, as proposed by the Senate.

On amendment No. 3: Provides that the Secretary of the Navy may, in his discretion, require the whole or a part of the bounty allowed upon enlistment to be refunded in cases where men are discharged during the first year of enlistment, by request, for inaptitude, as undesirable, or for disability not incurred in line of duty, as proposed by the Senate.

On amendment No. 5: Reimburses officers and enlisted men of the Navy and Marine Corps who were on duty under orders in San Francisco during the recent fire in that city for losses of clothing and other personal effects sustained by them through said fire, $7,000, or so much thereof as may be necessary: *Provided*, That such reimbursement shall be made under regulations to be prescribed by the Secretary of the Navy and upon vouchers to be approved by him in each case, as proposed by the Senate.

On amendment No. 8: Provides that the provision contained in section 13 of an act approved March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," reading as follows: "*Provided*, That such officers when on shore shall receive the allowances, but 15 per cent less pay than when on sea duty; but this provision shall not apply to warrant officers commissioned under section 12 of this act," be, and the same is hereby, repealed.

And further provides that all chaplains now in the Navy above the grade of lieutenant shall receive the pay and allowances of lieutenant-commander in the Navy according to length of service under the provisions of law for that rank, and all chaplains now in the Navy in the grade of lieutenant shall receive their present sea pay when on shore duty: *Provided*, That naval chaplains hereafter appointed shall have the rank, pay, and allowances of lieutenant (junior grade) in the Navy until they shall have completed seven years of service, when they shall have the rank, pay, and allowances of lieutenant in the Navy; and lieutenants shall be promoted, whenever vacancies occur, to the grade of lieutenant-commander, which shall consist of five numbers, and when so promoted shall receive the rank, pay, and allowances of lieutenant-commander in the Navy: *Provided further*, That nothing herein contained shall be held or construed to increase the number of chaplains as now authorized by law or to reduce the rank or pay of any now serving.

And further provides that the civil engineers and professors of mathematics shall receive the same allowances as are or may be provided by or in pursuance of law for naval constructors and the assistant civil engineers the same allowances as provided for assistant naval constructors.

On amendment No. 9: Strikes out the provision that a sum not to exceed $5,000 may be expended by the Secretary of the Navy for legal advice out of this appropriation, as proposed by the Senate.

On amendment No. 10: Provides that the solicitor in the office of the Judge-Advocate-General of the Navy shall hereafter be appointed by the President, by and with the advice and consent of the Senate, and shall have the pay and allowances of a commander: *Provided*, That when such office becomes vacant the solicitor shall thereafter receive the compensation now provided by law: *Provided further*, That such officer shall not have the benefit of retirement.

On amendment No. 11: Strikes out the provision for transportation to the places of enlistment, or to their homes if residents of the United States, of enlisted men and apprentice seamen discharged on account of expiration of enlistment, with subsistence and transfers en route, or cash in lieu thereof, as proposed by the Senate.

On amendment No. 12: Provides that hereafter enlisted men discharged on account of expiration of enlistment shall receive, in lieu of transportation and subsistence, travel allowance of 4 cents per mile from the place of discharge to the place of enlistment, for travel in the United States, as proposed by the Senate.

On amendment No. 14: Provides that for the performance of such additional services in and about the Naval Home as may be necessary the Secretary of the Navy is authorized to employ, on the recommendation of the governor, beneficiaries in said home, whose compensation shall be fixed by the Secretary and paid from the appropriation for the support of the home, as proposed by the Senate.

On amendment No. 15: Appropriates $2,000,000 for reserve supply of powder and shell instead of $2,300,000, as proposed by the Senate.

On amendment No. 16: Appropriates $750,000 for reserve guns, as proposed by the Senate.

On amendment No. 17: Inserts the word "torpedo" after "naval," so as to read "naval torpedo station," as proposed by the Senate.

On amendment No. 18: Provides for the preparation of sites, furnishing and erecting masts, buildings, and machinery foundations for United States naval wireless telegraph stations on the Pacific coast in the States of Washington, Oregon, and California, to be limited to the purposes above named, $65,000.

On amendment No. 19: Provides that $1,500 may be expended by the Secretary of the Navy in procuring a survey and estimate of cost for a channel into Welles Harbor, Midway Islands, as proposed by the Senate.

On amendment No. 20: Provides that the Chief of the Bureau of Yards and Docks shall be selected from the members of the Corps of Civil Engineers of the Navy having not less than seven years' active service, as proposed by the Senate.

On amendments Nos. 21 and 22: Appropriates $75,000 for boiler shops and changes totals accordingly, as proposed by the Senate.

On amendments Nos. 23, 24, and 26: Reduces appropriation toward the dry dock $50,000 and appropriates $40,000 for quay wall at dry-dock entrance; dry-dock latrines, $3,000; one officers' quarters, $7,000; dispensary building, $12,000, and changes totals accordingly, as proposed by the Senate.

On amendments Nos. 27, 28, and 29: Appropriates $30,000 for dredging and filling in at naval station at Key West, Fla.; also $3,000 for sewer system, and changes totals accordingly, as proposed by the Senate.

On amendments Nos. 30 and 31: Increases appropriations for navy-yard, Puget Sound, Wash., as follows: Telephone system, extensions, $1,500; central power plant, $60,000; water-closets for ships in dock, $2,500, and changes totals accordingly, as proposed by the Senate.

On amendments Nos. 34 and 35: Strikes out language "and power plant," as proposed by the Senate.

On amendment No. 36: Appropriates $35,000, or so much thereof as may be necessary, for the reclamation of that portion of the naval station at Honolulu, Hawaii, known as the "Reef."

On amendment No. 38: Applies the word "all" to officers outside of the naval hospital, Newport, R. I., so that it will read "building quarters for all officers," etc.

On amendments Nos. 39 and 40: Provides for a heading, "Public works, Marine Corps," and the erection of barracks and quarters, Marine Corps: Erection and equipment of two laundries for enlisted men, marine barracks, $12,000, as proposed by the Senate.

On amendments Nos. 41, 42, 43, 44, 45, and 46: Provides for the completion of marine barracks on the Schmoele tract of land at the Norfolk Navy-Yard, in the State of Virginia, including plumbing, interior woodwork, painting, grading, and proper connections with the local waterworks, $15,000; for the construction of two additional sets of officers' quarters, Norfolk Navy-Yard, $24,000; in all, Norfolk Navy-Yard, $39,000.

For the erection of marine barracks and officers' quarters, naval station, New Orleans, La., $15,000, which sum shall be in addition to $15,000 appropriated for this object in the naval appropriation act approved March 3, 1901, and $6,500 provided in the naval appropriation act approved April 27, 1904.

For the erection of marine barracks and completion of officers' quarters, marine barracks, naval training station, San Francisco, Cal., $15,000.

For the necessary repairs and improvements to such buildings at the naval station, New London, Conn., as have been assigned to the Marine Corps by the Navy Department, $25,000.

For the purchase of land adjoining marine reservation, naval station, Sitka, Alaska, $400.

In all, public works, Marine Corps, $106,400, as proposed by the Senate.

On amendment No. 47: Strikes out provision that the Secretary of the Nevy be, and he is hereby, authorized and directed to cause to be constructed a fully completed model of each vessel of war of the Navy of the United States which now has or may

hereafter be given the name borne by any State of the United States, said model to be deposited in the capitol building of said State, and in every case said model shall be placed in a prominent position, convenient to public view: *Provided*, That such model shall not cease to be, when so deposited, the property of the Government of the United States, but shall be at all times subject to the authority and direction of the Secretary of the Navy, no model to cost in excess of $3,500, and the sum of $50,000 is hereby appropriated, as proposed by the Senate.

On amendment No. 48: Appropriates $60,000 to outfit boiler shop and changes totals accordingly, as proposed by the Senate.

On amendment No. 49: Changes totals as proposed by the Senate.

On amendment No. 50: Changes totals as proposed by the Senate.

On amendment No. 51: Provides hereafter the Secretary of the Navy shall, as soon as possible after the 1st day of June of each year preceding the graduation of midshipmen in the succeeding year, notify in writing each Senator, Representative, and Delegate in Congress of any vacancy that will exist at the Naval Academy because of such graduation, or that may occur for other reasons, and which he shall be entitled to fill by nomination of a candidate and one or more alternates therefor. The nomination of a candidate and alternate or alternates to fill such vcancy shall be made upon the recommendation of the Senator, Representative, or Delegate, if such recommendation is made by the 4th day of March of the year following that in which said notice in writing is given, but if it is not made by that time the Secretary of the Navy shall fill the vacancy by appointment of an actual resident of the State, Congressional district, or Territory, as the case may be, in which the vacancy will exist, who shall have been for at least two years immediately preceding the date of his appointment an actual and bona fide resident of the State, Congressional district, or Territory in which the vacancy will exist and of the legal qualification under the law as now provided. In cases where by reason of a vacancy in the membership of the Senate or House of Representatives, or by the death or declination of a candidate for admission to the academy there occurs or is about to occur at the academy a vacancy from any State, district, or Territory that can not be filled by nomination as herein provided, the same may be filled as soon thereafter and before the final entrance examination for the year, as the Secretary of the Navy may determine. The candidates allowed for the District of Columbia and all the candidates appointed at large, together with alternates therefor, shall be selected by the President within the period herein prescribed for nomination of other candidates: *Provided*, That the President may select a candidate for the District of Columbia for the year 1908, as proposed by the Senate.

On amendment No. 52: Provides that the President be authorized to appoint, by and with the advice and consent of the Senate, two additional professors of mathematics in the Navy, who shall be extra numbers in said list and who shall take rank as now held by them.

On amendment No. 53: Provides that all records (such as muster and pay rolls and reports) relating to the personnel and operations of public and private armed vessels of the North American colonies in the war of the Revolution now in any of the Executive Departments shall be transferred to the Secretary of the Navy, to be preserved, indexed, and prepared for publication, as proposed by the Senate.

On amendment No. 54: Provides for prizes for excellence in gunnery exercise and target practice, both afloat and ashore.

On amendments Nos. 57, 58, 59, and 60: Provides for tests of subsurface and submarine torpedo boats to take place within nine months instead of twelve from the date of the passage of this act, and appropriates $500,000.

On amendment No. 61: Provides that the following clause, "That no part of this appropriation shall be expended for armor for vessels herein authorized except upon contracts for such armor when awarded by the Secretary of the Navy, to the lowest responsible bidder, having in view the best results and most expeditious delivery," shall not apply to or interfere with contracts for such armor already entered into, signed, and executed by the Secretary of the Navy.

On amendment No. 62: Changes totals from $32,975,829 for total increase of the Navy to $33,475,829.

On amendment No. 63: Provides that no part of any sum appropriated by this act shall be used for any expense of the Navy Department at Washington unless specific authority be given for such expenditure.

The committee of conference have been unable to agree on the following amendments:

On amendment No. 2: Which increases the appropriation for pay of the Navy from $20,000,000 to $20,269,637.

On amendment No. 6: Which provides that all officers of the Navy below the grade of rear-admiral, with creditable records, including those retired with the relative rank of commodore, who served during the civil war, and who were honorably retired prior to the passage of an act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899, shall be advanced on the retired list one grade above the grade or rank now held by them, to take effect from the date of the approval of said act; and that rear-admirals retired prior to the passage of said act shall receive the same pay as officers of the Navy of corresponding grade who have been retired under said act: *Provided*, That this act shall not apply to any officer who has received an advance of grade since his retirement or has been restored to the Navy and placed on the retired list with promotion thereon by virtue of the provisions of a special act of Congress. This provision shall in no case authorize any claim for back pay and shall have effect only for the future, and shall also apply in like manner to officers of the Marine Corps.

On amendment No. 7: Which provides that officers of the Marine Corps with creditable records who served during the civil war and were retired prior to 1904 shall receive the full benefit of the act approved April 23, 1904, in so far as the same provides for the promotion of civil war veterans to the next higher grade above that at which they were retired.

On amendment No. 13: Which provides that the naval station at Port Royal, S. C., including all buildings and other property thereon and the employees attached thereto, be hereby transferred to and placed under the control of the Bureau of Navigation, Navy Department, as an adjunct to the naval training station, Rhode Island, to be used for the instruction of recruits during the winter months and at such other times as may be deemed advisable, and for that purpose the following sums are appropriated: Necessary repairs to the buildings to fit them for berthing, messing, and drilling purposes, and for galleys, latrines, and washhouses for apprentice seamen, and for purposes of administration in connection with the training of the same, $51,000; installing necessary distilling plant or freshwater supply, $20,000; maintenance of the station as a training station, $25,000; in all, $96,000.

On amendments Nos. 32 and 33: Which provide for the construction of a graving dock of concrete and granite, to cost in all $1,400,000, $100,000; in all, navy-yard, Pensacola, $140,000.

On amendment No. 37: Which provides for changes in the totals, public works, navy-yards and stations, from $2,848,450 to $3,052,450.

On amendment No. 55: Which provides that from and after the date of the approval of this act the Commandant of the Marine Corps shall have the rank, pay, and allowances of a major-general in the Army, and when a vacancy shall occur in the office of Commandant of Corps, on the expiration of the service of the present incumbent, by retirement or otherwise, the Commandant of the Marine Corps shall thereafter have the rank, pay, and allowances of a brigadier-general.

On amendment No. 56: Which provides that before any proposals for said battle ship shall be issued or any bids received and accepted the Secretary of the Navy shall report to Congress at its next session full details covering the type of such battle ship and the specifications for the same, including its displacement, draft, and dimensions, and the kind and extent of armor and armament therefor.

GEORGE EDMUND FOSS,
H. C. LOUDENSLAGER,
ADOLPH MEYER,
Managers on the part of the House.

Mr. FOSS. Mr. Speaker, I would state that this report is a partial report and covers all matters in disagreement between the House and the Senate except practically five or six subjects, the first relating to the civil-war veterans, which is covered by amendments 2, 6, and 7; the thirteenth Senate amendment, appropriating less than $100,000 for Fort Royal; Senate amendments Nos. 32, 33, and 37, providing for an additional dock at Pensacola Navy-Yard, and amendment 55, giving the Commandant of the Marine Corps the rank and pay of a major-general, together with 56, relating to the battle ship. These are the only matters in disagreement between the two Houses, or will be after the adoption of this report. Mr. Speaker, I now move the previous question on the adoption of the report.

Mr. PAYNE. Oh, Mr. Speaker, does not the gentleman propose to have some debate on this?

Mr. HULL. Mr. Speaker, this report is too important to be put over under the previous question. If the gentleman insists upon that motion, I sincerely hope the House will vote it down. There are some things here that the House should understand before it adopts this report.

Mr. FOSS. Very well, Mr. Speaker, I will withdraw that motion. Does the gentleman desire to ask some questions?

Mr. HULL. I desire to discuss this report and incidentally to ask some questions.

Mr. PAYNE. Mr. Speaker, I hope the gentleman from Illinois [Mr. Foss] will give time enough to discuss this report.

Mr. FOSS. Mr. Speaker, this relates simply to the adoption of a partial report.

Mr. PAYNE. It involves a great many important matters that the House should be in possession of before it votes on it.

Mr. FOSS. How much time does the gentleman from Iowa desire?

Mr. HULL. I do not want to use any unusual time. It is impossible to say how long.

Mr. FOSS. I yield five minutes to the gentleman.

Mr. HULL. Five minutes would not be enough. I would want at least ten or fifteen minutes.

Mr. FOSS. Well, I will yield ten minutes to the gentleman from Iowa.

Mr. PERKINS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PERKINS. Mr. Speaker, I desire to move that the House recede from its disagreement on amendment No. 6 and concur in the Senate amendment. Is it proper for me to make that motion at this time?

The SPEAKER. The Chair understands that there is a conference report that brings the two bodies together upon certain matters of disagreement, and that there are certain other matters that have not been agreed to. The first question that would present itself is as to whether the House will agree to the conference report. After that any matters that have not been settled in the conference report, in the event the conference report should be adopted, would be subject to disposition by the House. If the conference report is defeated, then all matters, if the House should further insist upon its disagreement to the Senate amendments, would go back to conference.

Mr. PERKINS. Yes; but I suppose it would be proper for the House to vote to instruct the committee to recede and concur on amendment No. 6.

Mr. FOSS. Mr. Speaker, that would be in order.

Mr. PERKINS. Then the report thus amended could be adopted.

The SPEAKER. That is not in order at this time. The only question before the House at this time is as to whether the House will agree to the conference report. If they agree, then it takes all those matters contained in that report out of disagreement with the Senate.

Mr. FOSS. Mr. Speaker, I yield ten minutes to the gentleman from Iowa.

Mr. HULL. Mr. Speaker, I understand that the gentleman from Ohio [Mr. BURTON] has a parliamentary inquiry.

Mr. BURTON of Ohio. No; I think that has been answered by what the Speaker said. As I understand, the motion now before the House is to adopt that part of the conference report upon which the conferees agree. I do not understand that any former motion was made to that effect.

The SPEAKER. That is all there is to the conference report.

Mr. HULL. Mr. Speaker, I do not like to antagonize the report of the conferees——

Mr. PRINCE. Mr. Speaker, I call for order. This report affects not only the Committee on Naval Affairs, but the Committee on Military Affairs, and the Army is affected by it as well.

The SPEAKER. The House will be in order.

Mr. HULL. Mr. Speaker, there is a constant strife between the two arms of the service, as they say, to be put upon an equality; but each time that one is put upon an equality it is found out afterwards that he goes a little beyond equality, and then the other arm begins to press up—never presses down. I have never found either of them to come and solicit Congress to equalize rank and pay downward. It is always to equalize up. This report, in my judgment, in some respects is equalizing up, and I desire to call the attention of the gentleman from Illinois [Mr. Foss], the chairman of the committee, to amendment No. 1, which provides as follows:

For hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them.

That is to say, the naval officers shall have quarters. Now, the Army has that in a limited degree. In other words, where an officer of the Army is serving with or without troops and the Government can not furnish quarters, he gets, according to his rank, so many rooms. In other words, if he is a lieutenant, he gets two rooms; if he is a captain, he gets three rooms, and the price of the room is fixed at $12 a room. There is no limitation in this, and a man serving in any city of the United States could receive out of this appropriation rent for a house that would cost $5,000 a year and be within the law. Now, what I want is for the conferees, when they take this up again—and I hope they will—to limit the price of the room to $12, and give to each naval officer rooms according to his rank, as is done in the Army. If you will do this, we will have no further trouble about this room matter. If you do not do it, we will be bothered here every Congress for as liberal a provision as is given here——

Mr. TAWNEY. Will the gentleman permit a question?

Mr. HULL. Certainly.

Mr. TAWNEY. Is this amendment included in the agreement of the conferees?

Mr. HULL. It is included in the agreement.

Mr. TAWNEY. Then there is only one way to reach it, and that would be to vote down the conferees' report. That is the parliamentary situation?

Mr. HULL. That is correct. I have a serious objection, Mr. Speaker, to amendment No. 10, which has been agreed to by the conferees.

Mr. WATSON. What is amendment No. 10?

Mr. HULL. It is a Senate amendment.

The solicitor in the office of the Judge-Advocate-General of the Navy shall hereafter be appointed by the President, by and with the advice and consent of the Senate, and shall have the rank, highest pay, and allowances of a commander, and no higher rank: *Provided*, That when such office becomes vacant the solicitor shall thereafter be appointed from civil life in the manner and at the compensation now provided by law.

The conferees changed that, and, I think, intended to cover my objection. They struck out the words "rank, highest" and the words "no higher rank," so it will read "shall have the pay and allowance of a commander," and then they made the proviso read: "When such office becomes vacant the solicitor shall receive the compensation now provided by law," and they add another proviso: "*Provided further*, That such officer shall not have the benefit of retirement." But my point, Mr. Speaker, is that that proviso in regard to retirement should have come in immediately after giving the rank to the officer. He is a civilian employee of the Navy Department. He is getting pay now fixed by law. This makes him virtually a commander in the Navy, and by putting in the proviso where it is it does not keep him off the retired list——

Mr. FITZGERALD. Will the gentleman yield?

Mr. HULL. In other words, the proviso fixing the retirement only provides for those who may come after him.

Mr. FITZGERALD. Does this amendment in effect take a civilian into the Navy at the rank of commander?

Mr. HULL. Yes.

Mr. FITZGERALD. That is the purpose?

Mr. HULL. That is the purpose of the Senate amendment.

Mr. FITZGERALD. Why should some civilian who has been working in the Navy Department at this time be given rank in the Navy as commander with the pay and allowances of one?

Mr. HULL. And he has also the retired pay.

Mr. PAYNE. Is not the object of this amendment to increase the pay of the present incumbent while he is in office?

Mr. HULL. I will say the object of the amendment was to increase the pay of the present incumbent, but the intent of the House conferees unquestionably was to limit it to him while on the active list, and if they had put their proviso immediately following the word "commander" in line 18 of the bill, I should not have had a word to say, but putting the proviso at the close of the whole legislation, after they had provided what the succeeding officer should have, simply provides that the succeeding officer shall not be put upon the retired list. I do not believe there is any question as to the construction that will be placed upon it.

Mr. SLAYDEN. Mr. Speaker, it was quite impossible for us over here on this side of the House to hear the gentleman's explanation of the item about quarters provided for in this bill—quarters for officers on shore duty, I suppose.

Mr. HULL. Serving where there are no public quarters.

Mr. SLAYDEN. In what respect does that differ from the legislation for the Army?

Mr. HULL. It makes no limitation whatever on what shall be expended for quarters by any officer.

Mr. SLAYDEN. Do you mean to say not so much for a room and not so many rooms for rank?

Mr. HULL. No, sir; nothing of the kind. It simply provides they shall have quarters, and as I said before, while I think it is extreme, and it would be doubtful if any such thing would ever happen, yet they would have the power under this law to furnish a house in Washington, or in any other city

where they are serving with the troops, no matter what the cost should be.

Mr. SLAYDEN. Does not the gentleman think that it would only be fair to the public and doing exact justice as between the two branches of the service, if they were limited to the same emolument in that direction?

Mr. HULL. It is my suggestion, if this goes back to the conference, that they provide that they shall have so many rooms for each rank, and that they shall not pay over $12 a month for each room, as it is for the Army.

Mr. SLAYDEN. What about the compensation for the chaplains?

Mr. HULL. I want to compliment the committee on this, that they have adjusted the chaplains on the same line as is now provided for the Army.

Mr. SLAYDEN. That is wise legislation.

Mr. HULL. They have fixed it so that they go in at lower grades, and are gradually promoted in line until they reach the grade of lieutenant-commander of the Navy—equal to the grade of major in the Army; and I want to congratulate the committee that in this respect they have compelled the Senate to recognize the justice of the pay and emoluments between the two branches of the service.

Mr. RIXEY. As I understood the gentleman a moment ago, he was referring to amendment No. 10.

Mr. HULL. I was.

Mr. RIXEY. Which provides for the increase in the compensation of the solicitor in the office of the Judge-Advocate-General.

Mr. HULL. Yes.

Mr. RIXEY. And provides that at the expiration of his term the compensation shall then go back to what it is now.

Mr. HULL. Yes.

Mr. RIXEY. Well, so far as I know, I never heard of any reason for this. But the Secretary of the Navy appeared before the House committee, and also before the Senate committee, urging that he might be allowed $5,000 extra with which to employ legal counsel. It seems to me that this amendment No. 10 is very inappropriate at this time.

Mr. HULL. Mr. Speaker, I am not arguing that feature of it. The House has as much judgment as myself as to whether it is an overpayment or not. The proper way to have met that question, if this amendment is fixed as it should be, would be to provide simply for an increase of pay for this officer.

The SPEAKER. The gentleman's time has expired.

Mr. HULL. Mr. Speaker, I ask for ten minutes more.

Mr. FOSS. Mr. Speaker, I yield ten minutes more to the gentleman from Iowa.

Mr. HULL. Mr. Speaker, in my judgment, whenever you do give an increase of pay to the solicitor of the Navy, you have got to give increased pay to the solicitor of every other Department of the Government. But that question is for the House to determine. But what I am protesting against is this: The injecting into the appropriation bill of a civilian and giving him rank and giving him retired pay, who has only a few years more to serve until he reaches retirement. If this officer should be a regular naval officer, why not bring in a bill here providing for the detail of a naval officer and giving him rank and pay while he is holding that position—as the Army has done and as the Navy has done in so many cases?

Mr. PAYNE. Was this amendment in the bill when it passed the House?

Mr. HULL. No, sir.

Mr. PAYNE. No attempt to increase the pay?

Mr. HULL. No attempt to do it. There is another feature I desire to call attention to that is not in the conference report.

Mr. BUTLER of Pennsylvania. Before the gentleman leaves that——

The SPEAKER. Does the gentleman yield?

Mr. HULL. I yield to the gentleman.

Mr. BUTLER of Pennsylvania. Does the gentleman construe that amendment—I could not hear him very distinctly—to put this civilian on the retired list?

Mr. HULL. I have no question of it. I call the attention of the gentleman to it as it will read:

The solicitor in the office of the Judge-Advocate-General of the Navy shall hereafter be appointed by the President, by and with the advice of the Senate, and shall have the pay and allowances of a commander.

Now, that stops there. Then follows the proviso:

Provided, That when such office becomes vacant the solicitor shall thereafter receive the compensation now provided by law.

Then the committee on conference follow that with another proviso:

Provided further, That such officer shall not have the benefit of retirement.

What officer does that mean? The last proviso does not mean the present incumbent, because you give him the rank of commander and then provide that his successor shall not be retired.

Mr. ALEXANDER. Will the gentleman allow me to ask him a question?

Mr. HULL. Why, certainly.

Mr. ALEXANDER. Does the gentleman acquiesce in the construction of the words "to be appointed from civil life?"

Mr. HULL. Why, Mr. Speaker, they are already appointed from civil life. This man that it is proposed to benefit is appointed from civil life. He is only the Solicitor of the Navy Department. There is a man occupying the same position as Solicitor of the Treasury Department as this man is in the Navy Department. He is only a civil-life man. The beneficiary of this amendment is a civil law officer of the Navy, and always has been since he was promoted from a clerkship. While I say I would have preferred to see him given simply an increase of his pay, I do not object to giving him the pay of a commander, but I do object to giving him the benefit of the retired list after six years' service after this day, where he will receive three-fourths of that pay as long as he lives, without performing any service whatever.

There is another proposition that is not in the conference report I wanted to call the attention of the House to, but I will wait until later.

Now, Mr. Speaker, I do not desire to detain the House longer. I wanted to call especial attention to these two features of the bill, not because I have not confidence in the Committee on Naval Affairs, and not because I desire to interfere in their business; but these two matters are so closely and intimately related to each branch of the service that it seems to me that the House will make a mistake if it should level them up. Let us put the two branches on an equality and stop there.

Mr. FOSS. Mr. Speaker, the gentleman from Iowa is more apprehensive than right in his criticism of this report. He has made two objections to it—one upon the ground that we have provided in here for the hire of quarters, and we propose to hire quarters in the Navy that will cost more than the commutation for quarters. This provision was put in by the Senate upon the recommendation of the Secretary of the Navy, to meet a Comptroller's decision upon the question of whether or not they had the right to quarters. This does not seek in any way to make a new distinction between the Army and the Navy; and I will read here the last clause of the letter from the Secretary of the Navy, in which he brings that out clear. He says:

No increase in the appropriation will result from the additional language, as its only result will be to restore conditions existing before the decision of the Comptroller and permit the allotment to an officer serving on shore duty with troops the quarters to which his rank and duty entitle him.

Mr. HULL. Let me ask the gentleman a question. Why not fix that in the law?

Mr. FOSS. Mr. Speaker, that settles the whole controversy.

Mr. PAYNE. Has the gentleman any objection to reading to the House the exact provision put in the bill? That would give more information than the statement of the Secretary.

Mr. FOSS (reading):

For hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them.

Mr. PAYNE. Where is the limitation in that language?

Mr. FOSS. The limitation is in the general law providing commutation for quarters.

Mr. HULL. What is the general law fixing commutation of quarters for the Navy? We have it for the Army, but what is it for the Navy?

Mr. FOSS. The Navy are given the allowances of Army officers of corresponding rank.

Mr. HULL. Then why not put it that way, if that is true?

Mr. FOSS. That is the general law, and the gentleman from Iowa knows it.

Mr. HULL. I do not; and if so, why this provision?

Mr. FOSS. And where they put in there "hire of quarters for officers," they will not be able to get any better quarters than they are entitled to under the general law, and the gentleman from Iowa knows that. [Applause.]

Mr. HULL. Well, I do not know that.

Mr. FOSS. Now, upon the second proposition that the gentleman from Iowa has raised here to-day——

Mr. HULL. I hope the gentleman will read the law. It is fair to the House that we should have the law.

Mr. FOSS. On the second provision, Senate amendment 10, our provision reads as follows:

The solicitor in the office of the Judge-Advocate-General of the Navy shall hereafter be appointed by the President, by and with the advice

and consent of the Senate, and shall have the pay and allowances of a commander.

The Senate added other language. Now, that refers to Mr. Hanna, who has been a solicitor in the office of the Judge-Advocate-General for a great many years. He came in as a clerk at $1,800 a year. He is a man now 50 years of age, the only civil lawyer in the Department. He receives a compensation of $2,500 a year. If this passes, he will get $3,500 a year, an increase of a thousand dollars, so I am told by Mr. Hanna himself this morning.

Mr. HULL. Does the Navy get "fogy" or longevity pay?

Mr. FOSS. Yes; but this cuts out the longevity pay, because it does not pay "the highest pay;" it will only be $3,500. We thought it would give him $4,000, but he says not. Now, the gentleman from Iowa says that this provision puts Mr. Hanna on the retired list. I stand here and say that the language of that provision, giving the solicitor simply the pay and allowances of a commander, does not put him on the retired list.

Mr. HULL. Why not say that he shall not be eligible to retirement?

Mr. FOSS. We have stricken out the word "rank," which would have put him on the retired list, and that is all that provision means. Then, in addition to that, in the conference we put in another proviso, settling it forever as against any doubt or question. What is that proviso? It is:

And such officer shall not have the benefit of retirement.

Making it doubly sure. Mind you, if the proviso had not been there, it would not have given him the privilege of retirement, and I have consulted our own Judge-Advocate-General's corps upon that question. But in addition to that we put this proviso upon it.

Mr. HULL. The gentleman ought to read that in connection with the whole language.

Mr. FOSS. It relates to the present solicitor and to his successor. It relates to the office.

Now, Mr. Speaker, it seems to me there can be no objection to this conference report.

Mr. RIXEY. I should like to ask the gentleman a question in regard to another amendment. It will shorten the discussion if he will answer it.

Mr. FOSS. Is it covered by the report, or is it an amendment that is in disagreement?

Mr. RIXEY. It is an amendment concerning which the conferees have agreed.

Mr. FOSS. All right.

Mr. RIXEY. And that is the latter part of amendment No. 51, which gives to the District of Columbia an additional midshipman for 1907. I want to ask why that was? The District of Columbia now has two midshipmen at Annapolis. Why should it have an extra midshipman for 1907? That provision is on page 73.

Mr. FOSS. This is an amendment placed in the bill by the Senate. The President desired to appoint an individual of special qualifications.

Mr. RIXEY. That was placed there at the special request of the President?

Mr. FOSS. Not directly, but, I am informed, it came directly from him.

Mr. RIXEY. I have no disposition not to gratify him in regard to a special request, but I think it is rather bad legislation.

Mr. UNDERWOOD and Mr. PRINCE rose.

Mr. FOSS. I yield first to the gentleman from Alabama, and then I will yield to my colleague from Illinois.

Mr. UNDERWOOD. Mr. Speaker, I notice that the bill as it went from the House to the Senate carried an authorization of a million dollars to provide for the building of submarine boats.

Mr. FOSS. Yes.

Mr. UNDERWOOD. The Senate made an appropriation of a million dollars to carry that provision into effect.

Mr. FOSS. Yes.

Mr. UNDERWOOD. In other words, carrying out the provision of a House bill as agreed to by the House—really appropriating sufficient money to carry out that provision. Now, I notice that the conferees have cut down that appropriation to half a million dollars. Although the House had expressed its view in favor of the million dollars, the committee of the House—for it must have been a disagreement on the part of the House conferees—cut down the amount of the appropriation to half a million dollars. I desire to ask the gentleman the reason for cutting down the appropriation which the House had practically authorized?

Mr. FOSS. This was a Senate amendment. The House had not appropriated a single dollar for these boats.

Mr. UNDERWOOD. Undoubtedly; but the House had provided for their building.

Mr. FOSS. All that the House had done was simply to authorize the Secretary of the Navy to enter into contracts to the extent of a million dollars, but the House had not appropriated a single dollar. Now, the Senate appropriated a million dollars, but, in view of the fact that these tests would cover a period of nine months, the House conferees thought that half of that appropriation would be sufficient for this year, and I think it is.

Mr. UNDERWOOD. As far as that is concerned, we may not need the appropriation this year——

Mr. FOSS. We may not need it at all.

Mr. UNDERWOOD. Before next year; but the House had expressed its desire to expend a million dollars for these submarine boats. It is true the House provision was inartificially drawn, and no appropriation was made, but the will of the House was expressed in that provision authorizing the building of a million dollars' worth of submarine boats. There was practically no opposition to it, and I do not see wherein lay the power of the conferees to cut down the will of the House as expressed in that way.

Mr. FOSS. We did not cut down the will of the House. If we had cut down the right of the Secretary to enter into contracts to the extent of a million dollars, then we would, perhaps, have been moving against the will of the House; but to the House provision we added an appropriation of $500,000, because the House did not appropriate one single dollar, but only allowed the Secretary of the Navy to enter into contracts.

Mr. UNDERWOOD. As I understand the provision as it stands to-day, the Secretary of the Navy can enter into contracts.

Mr. FOSS. Can enter into contracts to the extent of a million dollars, but we only appropriate this year $500,000.

Mr. PAYNE. Will the gentleman give me about four minutes?

Mr. FOSS. I yield to the gentleman from New York four minutes.

Mr. PAYNE. Mr. Speaker, this bill will have to go back to conference anyway. There are a number of items here that have not been agreed upon. The conferees will have to meet again. It seems to me the whole matter ought to go back to conference. Now, as the simple object of this amendment is to increase the pay of the present incumbent of the office of solicitor, why not put it in a few words and say that during the lifetime of the present incumbent he shall have a salary of so much per year, as has been done time and again in appropriation bills? If that is the simple object, why is it necessary to say that he shall have the pay of a commander, and leave it in this hazy way? The gentleman from Illinois [Mr. Foss] says that will not give him longevity pay. It is a grave question whether it will or not, because it gives him the pay of a commander. It is not necessary that it should say the highest pay of a commander. Of course every man who gets the pay of a commander gets the highest pay. He always manages to get that. Now, why not put it in a few simple words? It is a Senate amendment. It is new legislation. We can have our own way about it, if we stick to it.

Mr. FOSS. I know that, but this custom has obtained in the Navy, and it obtains in the Army always, in describing the pay, to say that a man in a certain position shall have the pay and allowances of an officer in a certain grade in the Navy or in the Army.

Mr. PAYNE. It is not the Army or the Navy that makes this bill. The House of Representatives makes it.

Mr. FOSS. Men from civil life have gone into the Army, and this language is simply descriptive.

Mr. PAYNE. Mr. Speaker, it seems to me that it is so easy to put this thing into language that can be understood that it ought to be done.

Mr. FOSS. It is a matter so small that it makes no difference whatever.

Mr. PAYNE. It is not a matter so small; we are constantly increasing the pay of some officer, and when we increase the pay of one individual, it reaches a class, and then we have to increase the whole of them. Then we are out of joint with another class just above or just below. If you want these people or this individual to have an increase of salary, say so and put in the salary whether a commander or a commander with longevity pay.

Now, as to the quarters, the gentleman has not satisfied me that there is any general law to regulate this and bring it on a par with the Army. He does not cite any general law. This is an independent statute by itself, and it gives them the right to quarters, without any limitation, in any city where they

will be; and, of course, they will overstep the limits, and the quarters will be more expensive. Then the Army comes in and they want to be leveled up.

I notice another thing in this bill, and while I haven't any objection to the item, I want it understood that it is an emergency item. They appropriate $7,000 for the Army and Marine Corps in the late San Francisco disaster. That makes the Government of the United States an insurer of property against earthquakes. In view of the appalling disaster, I am not raising any objection to the item, but I want it understood that it is on account of that and it is not a precedent whereby we shall be insurers of the goods of officers who lose property through fire. I had a telephone a short time ago from an officer who desired the same thing done for the Army, and I think likely it ought to be done; but whenever we have done it in Congress, it has been on the ground that the officer was engaged in saving the property of the Government, and while so engaged paid no attention to his own personal property, and for that reason we paid for the personal property. The House passed such a bill only two sessions ago, but we have not gone beyond that. We have not gone into the insurance business; and yet, if we adopt it, I think we ought to adopt it on the ground of the great calamity which happened there and not adopt it as a matter of insurance for these officers.

Mr. FOSS. Mr. Speaker, I want to say to the gentleman from New York that here is a law which gives the naval officer an allowance of the Army officers of corresponding rank. It provides:

After June 13, 1899, commissioned officers of the line of the Navy Medical and Pay Corps shall receive the same pay and allowance except for forage as may be provided by or in pursuance of the law for officers of corresponding rank in the Navy.

That gives them commutation for quarters when quarters are not provided.

Mr. TAWNEY. Does not that enable officers of the Army, if you change the quarters for the Navy, to claim the same quarters that are given to the Navy?

Mr. FOSS. No; there is always a difference of quarters. When the Government provides quarters, some houses are better than other houses. Where officers' quarters are established at West Point or at some barracks, they draw their quarters according to their rank, and some officers get better quarters than others. I say to you that they could not provide any differently than they have provided for the Army, and these objections, every one of them, are captious here to-day. No conference committee has ever worked with greater zeal in this matter than the conferees on the part of the House. It was only the other day when, after thinking the matter over for twenty-four hours, in my own mind I felt that I had done two men an injustice, and I came back upon this floor and did what I never did before in the twelve years of my service—I asked the House to vote down my conference report and go back to conference in order to rectify an injustice I believed I had done to individuals. I say to you gentlemen here to-day that every objection that has been raised to this report on the floor here is absolutely captious and trivial.

Mr. TAWNEY. Will the gentleman permit a question and see whether it is captious or not? Amendment No. 10 reads as follows:

The solicitor in the office of the Judge-Advocate-General of the Navy shall hereafter be appointed by the President, by and with the advice and consent of the Senate, and shall have the rank, highest pay, and allowances of a commander, and of no higher rank: *Provided*, That when such office becomes vacant the solicitor shall thereafter be appointed from civil life in the manner and at the compensation now provided by law.

Then that is followed up with this further proviso:

Provided further, That such officers shall not have the benefit of retirement.

What officer? The officer mentioned in the last proviso? Not the officer that you are now providing for; that is the solicitor in the office at present, but the officer mentioned in the first proviso is the man who will not be entitled to retirement.

Mr. FOSS. Oh, no; the gentleman is entirely wrong.

Mr. TAWNEY. Well, that is the language.

Mr. FOSS. That proviso applies to the solicitor.

Mr. TAWNEY. Then the gentleman should so state.

Mr. HULL. Why not put it in, then?

Mr. FOSS. Mr. Speaker, I trust that the House will adopt this report. All of these criticisms and objections which were made here to-day, I again repeat, are only captious and trivial, in my judgment. I move the previous question upon the adoption of the report.

Mr. PRINCE. Mr. Speaker, I will ask the gentleman to yield to me for a minute or two.

Mr. FOSS. I withdraw that motion for a moment, and I yield two minutes to the gentleman from Illinois.

Mr. PRINCE. Mr. Speaker, this amendment No. 10 originally gave him a rank, a civilian. That was stricken out. The proviso says that when such office becomes vacant the solicitor shall thereafter be appointed from civil life. The office of solicitor never becomes vacant. It is the officer you are seeking and not the office. What does it all mean? It means simply this, that you take a civilian and give him the pay and allowance of a commander. What is a part of his pay and what is a part of his allowance? Quarters, longevity pay, long service pay. There is no possible way of escaping it. I am in full accord with the chairman of the committee. I think he wants to pay additional compensation to a capable and efficient solicitor. I say, to put it in plain English, that you want to pay this solicitor while he holds that office a certain amount of compensation, as the gentleman from New York [Mr. PAYNE] has clearly stated to this House; and it seems to me that this conference report ought to go back and be carefully looked over and brought into this House. I want to be heard on amendment No. 6, which I think the House ought to know something about more than it does now in this turmoil.

Mr. FOSS. Mr. Speaker, so far as the term of office is concerned with reference to the solicitor, the President can appoint him if he sees fit or not. It is left with the President just the same, for instance, as the office of the Assistant Secretary of the Navy. It does not make him a permanent officer. It can not make him a permanent officer. It is in the will of the President of the United States.

Mr. HULL. Will the gentleman yield for a question?

Mr. FOSS. Yes.

Mr. HULL. I know the gentleman wants to be fair in this statement. He has referred to the Army. We have one class of officers in the Army with this kind of language, and that is the veterinary surgeons. They wanted the full rank and pay, and the committee reported it, giving them the pay and allowance, just as this does, and every one of them, when they reach the age of 64, goes on the retired list with the pay and allowance of a first lieutenant, and with the same rule, the Comptroller holding always that that was the meaning of that law. Now, why wouldn't he hold that this is the meaning of this law?

Mr. FOSS. I would state that I got the decision from the Judge-Advocate's Department this morning that under this law, under the language of it, the solicitor would not be entitled to retirement, and he would not for a moment think he had that right or claim it. He has told me so; and not only that, but in addition to that we put in this further clause, which the gentleman says does not apply to the first, but, in my judgment, it does apply to the first, "provided there shall be no benefit of retirement by reason of this section."

Mr. Speaker, I now move the previous question upon the adoption of the report.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. Foss) there were—ayes 84, noes 90.

Mr. FOSS. Mr. Speaker, I call for tellers.

Tellers were ordered; and the Speaker appointed the gentleman from Illinois [Mr. Foss] and the gentleman from Iowa [Mr. HULL] tellers.

The House again divided; and the tellers reported—ayes 85, noes 96.

So the conference report was rejected.

Mr. FOSS. Mr. Speaker, there are certain amendments here in disagreement that I would like very much to have the House pass upon, as the managers on the part of the House did not feel like assuming the responsibility of passing upon them.

And so, Mr. Speaker, I move that the House further insist upon its disagreement to all the Senate amendments except those amendments which were in disagreement in the last conference report—not included in the last conference report.

The SPEAKER. Is a separate vote demanded upon any one of these amendments?

Mr. UNDERWOOD. Mr. Speaker, I demand a separate vote upon the battle ship amendment.

Mr. BURTON of Ohio. Amendment No. 56——

Mr. PERKINS. Mr. Speaker, I demand a separate vote upon amendment No. 6.

Mr. HULL. Mr. Speaker, I should like a separate vote on No. 1 and on No. 6 and also on No. 10.

Mr. LAMAR. I would like to have a separate vote on amendment No. 32.

Mr. HAUGEN. And I would like a separate vote on No. 52.

Mr. PATTERSON of South Carolina. Mr. Speaker, I demand a separate vote on amendment No. 15.

The SPEAKER. Without objection, the question will be put upon further insisting upon the disagreement to all the Senate amendments except the ones intimated—56, 6, 1, 10, 52, 13, and 32.

Mr. FOSS. Mr. Speaker, I want to say the gentleman who is in favor of what is known as the "civil war amendment"—No. 6—ought to include No. 7 also, and also No. 2, because they are all related and the same action should apply to all.

Mr. HULL. Do I understand a separate vote is called for on amendment No. 10?

Mr. FOSS. Yes.

Mr. PERKINS. I ask the vote be taken jointly on Nos. 6, 7, and 2.

The SPEAKER. That matter can be adjusted when it is reached. The question is upon further insisting on the disagreement by the House upon all Senate amendments except those indicated.

Mr. SLAYDEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SLAYDEN. When we come to vote upon these amendments for which a separate vote is demanded, will there be any brief statement indicating the nature of those amendments?

The SPEAKER. Oh, it will be read, and the consideration of each one is in the discretion of the House. The question is on further disagreeing to all the Senate amendments except those indicated.

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

The SPEAKER. The House votes to further insist upon its disagreement. The Clerk will report amendment No. 1.

The Clerk read as follows:

Page 2, lines 4 and 5, after "constructors," insert:
"For hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them."

Mr. MURPHY. Mr. Speaker, I move the previous question on that.

Mr. HULL. Mr. Speaker, I believe I have the floor, as I called for a vote.

The SPEAKER. It seems to the Chair the gentleman from Iowa is recognized.

Mr. HULL. Mr. Speaker, I desire to move to strike out—I have not the full list of rooms before me—but I move to instruct the House conferees to amend amendment No. 1 by placing in that language the Army provision as to rooms for officers where the Government does not furnish quarters.

Mr. FOSS. Mr. Speaker——

The SPEAKER. The Chair will state to the gentleman from Iowa that instructions, if instructions be given, under the practice come after the conference is asked and before the conferees are appointed.

Mr. HULL. I would move to recede with an amendment, but I can not——

The SPEAKER. The gentleman can move to recede and concur with an amendment at this stage.

Mr. HULL. I would state to the House I would not want to prepare that amendment here, because I might do another injustice in some line——

Mr. FOSS. Mr. Speaker, I hope the gentleman will amend this provision that he says needs amendment, and I think he ought to amend it here on the floor. If he thinks it needs amendment, he can do it by very simple language if he wishes to do so.

The SPEAKER. The gentleman has not the amendment prepared at this time, and if such is the pleasure of the House it can be passed by unanimous consent and returned to later.

Mr. HULL. I ask unanimous consent that it be passed at this time.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the second amendment.

The Clerk read as follows:

Page 2, line 19, after "million," insert "two hundred and sixty-nine thousand six hundred and thirty-seven dollars."

Mr. FOSS. Mr. Speaker, I ask unanimous consent that that amendment be passed, inasmuch as our action upon that amendment will be duplicated by our action upon amendments 6 and 7.

The SPEAKER. Then why not ask unanimous consent, if such is the pleasure of the House, that amendments 2, 6, and 7 be considered together?

Mr. PERKINS. That would meet the question.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read amendments 6 and 7.

The Clerk read as follows:

Page 3, after line 25, insert:
"That all officers of the Navy below the grade of rear-admiral, with creditable records, including those retired with the relative rank of commodore, who served during the civil war, and who were honorably retired prior to the passage of an act entitled 'An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States,' approved March 3, 1899, shall be advanced on the retired list one grade above the grade or rank now held by them, to take effect from the date of the approval of said act; and that rear-admirals retired prior to the passage of said act shall receive the same pay as officers of the Navy of corresponding grade who have been retired under said act: *Provided*, That this act shall not apply to any officer who has received an advance of grade since his retirement or has been restored to the Navy and placed on the retired list with promotion thereon by virtue of the provisions of a special act of Congress. This provision shall in no case authorize any claim for back pay, and shall have effect only for the future, and shall also apply in like manner to officers of the Marine Corps."

Page 3, after line 25, insert:
"That officers of the Marine Corps with creditable records who served during the civil war and were retired prior to 1904 shall receive the full benefit of the act approved April 23, 1904, in so far as the same provides for the promotion of civil war veterans to the next higher grade above that at which they were retired."

Mr. HULL. Mr. Speaker, I insist that a separate vote must be had on this, because No. 7 is entirely different from No. 6.

Mr. PERKINS. I have no objection, Mr. Speaker. I move that the House recede on amendment No. 6 and concur in the Senate amendment.

Mr. HULL. Mr. Speaker, a parliamentary inquiry. Is that motion subject to amendment?

The SPEAKER. The gentleman from New York [Mr. PERKINS] moves that the House do recede and concur in the Senate amendment.

Mr. PERKINS. The others, Mr. Speaker, can be disposed of afterwards.

The SPEAKER. The gentleman from New York [Mr. PERKINS] moves that the House recede and concur in Senate amendment No. 6. That is open to amendment.

Mr. HULL. Then, Mr. Speaker, I move to recede and concur with the following amendment.

The SPEAKER. The gentleman from Iowa offers the following amendment to the motion of the gentleman from New York. The Clerk will read.

Mr. HULL. Mr. Speaker, I move to strike out all of section 6 and insert what I have sent to the Clerk's desk.

The SPEAKER. The Clerk will report.

The Clerk read as follows:

That any officer of the Navy not above the grade of captain who served with credit as an officer or as an enlisted man in the regular or volunteer forces during the civil war prior to April 9, 1865, otherwise than as a cadet, and whose name is borne on the official register of the Navy, and who has heretofore been, or may hereafter be, retired on account of wounds or disability incident to the service or on account of age or after forty years' service, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Navy with the rank and retired pay of one grade above that actually held by him at the time of retirement: *Provided*, That this act shall not apply to any officer who received an advance of grade at or since the date of his retirement or who has been restored to the Navy and placed on the retired list by virtue of the provisions of a special act of Congress.

Mr. HULL. Mr. Speaker, I want to call the attention of the House to the effect of the language that is reported in the bill as an amendment of the Senate. It takes a man who is retired with the grade of commodore, which is equivalent to that of brigadier-general in the Army, and makes him a rear-admiral, with the grade of a major-general. It takes a rear-admiral of the junior grade, equal to a brigadier-general, and gives him the senior grade, equal to a major-general. Now, I am willing for the Army and Navy to be together, and this amendment I submit is an exact copy of the Army law, except making it apply to the Navy. The Navy retirement law now provides that every officer in the Navy of a corresponding rank of brigadier-general in the Army shall receive a major-generalship when they retire, if he had civil-war service. I have not touched that. This deals with the retired list. I do not believe it is fair to adopt the Senate provision. The House only this month refused to give to nine officers of the Army, three of them medal-of-honor men, the additional grade above that of brigadier-general. We want to stop this constant pushing up if we can. And it ought to be stopped. If this amendment passes, it gives to every man on the retired list in the Navy exactly the provisions that the Army has. It is a copy of the Army law applied to the Navy. It touches no other feature, and it does seem to me that this House ought to be unanimous in coming to some agreement by which these two branches of the service will have equality before the law.

Mr. PRINCE. Will the gentleman yield to me?

Mr. BUTLER of Pennsylvania. Will the gentleman yield to me for a question?

Mr. PRINCE. Will the gentleman yield to me? I think I first asked his permission to interrupt.

Mr. HULL. Very well, then, I will yield to the gentleman from Illinois, my colleague.

Mr. PRINCE. Is this the provision that exists—a colonel in the Army is equal to a captain in the Navy?

Mr. HULL. Exactly the same rank.

Mr. PRINCE. And the same law which you provide is that a colonel can be advanced one grade in the Army you wish to make applicable to a captain in the Navy?

Mr. HULL. Certainly.

Mr. PRINCE. And put both on an equality as officers on the retired list?

Mr. HULL. My colleague is right; but the question hardly brings it all out. Our law gives to the colonel and all below him in rank who served in the civil war an additional grade. This gives to the captains of the Navy and all below in rank the same promotion now given the Army.

Mr. PRINCE. It gives the same in the Navy.

Mr. HULL. Now I yield to the gentleman from Pennsylvania.

Mr. BUTLER of Pennsylvania. So that I may understand just what the gentleman's amendment proposes, I would like to ask him a question. If a civil-war sailor is on the retired list as ensign, he will be promoted, provided this amendment should become law, one grade?

Mr. HULL. Yes.

Mr. BUTLER of Pennsylvania. If he should be retired at a grade above ensign, which is lieutenant of the junior grade, he would be promoted on the retired list to lieutenant?

Mr. HULL. It will give him one grade.

Mr. BUTLER of Pennsylvania. Up to the rank of a captain of the Navy?

Mr. HULL. Yes; and a captain of the Navy will also get one grade.

Mr. BUTLER of Pennsylvania. A captain of the Navy will get one grade.

Mr. HULL. He will become a rear-admiral of the junior rank, just as an officer of the Army, if he had civil-war service and gets to be colonel, gets to be a brigadier-general on the retired list.

Now, I want to call attention to what will happen if the gentleman's motion should prevail. I believe we have only three commodores on the retired list. That rank has been abolished, I believe; but we have a good many rear-admirals of the junior grade on the retired list.

Mr. MAHON. One hundred and nine.

Mr. HULL. The gentleman from Pennsylvania says 109; and every one of these of the junior grade will be made a rear-admiral of the senior grade, and every one of these commodores would become rear-admirals of the senior grade; all of them who had civil-war service made equal to major-generals in rank and pay.

Mr. BUTLER of Pennsylvania. Are they not all civil-war veterans?

Mr. HULL. Only those who were civil-war veterans were commodores; but there are a great many—I do not know how many—rear-admirals who may or may not have been civil-war veterans.

Now, I want to call the attention of the House to this fact: That we have on the retired list a large number of men who served before the civil war in the Regular Army, who served all through the civil war, and some of them were major-generals of volunteers, that have been placed on the retired list as brigadiers, and remained there as brigadiers. I have one illustration in my mind, because the man was my own immediate division commander—Major-General Carr—and he served over forty years in the Army with most distinguished service. He was retired as a brigadier, and is still a brigadier under the law.

Mr. GROSVENOR. And Thomas Anderson is another.

Mr. HULL. Thomas Anderson is another; and I could name a good many others, if I had the time.

Now, I want to ask if this House will take a man, simply because he is in the Navy, now on the retired list with the grade of brigadier-general and say as a matter of grace we will exalt him above his brother of the Army, and make him a major-general; yet, if the gentleman's motion prevails, that will be done. Now I want to congratulate the chairman of the Committee on Naval Affairs that he would not agree to it in conference.

Mr. FOSS. Will the gentleman allow me to ask him a question?

Mr. HULL. Certainly.

Mr. FOSS. Is it not a fact that officers of the civil war went up one grade on the active list for a day and then were retired?

Mr. HULL. Never by law.

Mr. FOSS. Then I want to call the gentleman's attention to a speech made by my colleague [Mr. PRINCE] in which he stated this:

One day's service—

Speaking of those on the retired list from the active list of the Army, he said:

One day's service for four major-generals; one day's service for sixty-two brigadier-generals. Can we justify ourselves in this House when the facts are before us? Can we justify ourselves before the country that we are in favor of it?

Now, what did he refer to?

Mr. HULL. The gentleman certainly knows what he referred to, because he is an able gentleman, has served for a very large number of years ably in this House. He referred to the President nominating officers to the Senate for promotion and the Senate confirming. When this is done promotion is given. The President has exactly the same power with an officer of the Navy of nominating him to the Senate at a higher grade, and he is retired, and then send in another man's name to the Senate for confirmation, and he is retired. The President can do this with either the Army or Navy.

If the gentleman will look up the record, I have no doubt he will find many that have been promoted to brigadier-general and retired. That has not been necessary in the Navy, for the reason that in making the personnel bill provision was put there that a man who had civil-war service should have an additional grade regardless of law and regardless of the action of the President. That provision of law extended its benefits to all officers of the Navy regardless of the rank held by them. It made it the law that a rear-admiral of the junior grade who was to be retired, who had had civil-war service, should be retired as a rear-admiral of the senior grade. That never applied to the Army. The President has in many cases tried to equalize these two things by this action, but there is nothing to prevent the President from taking a rear-admiral of the junior grade and promoting him to be a rear-admiral of the senior grade, even if he never had civil-war service, and retiring him, if he served the length of time the law provides he should have served before being retired. But in the Army we never gave that additional grade to an officer above the grade of colonel. In the Navy they gave it to all officers up to the highest grade in the Navy. The President has tried to equalize this, and it has brought forth the condition that my friend from Illinois [Mr. PRINCE] referred to in his speech. I do not believe in that either. I believe that a man who is a brigadier-general of the Army, or a rear-admiral of the junior grade of the Navy, with his three-quarters of his full pay of $5,500 a year and other privileges, gets as much as he ought to have for the rest of his life without rendering any service to the Government. [Applause.] Whether he is in the Army or Navy, that is true.

Mr. GARDNER of Michigan. Will the gentleman allow a question?

Mr. HULL. Yes.

Mr. GARDNER of Michigan. If this Senate amendment should become a law, is it not probable that there would at once be a movement as to all the brigadier-generals and major-generals retired from the Army to advance them another grade, in harmony with the action in regard to the Navy?

Mr. HULL. Without any doubt as to brigadier-generals. The Committee on Military Affairs has been met at every session of Congress since the personnel bill passed to make our law liberal enough to take in the brigadier-generals and make them major-generals. If Congress deliberately passes this provision now, Congress ought to pass a law putting the Army on an equality with the Navy. I am opposed to raising the Army up, and I am opposed to raising the Navy up any further than the law now provides for the Army. [Applause.]

Mr. BUTLER of Pennsylvania. Mr. Speaker, will the gentleman allow me one minute?

Mr. HULL. Oh, certainly.

Mr. BUTLER of Pennsylvania. I am a member of the Committee on Naval Affairs, but I am not a member of the conference committee. I do not know whether it will do any of the gentlemen any good, but I propose to vote for the amendment offered by the gentleman from Iowa, which I think is entirely fair and which I think we should accept.

Mr. PERKINS. Mr. Speaker, I desire to state very briefly to the House the object of this amendment. I ask the attention of the gentleman from Iowa [Mr. HULL] to my statement. If the amendment offered by the gentleman from Iowa fully covers the manifest injustice that has occurred in reference to one branch of the service, then, of course, I am willing to accept it. The facts can be stated in very few words. In 1899 this House passed what was called the "personnel bill," by which it was

provided that all officers of the Navy who had served honorably in the civil war and who should be retired subsequent to that time, should be retired at one grade higher. That was a proper recognition of services rendered, and no one objects to it.

Now, Mr. Speaker, prior to 1899 a certain number of officers who had served in the Navy in the civil war had already retired, because before that time they had reached the age of 62. Every officer who served in the Navy during the war and who was 28 years old at the time the war ended had necessarily been retired before 1899. The result was (a result that I presume was not anticipated) the older officers who held the more important commands during the civil war, all who were over 28 years old when the civil war ended, failed to receive the benefit of the increase of one grade in rank, but stood and still stand in the grade, receiving the pay and allowances of the rank they held when retired. Now, I am sure the House will see the manifest injustice of this. Suppose we should pass a pension law providing that all soldiers who served in the Army after 1863 should receive pensions, but that those who served prior to 1863 should receive no pensions. What a manifest injustice that would be. As a result of the provision of which I have been speaking, the junior officers under 28 when the war ended, having honorable service in the civil war, have been retired, one by one, as they reached the age of 62, at one grade above that which they held; but there are now between 100 and 200 men having honorable service in the civil war, the youngest of them now 70 years old, who stand in a position of inferiority with reference to all the younger officers of the Navy who served in the civil war.

It seems to me, Mr. Speaker, that the mere statement to the House must carry conviction, for we intend to be, we should be, we will be fair to every officer of the Navy who in the civil war served with an honorable record. This amendment, in whatever shape it may be agreed upon in order to accomplish that purpose, does that, and that only. It takes this class of men, who have been reduced from about 300 in 1899 by death to less than 200 in 1906, after seven years' delay, and gives them the same promotion that has been given to their juniors in the service.

There are naval officers who served with a higher rank in the civil war who now stand lower than those who served under them in the war, and who are receiving a smaller compensation. Men who were captains in the civil war are receiving smaller retired pay than those who served as lieutenants under them. It seems to me, Mr. Speaker, if the object of this motion is understood by the House, that it merely takes a small body of old men who served honorably during the civil war, who have by the accident of legislation been omitted from the rewards given to their juniors, and gives them precisely the same measure, there is not a man in this House who, understanding the proposition, will not see its justice and support it. Now, if I have any control over the time, I desire to yield to the gentleman from Ohio, General GROSVENOR.

Mr. GROSVENOR. Mr. Speaker, I will take time in my own right; I do not want over ten minutes. I want to first ask the gentleman from Iowa what the difference is between his proposition and the proposition of the gentleman from New York.

Mr. HULL. The proposition of the gentleman from New York is to take the commodores on the retired list who have the grade corresponding to brigadier and make them rear-admirals, one grade higher, or which is equal to a major-general. The gentleman from New York gives the same promotion to rear-admirals of the junior grade.

Mr. GROSVENOR. How many are there of them?

Mr. HULL. Three commodores, I understand; and then it takes the rear-admirals—the gentleman understands that the grade of commodore has been abolished—and gives them the rank corresponding to major-general of the Army.

Mr. GROSVENOR. Yes.

Mr. FOSS. May I interrupt the gentleman to furnish some information to the gentleman from Ohio? With regard to the rear-admirals, this will be the effect: The rear-admirals who will be affected will receive $5,625, which is three-quarters of $7,500, instead of $4,500, which is three-quarters of $6,000, their present pay—that is to say, it will raise the pay of these rear-admirals about $1,100 each.

Mr. HULL. It gives them the corresponding rank of major-general instead of the corresponding rank of brigadier.

Mr. GROSVENOR. Now, what is the amendment of the gentleman from Iowa?

Mr. HULL. It gives no man above the grade of captain of the Navy an increased rank by law, and that is exactly what the Army bill does. We took the ground that a man who was brigadier-general was comfortably provided for by law and for life; but many men who are lieutenants, captains, and majors who have been retired ought to have an increased rate. The question was where to draw the line. The Navy had given all men on the active list who served in the war an increased rate, and made what we call a "major-general" the head of the list. We drew the line at the colonels, and said that a man that stayed in the Army until he was a colonel ought to have the grade of brigadier as a reward. Now, this amendment of mine limits the Navy to precisely the same favor that was given to the Army, and does not give those on the retired list as commodores and rear-admirals any increased grade at all, but gives the captains a higher grade, and from the captain down to ensign an increased grade and rate of pay, just as they refused the general officers increased rank from colonel down. The House must bear in mind that a captain in the Navy has the same rank and pay as a colonel of the Army.

Mr. PERKINS. Mr. Speaker, as I understand, the result of the amendment of the gentleman from Iowa will be that every Navy officer who served in the civil war and who has been retired at the grade of captain or lower will receive from this time one additional grade, and his pay will be correspondingly increased from this time.

Mr. HULL. That is correct.

Mr. GROSVENOR. Mr. Speaker, I feel very strongly that injustice has been done by manipulation of the statutes, but I am very considerably impressed by the argument of the gentleman from Iowa, and if the gentleman from New York will join me I will consent to that amendment, and I believe it would be perhaps the best settlement of the matter that could be had.

Mr. PERKINS. Before I consent to that I would like, if I have any time, to yield to the gentleman from Alabama [Mr. TAYLOR], who said that he wished to be heard on this question. I would be glad if the gentleman would consent to yield to him.

Mr. GROSVENOR. I would be very glad to yield to him.

Mr. PERKINS. I am not particular as to these commodores and rear-admirals. If the gentleman from Ohio thinks that this amendment of the gentleman from Iowa covers the case——

Mr. GROSVENOR. I understand that it does, and I think the gentleman from New York will be justified in withdrawing his amendment and adopting the amendment of the gentleman from Iowa.

Mr. PERKINS. If the amendment is adopted, the House will recede——

Mr. HULL. Mr. Speaker, if the amendment is adopted, it is taken out of the hands of the conference committee practically, except the amended form. The amended form only is with them.

Mr. PERKINS. Then, of course, that still leaves it necessary for the Senate to agree.

Mr. HULL. Certainly.

Mr. PERKINS. In the amendment in the form in which we present it.

Mr. HULL. Certainly.

Mr. PERKINS. What is the opinion of the gentleman from Illinois [Mr. Foss] as to the probability of the Senate conferees agreeing to this amendment?

Mr. FOSS. Mr. Speaker, I could not state that. This matter was not discussed in the conference committee, because the House conferees felt it was a matter they should report back to the House and take the judgment of the House on it in the first place.

Mr. GROSVENOR. I think the Senate will undoubtedly agree to it.

Mr. PERKINS. Very well, then.

Mr. HULL. Mr. Speaker, it seems to me that this line of argument on an amendment before the House is lowering the dignity of the House. Why should we sit here and haggle whether the Senate will agree with us or not? We are a coordinate branch of Congress and have the right to our own views. If they will not agree to it, let it come back to us and let us determine whether we will agree with them, and not stand here and haggle about the question of whether they will agree to a proposition that we make. That is worse than I have ever heard before.

Mr. GROSVENOR. I hope the gentleman does not address those remarks to me.

Mr. HULL. Not a bit of it.

Mr. PERKINS. I hope he is not addressing them to me. [Laughter.] There is no one who feels more keenly the rights of the House, and no one who believes more in not yielding to the Senate than I do. I do not yield one particle to my friend from Iowa in that respect, and, as a proof of that, I will accept his amendment.

Mr. FOSS. Mr. Speaker, I desire to say one word upon this amendment, and that is this: The personnel act referred to in this amendment was the personnel act which was adopted by Congress March 4, 1899, and which I had the honor to report to

this House. That personnel act provided for a flow of promotion through the active list of the Navy. The upper grades of the Navy were filled by men who were in the civil war, and the younger men in the Navy were kept down in the lower grades a great many years and did not move up to the higher grades until they were really too old to command ships, and, therefore, in order to make a flow of promotion by which the younger officers in the younger grades could reach command rank at what might be called a command age, when they had not lost their nerve or initiative, that act was passed. Of course most of those in the upper grades were men who had served in the civil war. That was one purpose of the personnel act.

Another purpose was to amalgamate the Engineer Corps and the line, and it was found that when the Engineer Corps and the line were amalgamated officers who had served in the civil war came into the amalgamated line and received lower numbers than they would if the two corps had remained separate. Consequently, to remedy that injustice it was provided in the personnel bill that officers who should go out on voluntary retirement or under the section which provided for compulsory retirement should have the rank and pay of the next highest grade, and that included for the most part the officers that had served in the civil war.

I just want the attention of the House for a moment. That was the situation up to April 23, 1904. I have always been opposed to this provision when brought up as an independent proposition in the committee, but in 1904 the Army went a step better. We provided for the retirement from the active list, but the Army put in this provision for retired officers, providing that all officers of the Army below the grade of brigadier-general on the retired list as well as the active list who served in the civil war should have the rank and pay of the next higher grade. The Army to-day is trying to level the Navy down, as they say, but they went a long ways ahead of the Navy in 1904, because under the personnel act of 1899 we did not touch the retired list of the Navy, and the retired list of the Navy has been the same, but when the Army in 1904 put that provision on, then I may say that my judgment changed, because I felt that if the retired list of the Army had been raised up a grade, it was no more than right that the retired list of the Navy should also be treated in the same way.

Mr. GROSVENOR. Is the gentleman willing to have this amendment offered by the gentleman from Iowa go into this bill at this time?

Mr. FOSS. Oh, yes.

Mr. GROSVENOR. Then let us put it in and go ahead.

Mr. FOSS. Yes. I am not opposing the amendment of the gentleman from Iowa. As I understand the amendment of the gentleman, it puts it on the same basis as the Army retirement to-day.

The SPEAKER. The gentleman from Iowa moves that the House do recede and concur with an amendment in the nature of a substitute.

Mr. PERKINS. Mr. Speaker, I accept the amendment of the gentleman from Iowa. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from Iowa to recede and concur with an amendment in the nature of a substitute which has been reported.

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

Mr. HULL. Mr. Speaker, the next is amendment No. 7.

The SPEAKER. What is the nature of the motion?

Mr. HULL. I move to recede and concur with an amendment which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

That any officer of the Marine Corps below the grade of brigadier-general who served with credit as an officer or as an enlisted man in the regular or volunteer forces during the civil war prior to April 9, 1865, otherwise than as a cadet, and whose name is borne on the official register of the Marine Corps, and who has heretofore been, or may hereafter be, retired on account of wounds or disability incident to the service, or on account of age or after forty years' service, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Marine Corps with the rank and retired pay of one grade above that actually held by him at the time of retirement: *Provided*, That this act shall not apply to any officer who received an advance of grade since the date of his retirement or who has been restored to the Marine Corps and placed on the retired list by virtue of provisions of a special act of Congress.

The SPEAKER. The question is on the motion of the gentleman from Iowa.

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

The SPEAKER. No. 2 is not disposed of. What is the motion?

Mr. FOSS. I would ask the House to further insist upon its disagreement to the Senate amendment.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Amendment No. 10 is the next. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, after line 14, insert:

"The solicitor in the office of the Judge-Advocate-General of the Navy shall hereafter be appointed by the President, by and with the advice and consent of the Senate, and shall have the rank, highest pay, and allowances of a commander, and of no higher rank: *Provided*, That when such office becomes vacant the solicitor shall thereafter be appointed from civil life in the manner and at the compensation now provided by law."

Mr. KEIFER. Mr. Speaker, I offer the following as a substitute for No. 10. I do this at the request of the gentleman from New York, who is obliged to be absent.

The SPEAKER. Does the gentleman from Ohio move to recede and concur with an amendment?

Mr. KEIFER. I would ask that the Clerk read the amendment.

The Clerk read as follows:

Recede from the disagreement to Senate amendment No. 10, and concur in the same with an amendment striking out the whole of said amendment and substituting therefor the following:

"The Solicitor in the office of the Judge-Advocate-General of the Navy shall hereafter receive an annual salary of $3,500 during the services of the present incumbent."

Mr. FOSS. Mr. Speaker, I hope the gentleman will make that $4,000. The conferees were of the opinion that the provision which they agreed upon would mean $4,000 to the Solicitor, but the Solicitor told me this morning over the phone that the striking out the words "highest pay" made it $3,500, because that would cut out longevity pay. Now, if the gentleman from Ohio desires to fix it in this way, then I think it should be made $4,000. He is a man 50 years of age, who has been in the Navy Department for a good many years, and is well worthy of it.

Mr. KEIFER. I ask unanimous consent to change and insert $4,000 instead of $3,500. I will accept the suggestion of the gentleman.

The SPEAKER. Does the gentleman move to insert $4,000 in place of $3,500?

Mr. KEIFER. Yes, sir.

Mr. HULL. I would like to ask if this amendment fixes the salary permanently at that figure?

Mr. KEIFER. It expressly provides it shall terminate with the present incumbent.

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

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 13: Page 8, line 8, after "dollars," insert:

"*Provided*, That the naval station at Port Royal, S. C., including all buildings and other property thereon and the employees attached thereto, be hereby transferred to and placed under the control of the Bureau of Navigation, Navy Department, as an adjunct to the Naval Training Station, Rhode Island, to be used for the instruction of recruits during the winter months and at such other times as may be deemed advisable; and for that purpose the following sums are appropriated: Necessary repairs to the buildings to fit them for berthing, messing, and drilling purposes, and for galleys, latrines, and washhouses for apprentice seamen, and for purposes of administration in connection with the training of the same, $51,000; installing necessary distilling plant or fresh water supply, $20,000; maintenance of the station as a training station, $25,000; in all, $96,000."

Mr. PATTERSON of South Carolina. I desire to withdraw my motion and ask that it be sent back to conference.

Mr. FOSS. I move that the House further insist on its disagreement to Senate amendment No. 13.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BUTLER of Pennsylvania. Mr. Speaker, would it be in order to move to instruct the conferees under no circumstances to concur in that amendment?

The SPEAKER. It would be in order to make that motion after a conference is asked and before it is appointed, and not at this stage.

The Clerk will report amendment No. 32.

The Clerk read as follows:

Page 32, line 21, after "dollars," insert "toward construction of a graving dock of concrete and granite, to cost, in all, $1,400,000, $100,000."

Mr. LAMAR. Mr. Speaker, the Senate amendment, in my opinion, cures an unintentional injustice done the port of Pensacola by the Committee on Naval Affairs.

The SPEAKER. What is the gentleman's motion?

Mr. LAMAR. My motion is to recede from the disagreement and concur in Senate amendment No. 32.

The SPEAKER. The gentleman from Florida moves to recede from the disagreement to Senate amendment No. 32 and to concur therein.

Mr. LAMAR. Mr. Speaker, I am well aware that when a committee report comes into this House it comes with the almost prima facie presumption that it is correct. But the committee may err, and, in my opinion, it has erred in this case, more especially if it insists upon leaving the Pensacola dry dock out, now that the floating dock has been stricken out that was proposed originally in the bill for Solomons Island, Chesapeake Bay. The bill as reported to the House made an appropriation for the construction of a dry dock at Puget Sound and a floating dock at Solomons Island. These two appropriations were probably based upon the recommendation of the Secretary of the Navy. But before the committee the Secretary of the Navy highly recommended that they also retain the dry dock at Pensacola. Admiral Endicott, the Chief of the Bureau of Yards and Docks, gives the stone graving dock at Pensacola first place in importance above all others, and Admiral Capps, the Chief of the Bureau of Construction, highly recommends a dry dock at Pensacola, because of the deep water there and its strategic importance in case of war.

I would not like to urge upon the House the construction of a dry dock at a place where it was not needed. I would not like to occupy that position. But with this floating dock left out of the bill for Solomons Island, then I ask the House to place in the bill this initial appropriation of $100,000 to construct a dry dock at Pensacola.

Mr. HILL of Connecticut. Which will mean $1,400,000.

Mr. LAMAR. It means the usual appropriation to construct a dry dock at any given port in the United States.

Now, Mr. Speaker, in the interest of Pensacola, more particularly in the interest of the Gulf coast, and more particularly still in the interest of a dry dock for the South Atlantic and Gulf coasts, I urge this matter. New York, Boston, League Island, Norfolk, Newport News, Charleston, Puget Sound, and Mare Island are all provided for, and but for the fact that the floating dock at Solomons Island, in the Chesapeake Bay, went out of the bill on a point of order in this House provision would have been made in this bill for this floating dock, to cost a great sum of money.

I submit to this House that the proposition as it came from the Navy Department before the committee was that there should be three docks. The Secretary of the Navy recommended this. But the committee determined on two docks—one, the floating dock at Solomons Island, and one at Puget Sound—and the one proposed for Pensacola went out of the bill. Now, why not place this dry dock at Pensacola in the bill at this time, especially when the highest naval authorities recommend it. I have the Secretary of the Navy's testimony, in which he urgently suggested to the committee that they retain the three—the one at Puget Sound, one at Solomons Island, and one at Pensacola. Admiral Endicott places the one at Pensacola first in importance above all the others, and Admiral Capps highly recommended it not only because of the deep water, but because of the peculiar strategic importance of Pensacola in time of war.

Mr. MUDD. Do I understand the gentleman from Florida to suggest that the stone graving dock at Pensacola take the place of the floating steel dock on the Chesapeake?

Mr. LAMAR. Not at all.

Mr. MUDD. I want the gentleman to understand that certainly I have not abandoned hope of that yet.

Mr. LAMAR. Not at all. I believe firmly that if the proposed floating dock in the Chesapeake Bay were in this bill that I could not urge this amendment with any degree of success, because I believe your committee were determined that only two docks should figure in this bill.

Now, there are 32 feet depth of water in the channel entrance at Pensacola, and there are more than 30 feet depth of water in the harbor, in what is called the anchorage ground. That anchorage ground is 1 mile in one direction and about 2½ miles in another, and could ride the navies of the world in it with safety. The entrance of Pensacola Harbor is defended by two forts equipped with an armament of the highest modern type.

What objection can there be to retaining in this bill this Senate amendment, which practically takes the place of the floating-dock proposition at Solomons Island, which has been eliminated from this bill by a point of order in this House?

Mr. MUDD. If the gentleman will permit me, I realize it is not altogether hopeful that I shall get it at this session; but I do not wish the gentleman from Florida, nor do I wish the House, to get the impression that the construction of this dock at Pensacola will take the place of the dry dock that we ought to have at Solomons Island or at such other point as it should be deemed best to send it.

Mr. LAMAR. I am not making any antagonistic remarks against the floating dock that my friend urges, because the Secretary of the Navy really placed it first in importance. I am not against it, and I say frankly to him that if it were in this bill I do not believe I could urge the retention of the Senate amendment with any degree of success or hope for its success. I am not arguing against the floating dock that the gentleman favors, but what I state to this House is this: That the committee were willing to have two docks constructed, and the deep water at Pensacola, the peculiar strategic importance of its position in time of war, its nearness to the isthmian canal, with 32 feet depth in the channel entrance and the great depth of water inside of the harbor, and its great capacity for defense in time of war, all combined, should be sufficient to impel the House to concur in the proposition to put in this bill $100,000 toward the construction of a dry dock at Pensacola.

In his statement before the Naval Committee, speaking of the proposed docks, viz, one a floating dry dock for Chesapeake Bay, the dry dock at Puget Sound, and the dry dock at Pensacola, Secretary of the Navy Bonaparte uses this language:

> I strongly advise the committee to retain all three if they can.

And again, speaking of these three proposed docks, although he placed the floating dock first and the Puget Sound dry dock second, the Secretary says:

> But still I would like to see the Pensacola dock also.

Admiral Endicott places the dry dock at Pensacola first in importance above all others. I quote his statement before the committee:

> Mr. LILLEY. How many dry docks are you estimating for this year?
> Admiral ENDICOTT. Four.
> Mr. LILLEY. Suppose you get only one or two; where would you prefer to have them?
> Admiral ENDICOTT. First, Pensacola; then Puget Sound; then Solomans Island, Chesapeake Bay.

And on another occasion before the committee the further statement was made by Admiral Endicott:

> Mr. LOUD. There are four new docks asked for; which, in your opinion, is the most necessary?
> Admiral ENDICOTT. I should say that the Pensacola dock is the most necessary, and the Puget Sound dock a very close second. I think the Gulf coast ought to be better provided with docks.
> Mr. LOUD. For this year which one is the most necessary?
> Admiral ENDICOTT. I should say the one at Pensacola.

And again before the committee this further statement is made by the same authority:

> Mr. ROBERTS. Isn't it in the contemplation of the Navy Department from now on indefinitely to keep a pretty good fleet in the Caribbean waters?
> Admiral ENDICOTT. Yes, sir; they are there every winter.
> Mr. ROBERTS. There ought to be a good fleet down there as long as the canal is being worked on.
> Admiral ENDICOTT. A fleet goes to Pensacola nearly every winter. The records show that a great many vessels were docked there last year.
> Mr. LILLEY. There is plenty of water there?
> Admiral ENDICOTT. Yes, sir.
> Mr. LILLEY. Is it the best point on the Gulf?
> Admiral ENDICOTT. Yes, sir.

Admiral Capps, in his report dated November 10, 1905, uses this language:

> In view of the strategic importance of Pensacola and the necessity for having in that vicinity a dock which will accommodate the largest battle ships and cruisers, it is recommended that provision be made for a dock of the largest size at that navy-yard. An additional dry dock is also recommended for the naval station, Puget Sound.

The greatest ships of the Navy enter Pensacola Harbor, if they so desire, without the aid of a pilot. It is evident that a dry dock should at once be provided for at Pensacola, by an initial appropriation of $100,000 in the present naval bill for the following reasons:

(1) The strategic importance of Pensacola in time of war.

(2) The proximity of Pensacola to the isthmian canal at Panama.

(3) The great depth of water in the channel and in the harbor at Pensacola.

(4) The present want of dry-dock facilities on the South Atlantic coast and on the Gulf coast.

(5) The recognition of the importance and the value of Pensacola for a dry dock by the Secretary of the Navy, the Chief of the Bureau of Yards and Docks, and the Chief Constructor of the Navy.

(6) The efficient protection of the Pensacola navy-yard and its property against attack in time of war.

(7) The value of the navy-yard at Pensacola and its buildings, and all property connected with it, is about $2,000,000.

I hope the motion to concur in the Senate amendment will prevail.

Mr. FOSS. Mr. Speaker, I would say in regard to this Senate amendment, that the House committee carefully considered this, and after having hearings upon the subject of docks this year they recommended but two docks, one at Puget Sound and

a floating dry dock. The dock at Pensacola was stricken out of the bill as it came into the House. It is not simply a question of providing a dock at Pensacola. We have a floating dock there to-day, but the moment you provide another dock, it means an enlargement of the yard, it means a building of new shops and one thing and another necessary for the repair of ships. I think our equipment for the repair of ships as our Navy is at present constituted is perfectly able to take care of all ordinary work, and consequently I hope that this motion will be voted down.

I desire, however, to say to the gentleman from Florida [Mr. LAMAR] that no man could have been more zealous than he in trying to secure this for his constituents. He has not only advocated it on the floor of the House, but he has appeared before our committee, and while I trust this motion will be voted down, yet I know that the gentleman can go back to his constituents with the assurance that he has done everything he could do to secure the enactment of this provision for the benefit of his district. [Applause.]

Mr. Speaker, I call for a vote.

Mr. RIXEY. Mr. Speaker——

The SPEAKER. The gentleman from Illinois [Mr. Foss] has charge of this bill. While this motion is a preferential one, the gentleman does not lose control primarily as the Member in charge of the bill; and in this instance, the gentleman having charge can reserve his time or he can yield to his colleague, and he can test the sense of the House at any time by moving the previous question. In other words, the gentleman has not lost control of the bill at this stage.

Mr. FOSS. I understand, Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Virginia [Mr. RIXEY].

Mr. FOSS. Yes; but am I right, Mr. Speaker, in this parliamentary inquiry, that when the gentleman makes a motion to concur he has control of the time on that motion?

The SPEAKER. No; that depends. The fact that a Member makes a motion to concur in an amendment, which is a preferential motion, and would have preference over the motion to disagree, does not entitle him to the floor to debate in the first instance, and does not deprive the gentleman from Illinois of the floor, if he asserts his right, and at this point, the gentleman from Florida having yielded the floor, the gentleman from Illinois is remitted to the position that he might have held in the event that he had asserted it.

All of this is equivalent to saying that the charge of the bill is in control of the gentleman from Illinois, to move the previous question at any time that he sees proper to move it, and the gentleman, if he desires the floor, will get it from stage to stage, when a motion is made on this or other amendments. Now, does the gentleman from Illinois yield to his colleague from Virginia?

Mr. FOSS. I have already yielded to the gentleman from Virginia.

Mr. RIXEY. I want to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RIXEY. The gentleman from Illinois had yielded the floor and taken his seat. I took the floor and addressed the Speaker. Have I not the right to be recognized?

The SPEAKER. Ah, but it takes something more than addressing the Speaker to gain recognition.

Mr. RIXEY. No previous question had been ordered.

The SPEAKER. And the Chair is constrained to recognize the gentleman from Illinois. If the gentleman from Illinois desires to yield the floor——

Mr. RIXEY. He had yielded the floor.

Mr. FOSS. I should like to ask the gentleman from Virginia how much time he desires?

Mr. RIXEY. I want ten minutes, not all of it for myself.

Mr. FOSS. I yield ten minutes to my colleague on the committee, the gentleman from Virginia [Mr. RIXEY].

Mr. RIXEY. Mr. Speaker, I favor the motion of the gentleman from Florida [Mr. LAMAR], and for this reason: The Navy Department recommended to the Naval Committee that it should provide in the present appropriation bill for the building of three dry docks. The House committee dissented from this recommendation and decided to build only two dry docks. The three docks recommended by the Department were at Puget Sound, at Pensacola, and the floating steel dock. There never was a question in the committee but that two out of these three should be provided for in the present appropriation bill. When the question came up as to the order of the importance of these dry docks, I hazard nothing in stating that the weight of evidence before the committee was that the dry dock of first importance was the one at Pensacola; that the one of second importance was the one at Puget Sound, and the one of third importance was the floating dock. The committee, however decided to give preference, first, to Puget Sound, and then to the floating dry dock. Eminent authority in the Navy Department doubts the wisdom of a floating dry dock in Chesapeake Bay.

Mr. MUDD. Mr. Speaker, may I interrupt the gentleman?

Mr. RIXEY. You may.

Mr. MUDD. I understand there is no floating dry dock in this bill at this time.

Mr. RIXEY. I know that.

Mr. MUDD. Because if the gentleman wants to argue the merits of a floating dry dock, I shall want some time. Otherwise, I do not want to take the time of the House.

Mr. RIXEY. I have no objection to the gentleman having all the time he wants. I am not opposed to his floating dry dock when it gets before the House, but I have a right to express my opinion here.

Mr. MUDD. I realize that.

Mr. RIXEY. The floating dry dock has never been as useful as the graving dock.

Mr. MUDD. I do not understand that the gentleman feels called upon to argue now as to the merits of the two docks. If so, I would respectfully dissent from his view, and think I could fairly well sustain my own contention as to the general superiority of the floating dock.

Mr. RIXEY. I am arguing that it was the opinion of the expert before the Naval Committee that the Pensacola dry dock ought to be built.

Mr. MUDD. Who was the expert?

Mr. RIXEY. Admiral Endicott. He was asked by the gentleman from Connecticut [Mr. LILLEY]: "Suppose you get one or two, where would you prefer to have them?" Admiral Endicott said: "Pensacola first, Puget Sound second, and Solomons Island, in Chesapeake Bay, third." He then went on to state that he did not attach as much importance to a floating dry dock as he did to a graving dry dock.

The floating dry dock is out of the bill. The bill as it left the House only provided for one, and that was at Puget Sound. It seems to me that the interest of the Navy requires the building of a dry dock at Pensacola. The winter maneuvers of the Navy are held there, and they have adequate facilities. We have no large docks south of Charleston except the floating dry dock at New Orleans and a small one at Pensacola, but neither of them are generally used.

Mr. MUDD. How much water is there at Pensacola?

Mr. RIXEY. I understand that there are 30 feet there.

Mr. MUDD. That is not in accordance with the testimony of the experts of the Navy Department.

Mr. LAMAR. The figures submitted by the chairman of the committee some weeks ago were 30 feet. The report of the board of trade was 32 feet.

Mr. MUDD. My recollection is that Admiral Endicott himself stated that there was not enough water for a first-class battle ship to enter. If I am wrong I am willing to be corrected. I think that the hearings before the committee will show that I am right.

Mr. LAMAR. You are very much mistaken.

Mr. RIXEY. Now, Mr. Speaker, I want to say a word and then I want to reserve the balance of my time. Under the testimony given by the Navy Department the dock most important to be built was the one at Pensacola. I have no interest in the matter. I simply want the interest of the Navy subserved. It has no large graving dock south of Charleston, and it ought to have one on the Gulf coast, where the winter maneuvers are held. Now, Mr. Speaker, I yield the balance of my time to the gentleman from North Carolina [Mr. WILLIAM W. KITCHIN].

Mr. WILLIAM W. KITCHIN. Mr. Speaker, in reference to the statement of the gentleman from Illinois in charge of this bill, that this dock is hardly needed because we are now sufficiently prepared with docks to make necessary repairs to our Navy, I want to state that my recollection is that all the testimony before the Naval Committee is to the contrary of that. My recollection is that we had several witnesses who complained of the scarcity of dry docks in this country. We were reminded of the great number of dry docks in other countries, especially in England, and officials insisted on the advisability of our having more dry docks for the necessary repairs of the Navy.

I can add nothing to what has been said on this matter by Admiral Endicott as to the necessity for this graving dock at Pensacola. Why should gentlement object to the building up of the Pensacola Navy-Yard? In the opinion of every naval expert that has considered it, this yard is important and neces-

sary. If we could have a proper navy-yard at Key West, I would prefer to abandon some other yard and build it at Key West; but I am informed that natural conditions will not permit it. If we could get a good one at Tampa and conditions would justify it, I would prefer to build it at Tampa rather than at Pensacola; but my information is, taking all things into consideration, Pensacola is by far the best point on the entire Gulf coast for a navy-yard. Does anyone doubt that we ought to have one great navy-yard on the Gulf, with the immense scope of our coast exceeding 1,000 miles, with only one yard of comparatively small consequence up the river at New Orleans, with no other yard on that coast of any importance except Pensacola, which is highly recommended by every naval officer who knows anything about it? Why should the chairman of the committee object to building up the yard at Pensacola? We have invested many millions of dollars in navy-yards at the North, some within 100 miles of each other, all of them comparatively close together. When you pass beyond Norfolk and go into that scope of country around to the Mexican border, we have no great navy-yard. You may reply that we are building one at Charleston, but think of the great distance from Charleston around to Pensacola. I submit that it is wisdom, that it is business sense to build up the navy-yard at Pensacola.

Reference has already been made to the statement of Admiral Endicott, that if this Congress should give during this year only one dock, that it should be at Pensacola. Notwithstanding that, the Naval Committee put in Puget Sound first. Then the committee put in the floating dock, which is out and which need not be discussed now. Even with these two docks in, one the floating dock and the other the Puget Sound dock, the Naval Committee was almost as evenly divided on this question as could be—it was defeated by a majority of only one vote. Now, when the second dock is out, why should we hesitate to give the Navy Department the two docks and why should we hesitate to concur in this Senate amendment, when all the expert testimony of the Navy Department favors it? Why should we hesitate when we know that with the opening of the Panama Canal the great center of trade, and of Navy maneuvers probably, will be down in the Caribbean waters and in the Gulf of Mexico? Under these conditions, Congress ought not to hesitate to concur in this Senate amendment and give Pensacola this dock.

Mr. FOSS. Mr. Speaker, just a word upon this question. So far as docking facilities are concerned on the Gulf, we have a splendid floating dock at Algiers, near New Orleans, and we also have a smaller floating dock at Pensacola.

Mr. LAMAR. Mr. Speaker, will the gentleman yield for a question?

Mr. FOSS. Yes.

Mr. LAMAR. As the gentleman well knows, the floating dock at Pensacola is a dock of less than probably 10,000 tons, and will not even take the smallest battle ship of the Navy.

Mr. FOSS. Mr. Speaker, there is a naval station at Key West, besides that at Pensacola and at Algiers; and so far as the Panama Canal is concerned, we expect to have a naval station at Guantanamo, in Cuba. It has been difficult in times past for the Naval Committee, which has charge of appropriations for the different yards and stations throughout the country, to keep down appropriations or keep down building up yards which it does not believe necessary. The moment a community or a State or a Congressional district has in it a navy-yard or a little naval station, immediately pressure comes to make it a first-class naval station, a first-class navy-yard. We have got to have first-class yards and then second-class yards and third-class yards and fourth-class yards. There must be some classification all along the line; otherwise every naval station and every navy-yard will be a great, large industrial establishment, more than is necessary to do the repair work of the Navy. Consequently, for this reason, the committee, in its wisdom, did not think it was wise to build up Pensacola, and therefore it did not authorize this dock, because the moment you authorize the dock, along come the machine shops for the Bureau of Construction and Repair, for Equipment and for Engineering, and for all the different bureaus of the Navy, and it means the building up of a great first-class yard. I trust that the motion offered by my distinguished friend from Florida will be voted down.

The SPEAKER. The question is on the motion of the gentleman from Florida that the House recede and concur in the Senate amendment.

So the motion to recede and concur was rejected.

Mr. FOSS. Mr. Speaker, I move that the House do further insist upon its disagreement to the Senate amendment.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The Clerk will read the next amendment.

The Clerk read as follows:

Page 64, after line 4, insert:

"That the President be authorized to appoint, by and with the advice and consent of the Senate, two additional professors of mathematics in the Navy, who shall be extra numbers in said list, and who shall take rank therein according to that held by them respectively when so appointed, if such appointees are officers of the Navy, otherwise at the foot of said list."

Mr. FOSS. Mr. Speaker, I understand that the gentleman from Iowa [Mr. HAUGEN] withdraws his request to concur in this amendment, and I will therefore move to further insist upon the disagreement.

Mr. GROSVENOR. Mr. Speaker, I would like to ask the gentleman what effect this has on these two professors.

Mr. FOSS. I would say that the gentleman from Iowa [Mr. HAUGEN] gave notice that he wanted a separate vote upon the provision, inasmuch, I take it, as these two line officers who will go into the corps of professors will go in above a professor who came from the State of Iowa and, I presume, from the gentleman's district. I understand the gentleman withdraws that request.

Mr. HAUGEN. Mr. Speaker, I wish to say that it is now so late in the afternoon that I shall not insist upon a separate vote.

The SPEAKER. The question is on the motion of the gentleman from Illinois that the House do further insist upon its disagreement to the Senate amendment.

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

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 73, line 10, after "Navy," insert "*: Provided*, That before any proposals for said battle ship shall be issued or any bids received and accepted the Secretary of the Navy shall report to Congress at its next session full details covering the type of such battle ship and the specifications for the same, including its displacement, draft, and dimensions, and the kind and extent of armor and armament therefor."

Mr. FOSS. Mr. Speaker, I understand that some gentleman desires to move that the House recede from its disagreement to the amendment and concur in the amendment.

Mr. BURTON of Ohio. That is the fact.

Mr. FOSS. Then I will yield to the gentleman from Ohio for the purpose of making that motion.

Mr. BURTON of Ohio. Mr. Speaker, I move that the House recede from its disagreement and concur in Senate amendment numbered 56.

The SPEAKER. The gentleman from Ohio moves that the House recede from its disagreement to amendment numbered 56 and concur in the same.

Mr. FOSS. Now, Mr. Speaker, I would ask the gentleman from Ohio how much time he desires for the discussion of this matter?

Mr. BURTON of Ohio. As far as I am personally concerned, ten minutes would be sufficient. One gentleman has asked for five minutes—that would make fifteen minutes; and the gentleman from Virginia another five minutes——

Mr. BARTHOLDT. And I would like to have two or three minutes.

Mr. BURTON of Ohio. I would say twenty-five minutes.

Mr. FOSS. I will yield to the gentleman from Ohio twenty-five minutes.

The SPEAKER. The gentleman from Ohio is recognized for twenty-five minutes.

Mr. BURTON of Ohio. Mr. Speaker, this battle ship if constructed would be larger and more expensive than any ship ever built for the United States Navy. The provision of the House bill relating to it reads as follows:

One first-class battle ship, carrying as heavy armor and as powerful armament as any known vessel of its class, to have the highest practicable speed and greatest practicable radius of action, and to cost, exclusive of armament and armor, not exceeding $6,000,000.

Then follows the proviso which shows that this battle ship is regarded as, in a measure, experimental. Opportunity is afforded to any competent constructor to submit plans and specifications. There has been a wide difference of opinion in regard to its efficiency. Many naval officials and others expert in naval construction contend that it would not have better fighting power than boats very much smaller and less expensive. The Senate amendment provides—

That before any proposals for said battle ship shall be issued or any bids received and accepted the Secretary of the Navy shall report to Congress at its next session full details covering the type of such battle ship and the specifications for the same, including its displacement, draft, and dimensions, and the kind and extent of armor and armament therefor.

An important question is involved here relating to the boundary line between the authority of the executive department and that of the legislative department. I think it may be safely said there has been no instance in time of peace when so large

an authority in naval construction has been given to the executive department as is proposed by this House provision. If there is any one prerogative this House ought not to abdicate, it is the control of appropriations for the Army and Navy, for that is of the very essence of representative government and of free government as well. The proposition contained in the Senate amendment is a very mild one. It is merely to the effect that proposals shall not be asked until the plans are presented here, so that Congress may know what kind of a battle ship is intended. It is a conceded fact that $6,000,000 will not cover the total cost. Probably it will be twice that, or $12,000,000. Now, the contention was made here that we should not build a battle ship at all. This Senate amendment does not go so far as that. It recognizes, at least as far as present legislation is concerned, that there is to be another battle ship, but it does insist that Congress shall know what type of ship is to be built, and the details and specifications, as well, and I insist that this House should concur. Mr. Speaker, I reserve the balance of my time and yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I was opposed when the bill was before the House to including in the terms of the bill any provision for building the battle ship at this time. It went into the House bill, and the next best proposition we can vote on is to limit the building of that battle ship until we can investigate whether it is wise to build a ship of this type. Now, since I have been a Member of this House I have not been opposed to building a good navy. As a matter of fact, until last year I think I voted for every naval programme that the Committee on Naval Affairs presented to this House, but when I started in to vote along that line we had a comparatively small navy. To-day we have a naval force that is at least the third among the naval powers of the world, if not the second. But there is another good reason why we should not continue the programme that we have had in the past of building these great battle ships without careful consideration. We do not need them to protect our commerce; we do not need them now to maintain our standing in civilized nations. We merely should build sufficient ships to maintain our present status as a world power. But the inventions of to-day are growing so rapidly that I believe within a few years from now it will possibly be demonstrated that the present form of battle ship is not needed; that it is not efficient; that it will be put out of commission, and we will go to the development and building of a different type of naval vessel.

I am informed by gentlemen who know—experts on the question—that the development of the submarine torpedo boat is rapidly reaching a point where battle ships can not live in the same waters with them. I have been told that at the tank down here, where they test the models of the different ships that the navy is going to build, they have tested a new type of submarine torpedo boat that shows a speed of 22 knots per hour.

This bill carries an appropriation of a million dollars to build those boats and to test them. Now, if we succeed, as I believe we will and hope we will, in building a submarine torpedo boat that, submerged, will show the speed of a battle ship of to-day, that battle ship will have to go out of commission; and we are wasting our money by putting it into armor plate, because it goes without saying that if the submarine torpedo boat can run as fast as a battle ship, the battle ship can not approach our shores. More than that, if we are engaged in a war in foreign waters, the type of the ship that would take the place of the battle ship, in my opinion, in case of the development of these submarine torpedo boats, would be fast cruisers that were so arranged that they could take these small torpedo boats on board, and if they were attacked by battle ships, they would drop them in the water and run away and leave the submarine torpedo boat to fight it out with the battle ship. We know now that the submarine boat can go from 10 to 18 feet below the surface, and has got a better protection because thereof from shot and shell than all the armor you can put on a battle ship. And yet if it can reach the battle ship, as it will if the submarine's speed is increased to 20 knots an hour, a battle ship can not live in those waters. Therefore, I think it is unwise to make this full appropriation at this time.

Mr. BURTON of Ohio. Mr. Speaker, I would like to ask if the chairman of the Committee on Naval Affairs desires to be heard at this time?

Mr. FOSS. I would state that I do not care to debate the question at this time. Mr. Speaker, how much time has the gentleman consumed?

The SPEAKER pro tempore (Mr. GROSVENOR). The gentleman still has fifteen minutes.

Mr. FOSS. I yield ten minutes to the gentleman from Maryland [Mr. MUDD].

Mr. MUDD. Mr. Speaker, it seems to me this is not the time to discuss the comparative merits of battle ships and some other type of naval vessels. This House has declared by a very decisive majority when this bill was pending before it that we should have this battle ship. Any attempt now to undo that action, as I consider this practically to be, is simply trying to do by indirection that which we can not do directly. The chief effect of the language of this amendment is to provide for delay. It can not undo the work of this House. It does not say that the Secretary shall not contract. It does not repeal the authorization for him to contract, but simply requires, referring to the language of the amendment—

That before any proposals for said battle ship shall be issued or any bids received and accepted the Secretary of the Navy shall report to Congress at its next session full details covering the type of such battle ship and specifications for the same—

And so forth.

Now, I repeat, Mr. Speaker, that it does not recall or undertake in any way to repeal the unquestioned and complete authority we gave to the Secretary of the Navy to go ahead and contract for the construction of this ship after he shall have reported to Congress. But the time of that report is held back until next December. Now, if we want to go ahead with this ship, so far as I am concerned—and I believe that to be the view now held by the Navy Department, though I am not authorized, of course, to speak for the Department—there is no objection to requiring a report of these plans to the extent of a general description of the ship. I infer from an informal talk with the Secretary of the Navy, which I do not think I violate any confidence in stating, that there will be no objection to reporting to Congress, provided that the work of contracting and construction be not delayed, leaving out the words "at its next session," but reporting to Congress at such time as the Department may be ready to do it, "full details covering the type of such battle ship, including its displacement, draft, and dimensions, and the kind and extent or armor and armament therefor."

I do not believe, however, Mr. Speaker, it is wise to require the Department to report all of the "specifications" to Congress. I do not believe anyone will contend that it ought to be the policy of this Government, or any other government, to report to the governments of the world every minute detail, every single specification involving all the advancements in the construction of its greatest fighting naval machine.

Under this provision as it now stands the Secretary is required to make a detailed report, with all the complicated minutiæ and all the specific and manifold details, to the next session of this Congress, which is tantamount to reporting to all the governments of the world.

Mr. TAWNEY. Will the gentleman allow me to ask him a question?

Mr. MUDD. Yes.

Mr. TAWNEY. Is it not a fact that there is to-day in the Naval Acadamy at Annapolis a citizen of a foreign country, from a country, too, that has a first-class naval academy, who is being educated in the American Navy; and does not that man have an opportunity at all times to gain all the information, detailed or otherwise, about this very battle ship and its construction?

Mr. MUDD. I think not. Mr. Speaker, I do not think that a midshipman in the Naval Academy has opportunities to look into every detail of construction of our battle ships.

Mr. TAWNEY. We are educating them, are we not?

Mr. MUDD. But assuming that to be true, if we are doing the work in this country of allowing citizens of foreign countries to be educated here at our Naval School and to have the opportunity for such inspection, that evil ought to be corrected. It has been stated that Japanese sailors or other Japanese employees on our ships are making reports to their Government. If we have spies on our battle ships or in the Naval Academy, that is an evil, I say, that ought to be corrected, and we ought not to enlarge these opportunities by requiring that this report shall be made in the shape of a public document to Congress next December, which is tantamount to giving every detail of construction of the most advanced type of battle ship that the world, perhaps, has ever provided for the construction of.

Mr. RIXEY. I would like to ask the gentleman a question.

Mr. MUDD. I yield to the gentleman.

Mr. RIXEY. I understood the gentleman a moment ago to state that the Secretary of the Navy had indicated to him that he had no objection to the Senate amendment if we would strike out the words that he shall "report to Congress at its next session."

Mr. MUDD. Perhaps that would be stating it too broadly. The Secretary of the Navy stated informally to me that the Department had no objection to requiring a report of the

general plans and type of the ship. He would not object to this if we leave out the words that operate as a suspension of authority to receive and accept proposals in the meantime, and the words "at its next session," referring to the next session of Congress; and, in my judgment, the words requiring a report as to the "specifications." And if I am not mistaken, he is ready to make the necessary report now, or in a comparatively brief time, as to the essential plans, showing the contemplated draft, displacement, and dimensions of the ship and the kind and extent of armor and armament to be used.

Mr. RIXEY. I suppose he proposes to submit these general plans descriptive of the type and draft and dimensions before he goes on with the bids and contract.

Mr. MUDD. I am of the opinion that the Department is not unwilling for that.

Mr. RIXEY. I do not see very much difference between the Department and the Senate according to that. I think it is an admission that the Senate amendment is all right.

Mr. MUDD. Perhaps my statement, taken literally, goes a little bit too far, inasmuch as Congress will in all likelihood adjourn in about a week from this day. But I do say that the Secretary of the Navy and the Navy Department are not unwilling to furnish the Congress or to anybody any plans showing the general type and plans of the ship, but they do not want all work held up until next December, when the report shall be made as contemplated by this amendment.

Mr. FITZGERALD. Will the gentleman allow me to ask him a question?

Mr. MUDD. Yes.

Mr. FITZGERALD. The provision of this bill contemplates sending all over the world and expending $25,000 in order to get the best, does it not?

Mr. MUDD. My answer to that will be this: That the adoption of this amendment is practically saying that we undo the authorization that we have made, and we in effect postpone the authorization for the battle ship until the short session of Congress, and Congress has voted not to do that.

Now, Mr. Speaker, one word in reference to the statement of the gentleman from Ohio, who is generally accurate in his statements, in which he seems to think that we have abrogated some of our functions and that we have allowed an unprecedented latitude to the executive department as to the cost of this ship. Now, stated as strongly as language can phrase it, the committee put in this provision that it shall not cost over $6,000,000, exclusive of armor and armament. That is my recollection of the language we have placed in naval bills before, in exactly the usual phraseology.

Mr. TAWNEY. What percentage of the cost of a battle ship is the armor and armament?

Mr. MUDD. I do not know.

Mr. TAWNEY. About the usual percentage of the cost of the armament?

Mr. MUDD. I do not know precisely.

Mr. TAWNEY. You are on the Naval Committee?

Mr. MUDD. I am free to confess that I have not the varied and unlimited knowledge on all subjects that come before the Committee on Naval Affairs that the chairman of the Committee on Appropriations has as to what comes before all the committees. The percentage varies somewhat. It has generally been about or somewhat in excess of 40 per cent, if I recollect aright. My contention is this: That we have used the same language as to limitation of cost that we have used in other authorizations for the increase of the Navy that the gentleman from Minnesota has so cordially supported in the past. We have not varied from the language except, of course, as to the amount.

Mr. BURTON of Ohio. Will the gentleman allow me to ask him a question? Is not the striking fact of this appropriation that it is for an entirely different kind of fighting machine from any heretofore provided, and much larger?

Mr. MUDD. Not an entirely different kind.

Mr. KEIFER. Much larger.

Mr. MUDD. The difference is rather in degree than in kind.

Mr. BURTON of Ohio. More than a difference in degree, is it not?

Mr. MUDD. I think not. The amount is larger, but not any larger proportionately than have been the amounts provided for other ships that we have been building in the last few years as compared with those which were built a few years before. It is simply an enlargement in size, a difference in degree, not a difference in type. It is a difference that marks the progress and improvement of our war ships that we hope and expect to continue as time goes on.

Mr. BURTON of Ohio. I yield three minutes to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Speaker, the gentleman from Maryland has stated the case correctly. The purpose of the Senate amendment, as I understand it, is to postpone the construction of this battle ship until next winter, and it is the same purpose which I had in view when I had the honor to make a motion to this effect when this paragraph in the naval appropriation bill was originally under consideration here.

The action of the Senate, in my judgment, is eminently proper and wise. In a few months from now the nations of the world will assemble at The Hague for the purpose of laying the foundation for more permanent peace. There will possibly be two elements contending with each other at that great conference. One element will favor the limitation of military and naval armaments. The other element will favor the adoption of arbitration treaties and the adoption of a system of international legislation. Whichever side may prevail, the construction of this battle ship will be unnecessary.

I want to say in this connection that France is ready to-day not only to limit armaments, but also to enter into an agreement with all the world for international arbitration and peace. The men now at the helm in the French Republic are all members of the Interparliamentary Union. In England the same is true. The men now at the helm in England are members of the Interparliamentary Union. They are in favor of the settlement of international controversies by arbitration, and they are also in favor of a limitation of armaments.

The question, then, is as to whether this country should permit any other to wrest from it the proud distinction of leadership in the great movement for international arbitration and peace. By the postponement of the construction of this battle ship this Congress will serve notice upon the world that we are ready to join hands with all the nations in any agreement that may be arrived at at The Hague for the purpose of settling international difficulties by arbitration instead of by the arbitrament of the sword. [Applause.]

Mr. FOSS. Mr. Speaker, I yield three minutes to the gentleman from New Jersey [Mr. LOUDENSLAGER].

Mr. LOUDENSLAGER. Mr. Speaker, I do not believe that the Members of the House thoroughly understand the effect of this amendment of the Senate. It is not so much the delay in building this battle ship, but it is, to my mind, a most unwise course for Congress to pursue, especially when the other nations of the earth are guarding carefully all their plans and specifications. In my judgment, it would be much wiser for the House to agree with an amendment striking out the words "the next session of Congress" and inserting "the admiralties of all foreign nations."

We ought not, in my judgment, to advise them of our proceedings. And above or beyond that, it has been stated that it is an impossibility for these specifications and plans, as suggested by this amendment, to be filed and to become a public document. Both the House and the Senate have agreed to the construction of this battle ship, and it is unwise for the American Congress now to make a deviation regarding the construction of these battle ships, and to spread before the whole world the knowledge that we possess in the construction of our machines of warfare.

I trust that this House will not concur in this amendment, but will send it back to conference in disagreement, so that the House conferees may be able to secure the adoption of an amendment with a modification that will not give our knowledge to the whole world. [Applause.]

Mr. BURTON of Ohio. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. RIXEY].

Mr. RIXEY. Mr. Speaker, the House provision varies from any other provision that I have ever seen carried in a naval bill for the building of ships. Heretofore the provision in an appropriation bill has always designated the size of the vessel. In this case nothing was said about the size of the vessel, but there was a lump appropriation of $6,000,000 for a battle ship. For the information of the gentleman from Minnesota I will state this battle ship is to cost $10,600,000, according to the statement I have here from the Navy Department. This battle ship will therefore cost 50 per cent more than any battle ship we have ever built. It will cost within three or four million dollars of what the total expenses of the naval establishment were twenty years ago. Under these conditions it seems to me that we might exercise ordinary business care in regard to the appropriation. We ought to know the class or type of ship and its size. The greatest ship so far authorized in the world that we know of is the *Dreadnaught*, by Great Britain, which is to cost $8,900,000, and will be of 18,500 tons displacement.

Mr. TAWNEY. Where does the gentleman get the information as to the displacement of the *Dreadnaught*?

Mr. RIXEY. I have seen the statement repeatedly. The displacement is 18,500 tons.

Mr. TAWNEY. Can the gentleman tell the House what the displacement of this proposed battle ship will be?

Mr. RIXEY. No. The conjecture is that it will be between 20,000 and 22,000 tons.

Mr. TAWNEY. I do not care about it; but I want to call the attention of the gentleman to the fact that the details, as far as the displacement of the *Dreadnaught* is concerned, have already leaked out from Great Britain.

Mr. RIXEY. The *Dreadnaught* is to be 18,500 tons displacement and to cost $8,900,000. We provide for a ship to cost $10,600,000—in round numbers, $2,000,000 more than Great Britain is paying for the *Dreadnaught*. There was no testimon before the Naval Committee as to what would be the size of this ship for which we are appropriating. The whole matter was in doubt, and I risk nothing in stating here that this provision did not come within the recommendation of the Navy Department.

Now, as I understand it, it is contended by the gentleman from Maryland that the Department possibly would be willing to accept this provision if you strike out "next session" and let it report the plans now. On the other hand, the gentleman from New Jersey [Mr. LOUDENSLAGER] says that if you adopt this amendment and require these plans at the next session the Department will not be able to furnish then by that time. I do not know which statement to take. But certain it is there can be no question, as a business proposition, that we ought to know the size of this vessel, we ought to know its type, and we ought to know the general specifications. The gentleman from New Jersey says that we would be giving away the information. I want to call his attention to the fact that in the act of March 3, 1901, plans and specifications were called for by a provision very similar to the present Senate amendment. I have never heard that the world thereby gained information to our disadvantage.

Mr. FOSS. May I interrupt the gentleman? Has the gentleman read the act?

Mr. RIXEY. I am going to read it.

Mr. FOSS. You will note that the words "general description" are in that act.

Mr. RIXEY. It is practically the same thing. The provision is as follows:

For the purpose of further increasing the naval establishment of the United States in accordance with the latest improvement of construction of ship and the production of armor and armor plate therefor, the Secretary of the Navy is hereby directed to prepare the plans and specifications of two sea-going battle ships and two armored cruisers carrying the most suitable armor and armament for vessels of their class, and to submit to Congress a general description of such battle ships on the first Monday in December next.

Mr. KEIFER. Does the gentleman interpret that to mean that he shall not proceed with the work, or merely to make the report?

Mr. RIXEY. As I understand the Senate provision, it does not do away with the authorization for the battle ship, but before the matter goes to bids, we are to know the type of the vessel and have the plans. I will state to the gentleman from Ohio this additional fact: More than a year ago, under the bill of March, 1905, we provided for two battle ships, and those specifications and plans were only adopted by the Department twelve months after the ships were ordered, and the contracts for the two battle ships authorized fifteen months ago have not been given out or signed. There will therefore be no delay if we have the plans and specifications by the next session.

Mr. KEIFER. Is it not a fact that the law which the gentleman has just read was not a prohibition against proceeding to build a ship and the Senate amendment is in this case?

Mr. RIXEY. I will state to the gentleman that it does not operate as a prohibition, because it is only five months until Congress meets in December, and if the Department gives us the plans for this ship in five months, it will show more expedition than it has ever done heretofore. It was twelve months getting plans for the 16,000-ton ships, although they were but little more than a repetition of what preceded them. It has now been fifteen months and the contracts have not been executed.

Mr. KEIFER. I understood the gentleman to say once or twice that there was no provision in the bill for fixing the size of the vessel.

Mr. RIXEY. That is right.

Mr. KEIFER. I find in reading the bill, on page 81, that it provides for one first-class battle ship carrying as heavy armor and as powerful armament as any known vessel of its class, to have the highest practical speed and the greatest practical radius of action. Is not that almost exactly like the law the gentleman has just read with reference to other battle ships?

Mr. RIXEY. No; a first-class battle ship may be of 13,000, or 15,000, or 18,000, or 20,000 tons.

Mr. KEIFER. This is to be the most powerful.

Mr. RIXEY. Most powerful in armor and armament. That is different from the size or the type of the vessel.

Mr. KEIFER. Is not that in the law the gentleman read, in the former legislation?

Mr. RIXEY. It may be in the law, but the law heretofore has always designated the size of the vessel.

As a matter of fact, Mr. Speaker, the House provision was the result of a little hysteria. The Naval Committee and certain gentlemen had heard that Great Britain was going to build the *Dreadnaught*, the biggest ship that floats, 18,500 tons, and to cost $9,000,000. I think it is to the discredit of the Naval Committee that it brought in a provision of this sort, having no other foundation and for no other reason than that the committee wanted to provide for a bigger ship than Great Britain was building. [Applause.]

Mr. FOSS. Mr. Speaker, how much time has been consumed by the other side?

The SPEAKER. The gentleman from Ohio [Mr. BURTON] has seven minutes time remaining to him and the gentleman from Illinois [Mr. Foss] has twenty-two minutes of time remaining in the hour.

Mr. FOSS. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DALZELL. Mr. Speaker, I can say all that I want to say in two minutes. It is manifest this proposition is simply to knock out this battle ship. The gentlemen who have discussed this Senate amendment on the floor are the gentlemen who opposed the battle ship when the appropriation was in the House. In their discussion they have discussed not the merits of the Senate proposition, but the merits of the original question, as to whether or not we should have a battle ship. The gentleman from Missouri [Mr. BARTHOLDT], who says he did not, simply gave his cause away, I think, when he said that this Senate amendment is simply in the line of the proposition that he submitted to the House when the original proposition was under discussion in the House. The gentleman from Missouri, as we all understand, is an optimist, who believes in the early advent of the millenium, and it is on that ground that he is now in favor of this amendment. The amendment, as I say, is simply an attempt to get rid of the previous action of the House. It is an attempt to substitue for the House action the Senate action. So far as the proposition is concerned that we shall gather together all the details of a great battle ship and then present them to Congress, I have two things to say. First, that when they are presented to Congress, Congress will not know the first thing about them, and, second, that it would be a violation of the policy uniformly pursued by all the nations of the world, who guard with the greatest sanctity and with all possible care all the details of a battle ship. I hope the motion of the gentleman from Ohio will be voted down.

Mr. BURTON of Ohio. Mr. Speaker, I yield three minutes to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Speaker, the gentleman from Pennsylvania [Mr. DALZELL] says that the purpose of this amendment is to defeat the action of the House when the naval appropriation bill was under consideration, when it passed favorably upon this proposition. I can see no basis for the gentleman's claim whatever. Under this provision we authorize the construction of one first-class battle ship carrying as heavy armor and as powerful armament as any known vessel of its class. That means, if it means anything, that this vessel is to excel in size, in power, and in fighting capacity any other vessel that has been constructed or is authorized by any government in the world. It may necessitate the entire remodeling of our Navy. A vessel of that size will certainly require at least four or five additional ships of the same class and speed. If this amendment is stricken out, as it will be unless the motion of the gentleman from Ohio is adopted, we then authorize the construction of this vessel to excel all others, thereby fixing a new standard of battle ships far above the standard we have now. When we have done that, then, in the judgment of the Navy Department and in the judgment of Congress, it may become necessary to change entirely the type of our whole Navy. A few days ago I stated, in opposition to this proposition of building this battle ship, that I thought the time had come when, if we should not halt in carrying on our ambitious naval policy, we could at least mark time for a while without any injury to service, and the adoption of this Senate amendment will simply be marking time until the Navy Department can enlighten Congress as to the size and capacity of this fighting machine, and whether or not, in the adoption of this propo-

sition, we are going to create a necessity for remodeling our Navy upon an entirely different line than that upon which our present Navy has been constructed. We are this year, I repeat again, expending on account of war and in anticipation of war 63¾ per cent of our total revenue, exclusive of postal revenues, and that, too, in a year when the aggregate revenue of the Government will exceed the aggregate revenue of the Government in any year in the history of the Government. This expenditure is about $28,000 more than the total revenue of the Government, exclusive of postal revenue, only nine years ago. This alone should cause Members of this House to pause and reflect on the advisability of continuing a policy that involves such an enormous expenditure. I say, therefore, that if we adopt this amendment, we will simply be marking time until we can ascertain more definitely the necessity for and the effect of a battle ship the only apparent necessity for which at the present time is to excel some other country in the matter of a big ship.

No man can even tell us to-day what the cost of this vessel will be. Differences of opinion exist even among the members of the Naval Committee who have studied the question, some claiming that it will cost no more than $6,000,000, with 25 per cent added for armor and armament; others claiming it will cost from twelve to fifteen millions. So we do not know. We are simply acting in the dark and doing it because somebody else is building a bigger battle ship than we had heretofore, and I trust the amendment will be concurred in. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. FOSS. Mr. Speaker, I would like to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FOSS. Has the gentleman from Ohio or the gentleman from Illinois the right to close the debate upon this question?

The SPEAKER. Why, the parliamentary situation is this, that the gentleman is in charge of the bill, and he has an hour, and the gentleman in charge of the bill always has the right to control his hour.

Mr. FOSS. Then I ask the gentleman from Ohio to consume the balance of his time.

Mr. BURTON of Ohio. Mr. Speaker, I would state there was a distinct agreement as to time—twenty-five minutes on each side—and under those circumstances is not the one who makes the motion entitled to close debate?

The SPEAKER. The gentleman from Ohio was recognized by the gentleman from Illinois, yielding him twenty-five minutes. Now, while the motion to recede and concur is a preferential motion, yet it does not carry any rights with it that are not yet granted by the House. Now, the gentleman from Illinois yields a portion of his time to the gentleman from Ohio, and the gentleman from Illinois within his hour would have the right to move the previous question. If the House wants to vote that down, then the time would pass to the gentleman from Ohio upon this particular motion; but the gentleman from Ohio has had time within the hour yielded to him by the gentleman from Illinois.

Mr. FOSS. Mr. Speaker, I yield at this time to the gentleman from Ohio [Mr. KEIFER] two minutes.

Mr. KEIFER. Mr. Speaker, I can not do more than I have hitherto done in relation to this subject, to wit, state in as emphatic a way as I could that I am in favor of building at least one battle ship a year until we have a satisfactory navy, equal to the best type of battle ship in all respects in the world, and I believe that that will help to bring about the desired result that my friend from Missouri [Mr. BARTHOLDT] is laboring so faithfully to accomplish. I agree with the gentleman from Pennsylvania [Mr. DALZELL] that delay and dallying with this subject now will be vain and useless. Why say we define a class of ships as is defined in this bill and then say that before a step is taken of any kind toward the construction of the ship we shall wait to get a report? I would like to know from the gentleman from Ohio [Mr. BURTON], who makes this motion, whether or not he believes when that report comes it is essential for Congress to pass some further law before we proceed with the construction of the proposed battle ship. It seems as though no further law would be needed. I think the time is here when this nation must stand abreast with the greatest powers of the world in the matter of a navy, and that can only be brought about or accomplished by building up a navy equal to the best in the world. That is all I can undertake to say now on this important matter, and I hope the motion will be voted down and that the conference committee will adhere to the judgment of the House so clearly expressed some time ago.

Mr. FOSS. Mr. Speaker, how much time have I remaining?

The SPEAKER. Fifteen minutes.

Mr. HEPBURN. I would like to have a little time, if you please.

Mr. FOSS. I yield two minutes. I will state that I desire to say something upon the proposition and want to keep fifteen minutes. Does the gentleman desire more time than that?

Mr. HEPBURN. I am not caring particularly about it.

Mr. FOSS. Well, I will yield five minutes to the gentleman, if the gentleman desires it.

Mr. HEPBURN. Mr. Speaker, I want to suggest to the gentleman from Ohio who made the motion, that in the few moments that he has he will explain the office of this amendment. As I read it, it provides:

> That before any proposals for said battle ship shall be issued or any bids received and accepted, the Secretary of the Navy shall report to Congress at its next session full details covering the type of such battle ship and specifications for the same, including its displacement, draft, and dimensions, and the kind and extent of armor and armament therefor.

I understand that in this bill there was complete authorization for the construction of this ship; that all details were provided for. This amendment simply provides that before a bid shall be accepted a report shall be made to this Congress. When that report is made to Congress, has not the Navy Department then the power and the duty to comply at once with the statute and construct this vessel? What is the efficacy of this report to Congress? Why should we delay in that manner? It is simply advertising to the world what ought perhaps to be a secret carefully guarded by the Navy Department; that is all. It does not interfere with the construction of the vessel; it does not change the line of duty of the Secretary. What do these gentleman want with this amendment?

Mr. DALZELL. Delay.

Mr. HEPBURN. Is not their mission as peace advocates carrying them somewhat to extremes? Is not the gentleman from Ohio [Mr. BURTON] and his colleague from Missouri [Mr. BARTHOLDT] in this new gospel of peace a little off their base? Are they accomplishing anything by this particular form of legislation? It seems to me not. I am not here at all to criticise the purposes of these gentleman. We all look forward to a time, perhaps not in our lifetime, when the theories they advocate may be made applicable in the affairs of nations. All the doctrines of the church teach us to look forward to that era when men will love one another as they love themselves, when the brotherhood of mankind will really mean something more than mere declamation or rhetoric; but that time has not come. It is not here now. We find the same selfishness among nations as among individuals. We are far from the era that the church promises us, that period when the lion and the lamb shall lie down together side by side—not one inside. We are all looking forward to that time; but will it not do for these gentleman to wait until there is some evidence as to the approach of that period?

My experience and my observation has taught me that that man is safest from assault who has the greatest muscular development and the greatest skill in its use. In all of the history of nations it is shown that that nation is least assailed, that that nation secures most of all of its rights, its possibilities, its hopes, that has the largest armies and the most efficient and disciplined navy. It is the power to resist that secures men from the necessity of resistance. And I am like the gentleman from Ohio [Mr. KEIFER], who just now said that he desired to see at least one battle ship added to our Navy every year, and that of the best possible type and construction. [Applause.]

Mr. BURTON of Ohio. Mr. Speaker, how much time have I remaining?

The SPEAKER. Four minutes.

Mr. BURTON of Ohio. Mr. Speaker, I yield one minute to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I am in favor of the Senate amendment, not that I am opposed to the construction of a battle ship, but because I have doubts as to the wisdom of building a larger battle ship than any now afloat. It does not follow, it has not been proven in naval history, that a larger battle ship than any now afloat would be any more effective than a moderate-sized battle ship. The office of this amendment, I would suggest to the gentleman from Iowa [Mr. HEPBURN], is to give Congress an opportunity, after scrutiny of the plans and specifications of this proposed monster of the deep, to decide whether we shall build a battle ship larger than any now afloat or follow the lines of policy heretofore laid down and add to our Navy one battle ship a year, or more if necessary, of the same approximate class and type as those we are now building.

The SPEAKER. The time of the genteman has expired.

Mr. BURTON of Ohio. Mr. Speaker, I note a decided difference in the arguments of the gentleman from Iowa [Mr. HEP-

BURN] and the gentleman from Pennsylvania [Mr. DALZELL]. The gentleman from Pennsylvania says this is a proposition to do away with the battle ship entirely. The gentleman from Iowa intimates that the amendment is entirely ineffective, and that the Secretary of the Navy must, even if this motion prevails, proceed with the construction of the ship. In answer to his question as to what will be the effect of this amendment, I would say, first, that the legislation directing that the battle ship be built stands, even if the amendment is adopted. It would be the duty of the Secretary of the Navy to go on with its construction, unless he is ordered to do otherwise. Nevertheless, when these plans shall be filed here Congress will have opportunity to take further action on the subject. It may either forbid entirely the construction of the battle ship or it may change the plans in accordance with what is its right and its duty.

That leaves the sole argument against this amendment, that we are giving away our secrets. That is a pleasing conceit of many persons, that you are hiding your plans of the battle ship from the world, but it is a delusion. A naval designer of a foreign country might disguise himself and find employment in the shipyard. You give out to six builders the specifications in full. A thousand argus eyes are watching, and they can tell what your ship is to be to the last detail. I can tell you how you can insure secrecy. Say to your naval constructor, "Get thee to Waukegan or to Annapolis, hide yourself in a room with merely sufficient light for the printing of blueprints, and there use unlimited quantities of pens, ink, and paper; stick close to your plans, and never build a ship." That is the only way to insure secrecy. [Applause.]

Whatever we may seek to do, the naval powers of the world will know. The terms "details and specifications" are both very general in their nature. If there is any special secret the officials of the Navy Department may desire shall be kept with unusual care, they can withhold that from Congress. What disadvantage can there be in waiting until another winter for a report upon the plans for the battle ship, so that we may know whether the model is a good one? So that we can again consider whether it is wise to proceed along the line of construction recommended or along any line of construction? It is stated that it will be 1910 or 1912 before the battle ships under way already are completed. It is also said that the plans for the proposed ship can not be completed before the next session. Why, then, refuse to concur in this amendment, which can do no harm, and which will bring the subject before the body which should decide upon the plan and upon the whole subject? [Loud applause.]

Mr. FOSS. Mr. Speaker, how much time have I?

The SPEAKER. The gentleman has twelve minutes.

Mr. FOSS. Mr. Speaker, I desire to call the attention of the House to this Senate amendment:

Provided, That before any proposals for said battle ship shall be issued or any bids received and accepted the Secretary of the Navy shall report to Congress at its next session full details—

Not general details, but full details—

covering the type of such battle ship and the specifications for the same, including its displacement, draft, and dimensions, and the kind and extent of armor and armament therefor.

That can mean plainly but one thing. It means that Congress must again pass upon this ship; must again authorize the ship. Now, we had a contest here in this Chamber when this bill first came before this House. It was fought valiantly on both sides, and this House, by a splendid and substantial majority, determined to provide for this battle ship without putting any strings upon it. This Senate amendment is simply putting a string on the authorization which this House made before. And it is confirmed by the debate which took place in the Senate. If gentlemen of the House will refer to that, it was clearly and plainly the intention that we must again authorize this ship if we would have it. That is the purpose of this Senate amendment. The very fact that every gentleman but one here who has been in favor of this Senate amendment to-day was also, when this debate was had in the House, opposed to the battle ship shows the plain intent and purpose in this contest. The line was drawn then, and the line ought to be drawn here to-day. Everyone who was in favor of this battle ship before should vote down the motion of the gentleman from Ohio.

Why, it seems there never was presented to this House a more senseless and ridiculous proposition than to bring in the plans and specifications for a great battle ship and report here to Congress. We might know the moment you report to Congress you report to the whole civilized globe; you report to every foreign navy everywhere; and you might insert in that provision "report to the whole civilized globe" instead of "report to Congress."

Ah, but gentlemen say do we not know something about the pattern of the *Dreadnaught?*" Yes; we know what the newspapers have said about it. And you go to the Navy Department here in Washington and ask them whether they have any accurate information on the subject, and they say: "No; all we know is what we have seen in the newspapers."

Now, the gentleman has said that it is a very large undertaking to build this big battle ship, and therefore you ought to report to Congress. Well, if we were a body of experts that argument might go; it might have some weight; but we do not know anything more about it than anyone else who is not in the business of constructing naval vessels. And why should we report here to Congress? If the Navy Department can not build the ship they will not build it, but if they can build it they will build it. I have a letter from the chief constructor saying that it is easily within the capacity of our Navy Department to build this ship.

The gentleman from Ohio, in his first speech to-day on this subject, said: "Why, here we are going from 16,000 tons up to 20,000 tons. Here is an unusual thing; here is a new construction." It is only a larger battle ship; only larger guns, and more of them. It is simply building a bigger house. That is all, and the architect who can build a small one can also build a bigger one. When we authorized the first ships of the Navy, the *Atlanta*, the *Boston*, and the *Dolphin*, they were little ships of 2,500 and 3,000 tons. Then we went up to the *Texas*, of 6,000 tons. Did we then ask the Navy Department to report to Congress when we jumped up from 3,000 up to 6,000 tons? Or up to our first first-class battle ship, the *Iowa*, of 10,000 tons? Did we say, as the gentleman from Ohio [Mr. BURTON] has said here, "This is an unusual proposition, and therefore the Navy Department should report their plans in full detail to Congress before they undertake this?" No; we said to our Navy Department, "Go ahead."

Our first battle ship only had a displacement of about 10,000 tons, then we went up to 11,000, and then we went up to 12,000, and then we went up to 14,000; now we are up to 16,000, and the ships upon which plans have recently been made have practically a larger displacement than that.

We are authorizing a large battle ship. The navies of the world are authorizing large ships. Japan is authorizing a ship of 19,400 tons. France is authorizing six battle ships of 18,000 tons, which will be followed by the laying down of six battle ships of twenty or twenty-one thousand tons. Is not our Navy Department able to construct such a vessel? We have the finest ships of any navy in the world. We have the best talent and the best skill and the best genius, and yet we propose to give the navies of the world the benefit of our genius and our skill by authorizing the Secretary of the Navy to report the plans to Congress.

The gentleman from Missouri [Mr. BARTHOLDT] said a moment ago that he wanted to wait for the peace conference. When this matter was before the House I showed that since the last peace conference met, the nations of the world had authorized about 2,000,000 tons in battle ships. That is to say, since the last peace conference enough tonnage in battle ships has been authorized to amount to a hundred of these 20,000-ton battle ships. And, mind you, that peace conference was called together for the purpose of considering the question of disarmament, but the coming peace conference is not called together to consider that question, which has been eliminated in the call of the Czar. Just think, if the peace conference that considered the question of disarmament was followed by such naval activity on the part of the nations of the world, which authorized more ships than ever before, just think what may happen after the next peace conference!

So, gentlemen, that question is ridiculous. In my judgment the only thing for the House to do is to give us in this bill a clean-cut authorization of the battle ship, just as the House voted it a few weeks ago.

Now, Mr. Speaker, I move the previous question on the motion of the gentleman from Ohio.

The SPEAKER. The gentleman from Illinois moves the previous question on the motion of the gentleman from Ohio [Mr. BURTON], that the House do recede from its disagreement to Senate amendment 56, and concur in the same.

The previous question was ordered.

The question being taken on the motion of Mr. BURTON of Ohio, on a division there were—ayes 123, noes 130.

Mr. BURTON of Ohio. I demand tellers.

Mr. HULL, Mr. FOSS, Mr. BUTLER of Pennsylvania, and Mr. WATSON demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 128, nays 113, answered "present" 14, not voting 125, as follows:

YEAS—128.

Adams	Fitzgerald	Littauer	Sherley
Adamson	Flood	Livingston	Sims
Andrus	Floyd	Lloyd	Slayden
Bankhead	French	McCall	Small
Bannon	Fulkerson	McCarthy	Smith, Cal.
Bartholdt	Fuller	McCreary, Pa.	Smith, Ill.
Beall, Tex.	Gardner, Mich.	McLain	Smith, Iowa
Birdsall	Garner	Macon	Smith, Tex.
Bonynge	Garrett	Marshall	Smyser
Brundidge	Gillespie	Minor	Southwick
Buckman	Gillett, Mass.	Mondell	Spight
Burgess	Goebel	Moore	Stafford
Burleson	Granger	Mouser	Stanley
Burnett	Hamilton	Norris	Steenerson
Burton, Ohio	Haugen	Otjen	Stevens, Minn.
Butler, Tenn.	Hay	Padgett	Sullivan, Mass.
Candler	Hedge	Patterson, S. C.	Tawney
Chaney	Heflin	Perkins	Taylor, Ala.
Clark, Fla.	Henry, Tex.	Pollard	Thomas, N. C.
Clark, Mo.	Hill, Miss.	Prince	Towne
Cockran	Hinshaw	Rainey	Townsend
Cooper, Wis.	Hoar	Ransdell, La.	Tyndall
Cromer	Holliday	Rhodes	Underwood
Crumpacker	Houston	Richardson, Ala.	Volstead
Davis, Minn.	Howard	Rixey	Wallace
Davis, W. Va.	Hunt	Robinson, Ark.	Watkins
De Armond	Johnson	Rodenberg	Webber
Dixon, Ind.	Kelliher	Russell	Weems
Ellerbe	Kennedy, Nebr.	Ryan	Williams
Ellis	Kitchin, Wm. W.	Scott	Wilson
Esch	Lamar	Shartel	Woodyard
Finley	Lee	Sheppard	Zenor

NAYS—113.

Aiken	Denby	Kennedy, Ohio.	Payne
Alexander	Dickson, Ill.	Kline	Reeder
Allen, N. J.	Draper	Lacey	Richardson, Ky.
Barchfeld	Dunwell	Landis, Chas. B.	Rives
Bennet, N. Y.	Fassett	Landis, Frederick	Roberts
Bennett, Ky.	Fordney	Law	Samuel
Boutell	Foss	Lilley, Conn.	Schneebeli
Bradley	Foster, Ind.	Lindsay	Sherman
Brick	Gaines, W. Va.	Loudenslager	Smith, Md.
Broussard	Gardner, Mass.	McCleary, Minn.	Smith, Samuel W.
Brownlow	Gardner, N. J.	McGavin	Smith, Pa.
Burton, Del.	Gilbert, Ind.	McKinney	Snapp
Butler, Pa.	Gill	McMorran	Sperry
Calder	Goldfogle	McNary	Sterling
Campbell, Kans.	Goulden	Mahon	Sulloway
Campbell, Ohio	Graff	Martin	Talbott
Capron	Graham	Maynard	Thomas, Ohio
Cassel	Grosvenor	Meyer	Tirrell
Chapman	Hale	Miller	Wachter
Cocks	Hayes	Moon, Pa.	Waldo
Cole	Henry, Conn.	Mudd	Wanger
Conner	Hepburn	Murdock	Watson
Cooper, Pa.	Hermann	Murphy	Weeks
Cousins	Higgins	Needham	Wiley, N. J.
Currier	Hubbard	Olcott	Young
Curtis	Hull	Olmsted	The Speaker
Dalzell	Humphrey, Wash.	Overstreet	
Darragh	Kahn	Parker	
Dawson	Keifer	Parsons	

ANSWERED "PRESENT"—14.

Dale	Gregg	Lever	Southard
Gilbert, Ky	Jenkins	Mann	Wiley, Ala.
Glass	Jones, Wash.	Moon, Tenn.	
Greene	Kitchin, Claude	Pou	

NOT VOTING—125.

Acheson	Dresser	Knapp	Reid
Allen, Me.	Driscoll	Knopf	Reynolds
Ames	Dwight	Knowland	Rhinock
Babcock	Edwards	Lafean	Robertson, La.
Bartlett	Field	Lamb	Rucker
Bates	Flack	Lawrence	Ruppert
Bede	Fletcher	Le Fevre	Scroggy
Beidler	Foster, Vt.	Legare	Shackleford
Bell, Ga.	Fowler	Lewis	Sibley
Bingham	Gaines, Tenn.	Lilley, Pa.	Slemp
Bishop	Garber	Little	Smith, Ky.
Blackburn	Gillett, Cal.	Littlefield	Smith, Wm. Alden
Bowers	Griggs	Longworth	Southall
Bowersock	Gronna	Lorimer	Sparkman
Bowie	Gudger	Loud	Stephens, Tex.
Brantley	Hardwick	Lovering	Sullivan, N. Y.
Broocks, Tex.	Haskins	McDermott	Sulzer
Brooks, Colo.	Hearst	McKinlay, Cal.	Taylor, Ohio
Brown	Hill, Conn.	McKinley, Ill.	Trimble
Burke, Pa.	Hitt	McLachlan	Van Duzer
Burke, S. Dak.	Hogg	Madden	Van Winkle
Burleigh	Hopkins	Michalek	Vreeland
Byrd	Howell, N. J.	Morrell	Wadsworth
Calderhead	Howell, Utah	Nevin	Webb
Clayton	Huff	Page	Weisse
Cushman	Hughes	Palmer	Welborn
Davey, La.	Humphreys, Miss.	Patterson, N. C.	Wharton
Davidson	James	Patterson, Tenn.	Wood, Mo.
Dawes	Jones, Va.	Pearre	Wood, N. J.
Deemer	Ketcham	Powers	
Dixon, Mont.	Kinkaid	Pujo	
Dovener	Klepper	Randell, Tex.	

So the motion to concur in the Senate amendment was agreed to.

The following pairs were announced:

For the session:

Mr. MORRELL with Mr. SULLIVAN of New York.

Mr. DALE with Mr. BOWIE.

Mr. SOUTHARD with Mr. HARDWICK.

Until further notice:

Mr. REYNOLDS with Mr. WEISSE.

Mr. MANN with Mr. BARTLETT.

Mr. EDWARDS with Mr. BROOCKS of Texas.

Mr. LAWRENCE with Mr. WEBB.

Mr. LONGWORTH with Mr. STEPHENS of Texas.

Mr. VREELAND with Mr. GREGG.

Mr. LILLEY of Pennsylvania with Mr. GILBERT of Kentucky.

Mr. GREENE with Mr. PATTERSON of North Carolina.

Mr. BISHOP with Mr. CLAYTON.

Mr. DAVIDSON with Mr. GRIGGS.

Mr. FOSTER of Vermont with Mr. POU.

Mr. DOVENER with Mr. SPARKMAN.

Mr. HITT with Mr. LEGARE.

Mr. LE FEVRE with Mr. CLAUDE KITCHIN.

Mr. WELBORN with Mr. GUDGER.

Mr. HASKINS with Mr. LEVER.

Mr. POWERS with Mr. GAINES of Tennessee.

Mr. MCKINLEY of Illinois with Mr. REID.

Mr. SLEMP with Mr. GLASS.

Mr. JONES of Washington with Mr. HUMPHREYS of Mississippi.

For this day:

Mr. LOVERING with Mr. WOOD of Missouri.

Mr. PALMER with Mr. SOUTHALL.

Mr. PEARRE with Mr. VAN DUZER.

Mr. MADDEN with Mr. TRIMBLE.

Mr. KNAPP with Mr. SULZER.

Mr. HOGG with Mr. SMITH of Kentucky.

Mr. BROOKS of Colorado with Mr. LEWIS.

Mr. BURKE of South Dakota with Mr. LITTLE.

Mr. CALDERHEAD with Mr. PUJO.

Mr. DAWES with Mr. RHINOCK.

Mr. BOWERSOCK with Mr. JAMES.

Mr. BEIDLER with Mr. HOPKINS.

Mr. BEDE with Mr. BRANTLEY.

Mr. WM. ALDEN SMITH with Mr. SHACKLEFORD.

Mr. KLEPPER with Mr. RUCKER.

Mr. GRONNA with Mr. GARBER.

Mr. ACHESON with Mr. BELL of Georgia.

Mr. BINGHAM with Mr. BYRD.

Mr. BROWN with Mr. FIELD.

Mr. KETCHAM with Mr. HEARST.

Mr. BURLEIGH with Mr. MCDERMOTT.

Mr. HUGHES with Mr. RANDELL of Texas.

Mr. BABCOCK with Mr. BOWERS.

Mr. KNOWLAND with Mr. ROBERTSON of Louisiana.

Mr. DEEMER with Mr. PATTERSON of Tennessee.

Mr. JENKINS with Mr. DAVEY of Louisiana.

Mr. SIBLEY with Mr. MOON of Tennessee.

Mr. HILL of Connecticut with Mr. WILEY of Alabama.

On this vote:

Mr. BURKE of Pennsylvania with Mr. PAGE.

Mr. LAFEAN with Mr. RUPPERT.

Mr. HUFF with Mr. JONES of Virginia.

Mr. HOWELL of New Jersey with Mr. LAMB.

The result of the vote was then announced as above recorded.

On motion of Mr. BURTON of Ohio, a motion to reconsider the vote was laid on the table.

The SPEAKER. Senate amendment No. 1 is not yet disposed of.

Mr. HULL. Mr. Speaker, I withdraw my demand on that amendment.

Mr. FOSS. Mr. Speaker, I hope the gentleman will amend this Senate amendment. There were two objections made to the conference report. One was to this amendment and the other was in regard to the solicitor. All the House did was to increase the salary of the solicitor, making it $4,000.

Mr. HULL. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment.

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

Mr. FOSS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. FOSS. Have we disposed of all the Senate amendments upon which a separate vote was asked?

The SPEAKER. Yes.

Mr. FOSS. I ask that the House request a further conference.

The SPEAKER. The gentleman from Illinois moves that the House ask for a further conference.

The motion was agreed to.

Mr. BUTLER of Pennsylvania. Mr. Speaker, I move that the conferees be instructed to resist any agreement to Senate

amendment No. 13, and I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That it is the sense of the House that the committee of conference do not yield in the disagreement of the House and Senate to Senate amendment 13, providing for an appropriation for Fort Royal station.

The SPEAKER. Does the gentleman from Pennsylvania desire to offer a resolution to test the sense of the House that the conferees ought not to yield in the disagreement of the House to the amendments?

Mr. BUTLER of Pennsylvania. That is the purpose of the resolution.

The SPEAKER. The Chair would suggest to the gentleman that he had better strike out the words "and Senate."

Mr. BUTLER of Pennsylvania. I ask unanimous consent to modify the amendment to the resolution to that extent.

The SPEAKER. The gentleman has a right to modify his resolution.

Mr. WILLIAMS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. Does not this motion of the gentleman from Pennsylvania come too late—has not that matter been passed upon?

The SPEAKER. This is the exact time and the only time when it can come.

Mr. WILLIAMS. Should he not move first to reconsider the action?

The SPEAKER. No; this is in the nature of instructions to the conferees, and this is the time that it is in order to offer it.

There was no objection, and the Clerk again reported the resolution.

Mr. FOSS. Mr. Speaker, does the gentleman desire to say anything?

Mr. BUTLER of Pennsylvania. I do not. I simply move the adoption of the resolution.

Mr. FOSS. Mr. Speaker, I desire to say to the gentleman from Pennsylvania [Mr. BUTLER] that I do not think it is necessary to pass the resolution instructing the conferees of the House upon this question. A number of years ago we abandoned Port Royal and went to Charleston, where we are now engaged in building up a navy-yard. It was understood at that time that we would abandon and get out of Port Royal. The Senate has offered an amendment here appropriating a certain sum of money to open up Port Royal as a naval training station in the winter months. Mr. Speaker, I would say that the House conferees have stood resolutely against this provision, and, in my judgment, I do not think it is necessary for the gentleman from Pennsylvania to attempt to bind the House conferees, because I think they realize and appreciate the sentiment of this House on this amendment.

Mr. PAYNE. Mr. Speaker, I would like to ask the gentleman what reason he has for not desiring the House to stand behind him, holding up his arms?

Mr. BUTLER of Pennsylvania. Mr. Speaker, it is not offered because I imagine for one minute that the gentleman will draw away or weaken from the position they have taken, but this is a strengthener, and I hope the gentleman will not object to its adoption.

Mr. FOSS. Oh, I shall not object to the adoption of it. I only desire to have the House understand that we do not regard it as necessary.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 160, noes 70.

So the resolution was agreed to.

Mr. HULL. Mr. Speaker, I offer the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That it is the sense of the House that its conferees do not agree to Senate amendment No. 1.

The SPEAKER. The question is on agreeing to the resolution.

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

The SPEAKER announced the following conferees on the part of the House: Mr. Foss, Mr. LOUDENSLAGER, and Mr. MEYER.

PURE-FOOD BILL.

The SPEAKER. Under the rule heretofore adopted, the House is in Committee of the Whole House on the state of the Union for the consideration of the bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes, and the gentleman from New Hampshire [Mr. CURRIER] will take the chair.

Mr. HEPBURN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HEPBURN. Mr. Chairman, under the special order it is provided that there be six hours of general debate, to be equally divided, I presume. I ask unanimous consent that the order of debate be under the control of the gentleman from Georgia [Mr. ADAMSON] and myself.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the time given to general debate may be equally divided, one-half to be controlled by himself and one-half by the gentleman from Georgia [Mr. ADAMSON]. Is there objection?

There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6493. An act to authorize the city of Buffalo, N. Y. to construct a tunnel under Lake Erie and Niagara River, to erect and maintain an inlet pier therefrom, and to construct and maintain filter beds for the purpose of supplying the city of Buffalo with pure water.

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

H. R. 20266. An act to amend an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations," approved May 16, 1906;

H. R. 19682. An act authorizing the Commissioners of the District of Columbia to permit the extension and construction of railroad sidings in the District of Columbia, and for other purposes; and

H. R. 20210. An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River.

A further message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bill of the following title; in which concurrence of the House of Representatives was requested:

S. 6191. An act to provide for the construction of a lock canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

PURE-FOOD BILL.

The committee resumed its session.

Mr. ADAMSON. Mr. Chairman, I desire to make a request for unanimous consent. The print of the minority report is exhausted. I do not know whether we want more prints or not. The gentleman from Georgia [Mr. BARTLETT], who is absent, drew the minority report, and I ask unanimous consent that it may be printed in the RECORD to-morrow morning, in order that Members may see it.

The CHAIRMAN. The gentlman from Georgia asks unanimous consent that the views of the minority may be printed in the RECORD to-morrow morning. Is there objection?

Mr. HEPBURN. Mr. Chairman, is it competent to do that in the committee?

The CHAIRMAN. The Chair thinks that strictly it should be ordered in the House.

Mr. ADAMSON. Mr. Chairman, then I shall withdraw the request and make it in the House.

Mr. HEPBURN. Mr. Chairman, I yield such time as he may desire to my colleague on the committee, the gentleman from Illinois [Mr. MANN]. [Applause.]

Mr. MANN. Mr. Chairman, I wish, first, to say that although there has been considerable criticism—at least outside of this Chamber—over the delay in the consideration of this bill in the House, that, as a matter of fact, since the bill was reported into the House and was first given a privileged position in the House no bill has been considered by the House except appropriation bills, bills under suspension of the rules, by unanimous consent, or bills on the Private Calendar, except the one bill which was then a continuing order—the bill in regard to naturalization; so that the delay in the consideration of this bill has been caused on account of the unwritten rule of all legislative bodies, I believe, that appropriation bills, when ready for

consideration, as a general thing, are disposed of ahead of all other legislative propositions. But during all this time, Mr. Chairman, I wish to say in justice to the House that I have been constantly assured by leaders of the House that the pure-food bill would have its day in court, would have its chance for consideration by the House before the final adjournment of Congress for this session.

COMPARISON OF SENATE BILL AND HOUSE SUBSTITUTE.

Mr. Chairman, Members of the House are interested to know not only what the pure-food bill does, but to know what the difference is between the propositions submitted by the Senate and the propositions submitted by the House committee.

The Senate passed a bill, No. 88, which came to the House, and the Committee on Interstate and Foreign Commerce have reported that bill to the House, striking out all after the enacting clause and inserting a substitute by way of amendment, and in order that the Members of the House may compare the two bills you will permit me to make a short statement in reference to the so-called "House bill," or rather between the House amendment and the Senate bill.

Section 1 of the Senate bill makes it unlawful to manufacture or offer for sale within any Territory, District, or insular possession of the United States adulterated or misbranded foods or drugs, or to ship from any State, etc., to any State, etc., such articles, under penalty of fine and imprisonment.

Section 2 of the Senate bill prohibits the introduction into any State, etc., from another State, etc., of adulterated or misbranded foods and drugs, and provides that any person who shall ship or deliver for shipment such goods from a State, etc., or export the same to a foreign country from a State, etc., to a State, etc., or export the same to a foreign country, or who shall knowingly receive such goods in a State, etc., shall be guilty of a misdemeanor, etc., and provides that violations of sections 1 and 2 by a corporation may be enforced against the officers of the corporation personally responsible for the violation.

Section 1 of the House amendment covers sections 1 and 2 of the Senate bill and provides that the introduction of adulterated or misbranded foods or drugs into any State or Territory, etc., from any other State or Territory, etc., or shipment or receipt of such goods to or from any foreign country is prohibited, and that any person who shall ship from one State or Territory to another State or Territory, or to a foreign country, or receive in one State from another, or who shall offer for sale in the District of Columbia or the Territories adulterated or misbranded foods or drugs, shall be guilty of a misdemeanor and be fined $200 for the first offense, and for a subsequent offense not exceeding $300 or one year's imprisonment, or both, containing a proviso, however, that a person shall not be liable to the penalty of imprisonment unless he knowingly committed the offense charged, and containing the further proviso especially intended for the preparation of certain articles for export, such as meats, that an article shall not be deemed misbranded or adulterated when exported and prepared according to the specifications of the foreign purchaser.

Section 2 of the House bill is almost identical with section 3 of the Senate bill, and provides that the Secretaries of Treasury, Agriculture, and Commerce and Labor shall make rules and regulations for carrying out the provisions of the act and for the collection and examination of specimens of foods and drugs which may be offered for sale in the District of Columbia or any Territory, or offered in unbroken packages in any State where not produced, or received from a foreign country or intended for shipment to a foreign country or submitted for examination by the health or food officers of any State.

Section 3 of the House bill is almost the same as section 4 of the Senate bill, and provides that the examinations of specimens of foods and drugs shall be made in the Bureau of Chemistry, or under its supervision, and if it shall appear from examination that any specimen is adulterated or misbranded, the Secretary of Agriculture shall cause notice to be given to the party from whom the sample was obtained, and such party shall be given an opportunity to be heard, and if it then appears that any of the provisions of the act have been violated, the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the analysis or examination, and after judgment of the court notice shall be given by publication.

Section 4 of the House bill is almost the same as section 5 of the Senate bill, and provides that it shall be the duty of each district attorney to whom the Secretary of Agriculture shall report any violation of the act, or to whom any health or food or drug officer or agent of any State, Territory, or the District of Columbia shall present satisfactory evidence of such violation to commence prosecution.

Section 5 of the House bill and sections 6, 7, and 8 of the Senate bill contain definitions. The Senate bill defines the term "drug," the term "food," and the term "liquor." The House bill includes all under the two terms "drug" and "food," and defines the term "drug" as including all medicines and preparations recognized in the pharmacopœia or national formulary for internal or external use, and also any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or other animal. The term "food" is defined as including all articles used for food, drink, confectionery, or condiment by human beings or domestic animal, whether simple, mixed, or compound.

Section 9 of the Senate bill defines what shall be considered as adulteration or misbranding of drugs, confectionery, foods, and liquors.

Section 6 of the House bill defines what shall be deemed adulterations under the act, and provides that a drug shall be deemed adulterated if when sold under the standard recognized in the pharmacopœia it differs from the standard as laid down therein, or if sold under any other professed standard or quality it differs from the professed standard.

Confectionery shall be deemed adulterated if it contain terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health.

Food which includes both food and drink shall be deemed adulterated if any substance has been mixed with it so as to lower its quality or strength, or has been substituted wholly or in part for the article, or if any valuable constituent has been removed, wholly or in part, or if it be mixed, colored, powdered, coated, or stained in a manner to conceal damage or inferiority, or if it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health, or if it consists, in whole or in part, of filthy, decomposed, or putrid animal or vegetable substance, or is the product of a diseased animal.

This section contains a proviso that if food prepared for shipment is preserved by an external application which is necessarily removed in preparation for use, the condition of the food at the time when ready for consumption shall be the test under the act. This is the provision urged by the gentleman from Massachusetts [Mr. GARDNER] as necessary to prevent the destruction of the codfish industry. It may be considered somewhat doubtful whether the proviso has any practical value or effect either one way or the other, as it is doubtful whether any preservative can be used in such manner that it shall be necessarily removed in preparing the food for consumption.

The provision against adulteration of confectionery might properly be extended so as to prohibit the use of spirituous liquors or alcoholic compounds or narcotic drugs in confectionery in any shape.

Section 7 of the House bill relates to the subject of "misbranding," and is the section the provisions of which have given rise to the greatest controversy. It provides that the term "misbranded" shall apply to all drugs or articles of food, or articles which enter into the composition of food, which bear any statement, design, or device on the package or label regarding the ingredients or substances contained therein, or the article as a whole, which shall be false or misleading in any particular; and to any food or drug product falsely branded as to the State, Territory, or country in which it is manufactured or produced; that also a drug shall be deemed "misbranded" if it be an imitation of or offered for sale under the name of another article, or if the contents of the original package have been removed in whole or in part and other contents substituted, or if it fail to bear a statement on the label of the quantity or proportion of alcohol, or of opium, cocaine, or other poisonous substance contained therein.

It is proposed to offer an amendment to this provision, which in effect will provide that the quantity of alcohol or narcotic need not be stated upon a pharmacopœia remedy prepared in accordance with the pharmacopœia formulary, but that on other preparations of drugs the amount of alcohol and of opium, morphine, cocaine, heroin, alpha and beta eucaine, acetanilid, and chloral hydrate shall be stated, so that people may be informed who purchase prepared medicines whether they are taking habit-forming drugs or alcoholic compounds.

"Food" shall be considered as adulterated if it be an imitation of or offered for sale under the distinctive name of another article, or if labeled or branded so as to deceive the purchaser, or falsely purport to be a foreign product, or, if in package form the quantity of the contents of the package be not plainly and correctly stated in terms of weight and measure on the outside of the package.

An amendment will be offered to the package provision some-

what modifying the arbitrary provision, but still protecting the purchaser and the honest manufacturer from the fraud of those who wish to cheat and swindle by short weight or measure.

It ought also to be considered as misbranding of food if the contents of the original package shall have been removed in whole or in part and other contents placed in the package, or if the package fails to bear a statement on the label of the quantity or proportion of any of the narcotic drugs.

The section provides that an article of food not containing added poisonous or deleterious ingredients shall not be deemed adulterated or misbranded in case of mixtures or compounds known as articles of food under their own distinctive names and not imitations, if the name be accompanied on the label with a statement of the place where the article has been manufactured or produced, and also that food shall not be deemed adulterated or misbranded in case of articles labeled, branded, or tagged so as to plainly indicate they are compounds, imitations, or blends, provided that the term "blend" as used therein shall be construed to mean a mixture of like substances not excluding harmless coloring or flavoring ingredients.

Many of the provisions in the House bill and the Senate bill are very similar in reference to misbranding and adulterations, but there are various differences. The package provision in the House bill is not contained in the Senate bill in any form. The provision in the House bill requiring the amount of alcohol and of habit-forming drugs to be stated in medicinal preparations is not in the Senate bill at all. The Senate bill contains the provision in reference to liquors—that a liquor shall be deemed misbranded if it be blended or rectified, or consists of an admixture of different grades of the same liquor, or contains or is mixed with other substances, and the word "blended," "rectified," or "mixed," as the case may be, is not plainly stated on the package in which such liquor is offered for sale, or if the label or any written or printed statement accompanying the package in which the liquor is kept or sold contains any false statement as to the character of the contents of the package, or represents the liquor to be the product of any other country than that in which it was actually produced.

The provision in the House bill which covers the subject of liquor, as well as other articles of food and drink, is that an article shall not be deemed misbranded when labeled, branded, or tagged so as to plainly indicate that it is a compound, imitation, or blend, provided that the term "blend" as used therein shall be construed to mean a mixture of like substance, not excluding harmless coloring or flavoring ingredients.

Section 8 of the House bill is very similar to section 10 of the Senate bill, and provides that no dealer shall be convicted when able to prove a guaranty of conformity with the act, signed by the manufacturer or parties from whom he purchased, but the guarantor must be a resident of the United States. In such case the guarantor shall be amenable to the penalties provided for the dealer.

Section 9 of the House bill makes it the duty of the Secretary of Agriculture from time to time to fix standards of food products for the guidance of the officers charged with the administration of the food laws and for the information of the courts and to determine the wholesomeness of preservatives and other substances added to foods; and to aid him in reaching just decisions authorizes the Secretary to call upon the committee on food standards of the Association of Official Agricultural Chemists and the committee of standards of the Association of State Dairy and Food Departments, and such other experts as he may deem necessary; and further provides that any person interested in the question as to the wholesomeness of a preservative or other substance to be added to food may require the Secretary to appoint a board of disinterested experts of five members to consider, investigate, and report to the Secretary as to the wholesomeness of such articles. The provisions in section 9 of the House bill are not contained in the Senate bill.

Section 10 of the House bill is similar to section 11 of the Senate bill, and provides that any person dealing in foods or drugs covered by the act shall furnish, within business hours, at the ordinary price, a sample to the person duly authorized by the rules and regulations in sufficient quantiy for analysis.

Section 11 of the House bill and section 12 of the Senate bill are the same, and provide that any person refusing to sell a sample in compliance with the section of the act requiring it shall be fined or imprisoned. This section also contains the provision that any person guilty of manufacturing or selling adulterated or misbranded articles in violation of the act may, in addition to the penalties provided, be adjudged to pay the costs and expenses of inspection analysis.

Section 12 of the House bill provides that the act shall not be construed to interfere with commerce wholly internal in a State nor with the exercise of police powers by the States, but foods and drugs fully complying with its provisions shall not be interfered with by State authorities so long as they remain in original unbroken packages, except as otherwise provided by the United States statutes.

Section 13 of the House bill and of the Senate bill provides for seizing and confiscating adulterated or misbranded articles by process of libel for condemnation.

Section 14 of the act proposes to put in permanent statute the provisions which have been carried in the agricultural appropriation bill for several years, authorizing examinations to be made of imported articles of food and drugs and directing the Secretary of the Treasury to refuse entry and delivery when found to be adulterated or misbranded.

Mr. PADGETT rose.

The CHAIRMAN. Will the gentleman from Illinois [Mr. MANN] yield to the gentleman from Tennessee [Mr. PADGETT]?

Mr. MANN. I yield.

Mr. PADGETT. The gentleman was speaking a moment ago of mixed foods, and I wanted to ask a question for information. There is a class of flour that is called "mixed flour," in which a portion of corn meal is added to the wheat flour. Would that be prohibited, if it is known to be so, and was published? A great many mills in the country make that class of flour.

Mr. MANN. They make it under a special statute of the United States.

Mr. PADGETT. Would it be prohibited under this bill?

Mr. MANN. It would not be prohibited if they marked it correctly. It would be prohibited to be sold as wheat flour.

Mr. PADGETT. If it is correctly indicated in the sale, it would not be prohibited?

Mr. MANN. That is true. The term "misbranded" shall apply to all drugs or articles of food which have any false statement, design, or device on the package or the label regarding the ingredients, and to any food misbranded as to State, Territory, or country in which it is manufactured, and will apply if it be an imitation of or offered for sale under the name of another article, etc. There are various provisions in reference to misbranding. One of the provisions is in reference to the weight and measure of the contents of the packages, which has given rise to considerable controversy, and which I hope to explain more fully later on. A committee amendment will be offered to the provision of the bill which we think, while modifying the arbitrary provision of the House amendment, will still protect the purchasers and the honest manufacturer from the frauds of those who wish to cheat and defraud by short weight or measure.

PROVISIONS AS TO WHISKIES.

Another provision which has given rise to considerable controversy, at least out of the House, is the one which affects whisky. We found that there were two antagonistic interests involved in the whisky question. One was those who wished all whisky sold, as far as possible, to be the whisky as it came from the still after being aged; the other was the interest which wished to drive out of business, practically, the pot distilleries, and would require the whisky in the market to be made by so-called "rectification" or other processes, out of ethyl alcohol, pure alcohol with the addition of coloring or flavoring matter. The committee did not take a decided stand in favor of either of these interests against the other, but leaves each to stand upon its own foundation, upon its own merits, but requiring that the so-called "rectified" whiskies shall bear upon their label the statement that they are imitation, compounded, or blended, so that the purchaser may know when he buys that class of goods that he is not obtaining whisky as it came from the pot still, simply by aging in barrels or otherwise. We were asked on one side to adopt an amendment which would have put out of business the straight-whisky manufacturers; and we were asked on the other side to adopt an amendment which would have put out of business those who mix or blend the whisky. We did not recommend and have not recommended a proposition upon that point as either side requested, thinking it was not the duty of the committee to recommend to Congress legislation which would determine what people should either eat or drink, but rather to recommend legislation which would permit people to know what they are eating or drinking. [Applause.]

Mr. HENRY of Texas rose.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Texas?

Mr. MANN. I yield.

Mr. HENRY of Texas. In the bill you provide what shall be pure whisky, as I understand it.

Mr. MANN. The gentleman is mistaken.

Mr. HENRY of Texas. Well, what do you provide in reference to it, because I want to follow it up with another question?

Mr. MANN. I have not the time now.

Mr. HENRY of Texas. Let me ask you this question, then: If the whisky is put up in accordance with the provisions of this law, then does not section 12 of the act protect the whisky when it is shipped from one State to another, as long as it is in the original package?

Mr. MANN. Section 12 would protect it as long as it is in the original package, except for the fact that we have a law now upon the statute books regulating that particular question. Section 12 expressly provides against that proposition by excepting anything now covered by existing law from the operation of this act. So that we do not change the law as it now stands in reference to the shipment of whisky from one State to the other.

Mr. HENRY of Texas. No; but would not this section of this law be in direct conflict with what is known as the Hepburn-Dolliver bill, which we passed a year or two ago by almost a unanimous vote in this House?

Mr. MANN. It would, possibly, if section 12 did not contain this provision which the gentleman might examine——

Mr. HENRY of Texas. I have read it.

Mr. MANN (reading): "Except as may be otherwise defined by law or provided by statutes of the United States."

And as there is a statute otherwise providing in reference to whisky, that clause of the bill does not relate to the shipment of whisky from State to State, but is thus expressly excepted from doing so.

PROVISIONS AS TO PRESERVATIVES.

Section 9 of the House bill is a new provision in the bill, so far as the Senate bill is concerned in one respect, although it has been frequently covered in somewhat the same line of thought in other bills. It provides:

That it shall be the duty of the Secretary of Agriculture to fix standards of food products for the guidance of officials.

It being evident that there must be some standard fixed for the guidance of officials in order that the same basis should obtain in all parts of the country.

But one of the great questions of the age in reference to food is the use of preservatives. There is a broad contention, on the one hand, that preservatives used in some amounts are not in any way injurious or deleterious to health. On the other hand, there is a contention that any quantity of salicylic acid or boracic acid or benzoic acid and other acids used as preservatives become at once a burden upon the system, which must cast them off, and that hence, any quantity used, no matter how small, is to the extent to which it is used an injury to health.

Your committee did not think that we knew so much, as yet, that we could determine that question; and we provided in the bill, not that the decision as to it should be left to one person, but that the Secretary of Agriculture, for the purpose of aiding him in reaching a determination, at the request of any person interested to know whether the preservative if used was wholesome, should be required to call to his aid five experts, naming them, of different classes, who would be most likely to know from observation, experience, and experiment whether or not the use of the preservative is injurious to the health of the consumer.

We also provide in this section that in fixing the different standards of food the Secretary of Agriculture may call to his assistance the Association of Official Agricultural Chemists, and then, in addition to that board, shall call in the aid of the Association of State Dairy and Food Departments. The purpose of the bill, in our judgment, is largely to obtain uniformity in food laws throughout the United States.

In preparing and presenting the bill to this House we have had in mind not only the desire to control the shipment of food from one State to another which may violate the theory of the bill, but to prepare a bill which might be adopted by the respective States—adopted by both New York and Texas—so that the manufacturers of the country might know that the law was the same. We believe that if we have a food law which shall prove satisfactory that the States themselves will desire to adopt the same provisions, so that we may have in our complex form of State and national governments similar laws, both national and State, throughout the country. And believing that it was desirable, in order to reach this end, in fixing the standards of food, we require that these State health officers and food officers should be consulted, because after they have helped to fix the standards of food their States are much more likely to adopt and accept those standards.

PROVISIONS AS TO NARCOTICS.

Now, Mr. Chairman, there is another provision in the bill. When the bill came to the House from the Senate it contained no provision in reference to narcotics. We inserted in the bill a provision, as presented to the House, in reference to medicines, which of course includes what are called "proprietary" or "patent" medicines; that they shall be deemed misbranded if they fail to bear a statement on the label of the proportion or quantity of alcohol, cocaine, or other poisonous substance there is contained in the package. The committee have an amendment to that proposition to submit to the House. In the House bill we would have required a statement of the alcohol, for instance, in Pharmacopœial remedies which are definite in the Pharmacopœia as to their contents. It would be useless to require a statement of the alcohol or other medicines in those Pharmacopœial remedies, because they are accessible, and everyone can know exactly what they contain if they comply with the Pharmacopœia as required by the bill.

Then we thought that it would not be fair to require this statement, "or other poisonous substance which may be contained therein," after we had given the matter full reflection, both because no one knows what would be the definition of "or other poisonous substance," and also because there are various poisonous substances, in no way habit-forming drugs, the disclosure of which might require the person manufacturing them to disclose their full formula without any benefit to the public. We propose to offer an amendment, setting forth the names of the articles, so that we will provide that as to all of these medicines there shall be stated the quantity or proportion of morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein; and I have collected, both through my own efforts and through the efforts of the committee, and I may say partly through the efforts of Mr. Samuel Hopkins Adams, of Collier's Weekly, a large number of instances, some of which I ask to put into the RECORD, showing where deaths have occurred by reason of these products being placed in soothing sirups and in other medicines offered for sale under various descriptions without anything to indicate the contents. There are medicines now upon the market, advertised in the strongest language which can be found, for the cure of the opium habit, which medicines themselves contain opium enough to give one the opium habit.

Mr. CRUMPACKER. Will the gentleman allow a question, Mr. Chairman?

Mr. MANN. I always yield to the gentleman.

Mr. CRUMPACKER. I have just received a telegram from a gentleman in Lafayette, Ind., insisting that the provisions the gentleman is discussing ought to go out of the bill, because he says it would be advertising these nostrums as containing opium, morphine, and other drugs of this character, which would tend largely to increase their consumption; in other words, that it would be an advertisement of drugs that people with morbid tastes are seeking. I should like to have the gentleman's opinion upon that proposition.

Mr. MANN. Mr. Chairman, of course there can be much said upon either side of that question. There is no doubt whatever that it will advertise the fact that the articles contain opium or morphine. Doubtless the gentleman who sent the telegram is in some way interested in the sale of the articles. We have had a number of suggestions of that kind made, coming generally, though not always, from people who wish to sell the articles, and who, if they believed it would increase the sale of the articles, would be the first ones who would want the advertisement on the label. We can not undertake to prevent the man who is an opium fiend from obtaining opium, but we can undertake to prevent the man who never wishes to take opium from taking it without knowing that he is taking it. [Applause.]

Mr. CRUMPACKER. Will the gentleman yield for just a suggestion?

Mr. MANN. Oh, certainly.

Mr. CRUMPACKER. My purpose in asking the question was to get the gentleman's opinion upon that proposition.

Mr. MANN. I understand.

Mr. CRUMPACKER. I believe with the gentleman that the advertisement of such drugs probably will not increase their use, except among those already addicted to the habit; that it will not make any new opium or morphine drunkards, and will, perhaps, guard innocent people against a danger that they ought to be protected against.

Mr. MANN. Mr. Chairman, upon that very point, the Proprietary Medicine Association is a powerful organization, be-

cause it is the greatest advertiser that there is in the papers of the country. Some of the officials of the Proprietary Medicine Association are endeavoring and have been endeavoring for some time past in every way possible to prevent this provision going into the pure-food bill. We have been urged from every part of the country to support the bill as it came from the Senate. I read in the New York Tribune this morning a ferocious editorial against this provision of the bill, because it was not strong enough to satisfy the editor, and urging that we take the bill as it came from the Senate, although the Senate bill does not contain a word or a line upon the subject. [Applause.] Doubtless the New York Tribune was imposed upon, as other newspapers have been imposed upon. The physicians of my city sent me a petition requesting me to support the Senate bill, because that prohibited the use of opium and morphine, and urging me to have the House bill changed, because that permitted the use of opium and morphine.

Mr. Chairman, in the mail this morning I received, and I suppose other Members of the House received, a letter from Charles A. L. Reed, chairman of the committee on legislation of the American Medical Association, an association of the highest character and a gentleman of the best possible character, requesting us to support the Heyburn pure-food and drug bill. That is the Senate bill. Just why that letter happened to fall in here at this time I do not know. I do not believe it was inspired by improper motives on the part of the gentleman, although it refers to a resolution adopted in this city last January about the Heyburn bill then under discussion in the Senate, and in the same breath praised the Hepburn bill then awaiting consideration in the committee; still urging the Senate bill.

Here is a petition from the pharmacists protesting against the restriction which it was supposed the committee would allow of 2 per cent, or two grains, of opium to the ounce without putting it on the label. They say:

> We believe that the clause in the bill as it came from the Senate, providing for labeling certain medicines, is desirable.

And yet there is no such clause in the Senate bill; there is no such provision in the Senate bill. The only provision upon the subject is in the House bill reported by the committee to the House.

At the same time we have received petitions, and here is one from the physicians:

> While heartily favoring the pure-food bill as it came from the Senate, we respectfully protest against two amendments that we understand will be proposed in the House.

And they say that they understand there will be an amendment in the House allowing the habit-forming drugs to be sent forth without stating the quantity, and they do not wish that; but they wish the Senate bill, which does not contain a word on the subject.

Now, I give great credit to the Proprietary Association of America. Not daring to fight this bill in the open, not daring to say that they were afraid to state the quantity of narcotics in their drugs, they have falsified in some way about this bill and endeavored to give the country the impression that it was the Senate bill which provided for labeling the narcotics in drugs and that it was the House bill that proposed to strike it out, when, as a matter of fact, the Senate bill has nothing upon the subject, and it was the House committee that put it in. It might not be convenient for the Proprietary Association to oppose the proposition openly, because they passed a resolution favoring the strictest of legislation upon the subject of the use of narcotics, which resolution I ask to put in the RECORD:

Resolutions unanimously adopted by the Proprietary Association December 5, 1905.

Resolved, That this association thoroughly disapproves of any effort on the part of any persons or firms, members of this association or not, to market as medicines any articles which are intended to be used as alcoholic beverages, or in which the medication is insufficient to bring the preparation properly within the category of legitimate medicines.

Resolved, That the legislative committee be, and hereby is, instructed to earnestly advocate legislation which shall prevent the use of alcohol in proprietary medicines for internal use in excess of the amount necessary as a solvent and preservative.

Resolved, That the legislative committee be also instructed to continue its efforts in behalf of legislation for the strictest regulation of the sale of cocaine and other narcotics and poisons, or medicinal preparations containing the same.

Resolved, That this association urges upon its members the most careful scrutiny of the character of their advertising and of claims for the efficacy of their various prescriptions, avoiding all overstatements.

Now, Mr. Chairman, I have already occupied more time on this subject than I desired to. Just a word on the subject of adulteration. Most foods are not adulterated, let me say. In our investigation, which has been quite extensive, we find that the great mass of the foods are not adulterated. In the greater number of the classes of food they are not adulterated. The greater proportion of the classes of food are not adulterated, and there has been since the pure-food agitation commenced a few years ago, and State legislatures passed acts upon this subject, a marked reduction in the quantity and number of adulterations in different classes of foods; and yet everywhere the honest manufacturer, the honest dealer, is met with competition more or less keen and dangerous by the use of adulterated or short-weighted goods.

The adulterations take a wide range. For instance, I give you a partial list of adulterations, as follows:

Food.	Color.	Adulterant.	Preservative.
Milk.	Annatto.	Water.	Formaldehyde.
	Azo colors.	Skimming.	
	Caramel.		Boric acid, borax.
			Sodium bicarbonate.
Condensed milk.		Made from skimmed milk.	
Condensed cream.			
Cream.			Same as milk.
			Also gelatin.
			Sucrate of lime.
Cheese.		Oleomargarine or lard.	Substitute for fat.
Meats.			Boric acid.
			Borax.
			Sulphurous acid.
			Salicylic acid.
Meat extracts.			
Sausages.	Red ochre.		
	Coal tar dyes.	Cracker or bread crumbs.	Borax.
			Saltpeter to preserve color.
	Cochineal.	Horse flesh.	Borax.
Fish.			Boric acid.
Oysters.			
Baking powder.	Mislabeling of.	Calcium acid phosphate.	
	Phosphate powders.	An alum.	
	Alum powders.	Tartaric acid.	
	Tartaric powders.	Bitartarate of potassium.	
		Calcium sulphate.	
Noodles.	Adulterant.		Potassium fluoride.
	Turmeric.		
Tea.	Coal tar dyes.	Steeped leaves.	
	Prussian blue.	Foreign leaves.	
	Indigo.	Soapstone.	
	Plumbago.	Gypsum.	
	Turmeric.	Catechu.	
		Substitute of.	
Coffee (whole).		cheaper brands.	
	Scheele's green		
	Iron oxide.		
	Yellow ochre.		
	Chrome yellow.		
	Burnt umbre.		
	Venetian red.		
	Turmeric.		
	Prussian blue.		
	Indigo.		
Coffee (ground).		Roasted peas, beans, wheat, rye, oats, chickory, brown bread, pilot bread, charcoal, red slate, bark, date stones.	
Cocoa.	Iron oxide.	Starch.	
		Cocoa shells.	
		Sugar when above 60 per cent.	
		English walnut shells.	
		Brazil nut shells.	
		Almond shells.	
		Cocoanut shells.	
		Date stones.	
		Spruce sawdust.	
		Oak sawdust.	
		Linseed meal.	
		Cocoa shells.	
		Red sandalwood.	
		Ground olive stones.	
Caraway seed.		Exhausted seed.	
Allspice.		Peas, pea hulls.	
		Exhausted ginger, cayenne.	
		Olive stones, clove stems, turmeric.	
Cinnamon.		Cereal starches and bark.	
		Pea hulls, nut shells, pepper.	
		Ginger, olive stones, mustard.	
		Sawdust.	
Pepper.		Olive stones, turmeric; pepper, shells.	
		Buckwheat middlings, nut shells.	
		Cayenne; charcoal, rice, sand.	
		Sawdust, turmeric.	

Food.	Color.	Adulterant.	Preservative.
Cayenne.	Coal-tar dyes.	Starches, pilot bread, crackers.	
		Ginger, nutshells, rice, gypsum.	
		Buckwheat, turmeric, mustard hulls.	
		Ground redwood, red ochre.	
Ginger.		Exhausted ginger, turmeric, wheat.	
		Corn, rice, sawdust.	
Mustard.		Potato starch, cayenne, corn.	
		Terra alba.	
Olive oil.		Cottons-eed oil, peanut oil.	
		Sunflower oil.	
		Corn oil.	
		Mustard oil.	
		Poppy seed oil.	
		Rape oil.	
		Sesame oil.	
		Cocoanut oil.	
Butter.	Carrot juice.	Oleomargarine.	
		Renovated butter.	
			Borax.
			Boric acid.
			Formaldehyde.
			Salicylic acid.
			Sulphurous acid.
Oleomargarine.		Paraffin and inferior fats.	
Lard.		Cotton-seed oil, beef stearin.	
		Peanut oil, corn oil.	
		Cocoanut oil, water.	
Molasses.	Tin salts.	Glucose which sometimes contains arsenic.	
Sirups.			
Honey.		Cane sugar and commercial glucose, gelatin.	
Candy.	Coal tar dyes.	Paraffin, terra alba, talc, iron ozides.	
Cider.	Caramel.	Water, sugar, sodium carbonate.	
			Salicylic acid.
			Sulphurous acid.
			Beta-napthol.
er.		Sodium carbonate.	Fluorides.
			Salicylic acid.
			Benzoin acid.
			Sulphites.
Vinegar.	Caramel.	Water, mineral acids,	
		Artificial vinegar,	
		Accidental adulteration.	
		Copper, lead, zinc, and arsenic.	
Ketchups.	Coal-tar dyes.		Saccharin.
			Borax, boric acid; salicylic acid.
Pickles.	Copper salts.	Free sulphuric acid.	Saccharin.
		Alum.	
Horseradish (bottled).		Turnip.	
Jellies and jams.	Coal-tar dyes.	Glucose for cane sugar.	
		Sulphuric acid, alum.	
		Citric acid, tartaric acid.	
		Starch, gelatin.	
		Agar-agar.	
		Often made from refuse pulp.	
		Artificial flavors.	
		Apple pulp.	
Vanilla extract.	Caramel.	Coumarin and vanillin substituted for vanilla.	
		Bay rum.	
		Prune juice.	
Essences.		Artificial essences of.	
			Pineapple.
			Melon.
			Strawberry.
			Raspberry.
			Gooseberry.
			Grape.
			Apple.
			Orange.
			Pear.
			Lemon.
			Black cherry.
			Cherry.
			Plum.
			Apricot.
			Peach.
			Currant.

Mr. STANLEY. Will the gentleman allow me an interruption?

Mr. MANN. Certainly.

Mr. STANLEY. The gentleman speaks of the adulteration of olive oil with cotton-seed oil and the adulteration of lard with cotton-seed oil. Does the gentleman regard these adulterants as unhealthy?

Mr. MANN. Not in the slightest degree in the world, and there is no objection, I may say to the gentleman, to cotton-seed oil as a salad oil. It is fully as good, in the opinion of many people, but it costs much less than does olive oil, and the use of the cotton-seed oil would probably be increased several hundredfold if the people all understood that that was what they had been using. They might do it more freely if they could buy it for a much less price than they are now paying. [Applause.]

Mr. STANLEY. Mr. Speaker, I agree entirely with the gentleman, and, as I understand him, the bill prevents the mixture of cotton-seed oil with genuine olive oil without so stating. Now, does not this bill allow the blending of prune juice and such stuff as that with pure whisky without so stating?

Mr. MANN. It does not.

Mr. STANLEY. Does it not allow the blending of high wines with inferior grades of whisky without so stating?

Mr. MANN. It does not. I do not care to discuss with the gentleman the whisky amendment. There will be time enough in the House for that.

Mr. STANLEY. Very well.

Mr. MANN. The bill provides that any of those substances shall be marked "blended," "compounded," or "imitation." You can not sell under the bill cotton-seed oil for olive oil, and you can not sell colored ethyl alcohol for straight whisky, or vice versa, if the bill becomes a law.

Mr. HINSHAW. Is the label required to state simply that it is blended or mixed, or is it required to state the ingredients exactly and the proportion of each ingredient?

Mr. MANN. The bill does not require the quantity of the ingredients to be stated in blended materials unless, as we propose, in the case of narcotic drugs, but it forbids the introduction into any food of articles which are deleterious or injurious to health or which conceal the bad quality of the article. It does not purport to say that if a man makes a breakfast food partly out of corn and partly out of wheat he shall state the proportions of wheat and corn. That, of course, as gentlemen will readily see, would be absurd.

Mr. STANLEY. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. Yes; for a question.

Mr. STANLEY. Just for a question. I am listening to the gentleman with profound interest, and the reason I desire to ask the gentleman this question is on account of reading what I find in lines 20 to 24, on page 21 of the bill. I read:

> In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends: *Provided*, That the term "blend" as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients.

Mr. MANN. The gentleman fails, after reading the first part of the paragraph, I am afraid, to appreciate its importance. "In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends."

Mr. STANLEY. That must be on the bottle?

Mr. MANN. That must be on the package. As to what is the particular blend, as to whether you can put coloring or flavoring matter in the blend, is another question; but everyone is put on notice that the article is blended; that it is not an original article, because the package must contain the word "compound," "imitation," or "blend," and no one who desires to get the straight article, as my friend, I am sure, does wish to do—no one who desires the straight goods need be deceived, so far as interstate commerce is concerned.

Mr. RICHARDSON of Alabama. Mr. Chairman, I would like to have the liberty of suggesting to my colleague that what he has read there does not permit, even though flavoring and coloring is allowed, an imitation unless it is marked "imitation."

Mr. MANN. No; it does not permit imitation unless it is marked "imitation," and it does not permit stating the age of the article unless it is really true of that article.

Mr. POLLARD. I would like to ask the gentleman a question on this section the gentleman from Kentucky [Mr. STANLEY] called attention to. On the top of line 21, page 3, referring to subdivision third:

> If in package form, the quantity of the contents of the package be not plainly and correctly stated, in terms of weight or measure, on the outside of the package.

Mr. MANN. If the gentleman will pardon me, I will state that I will take that matter up a little later. I expect to discuss that question.

Speaking of the liquor proposition, I have here, for instance, a letter from one of the leading extract works of the United

States—I hate to give them any advertisement—dated April 23, 1906, since the pure-food bill passed the Senate and since it was made an order in the House, telling how to make all kinds of liquors without any original liquor in them at all. It reads:

APRIL 23, 1906.

DEAR SIR: We beg to announce the opening of our extract department for the manufacture of liquors. We were fortunate in securing the services of a first-class chemist, connected for a long time with the leading extract houses in Germany and France.

We are bringing an entirely new line on the market that will enable every liquor dealer to produce liquors as good as the imported for a fraction of the cost.

We beg of you not to compare our extracts with essences handled by domestic essence and oil houses, as our extracts are made by distillation from the raw material, and will produce goods as good as can be produced by distillation only. All our extracts are nonclouding, and goods made with same will, even at low proof, remain clear.

Our extracts contain coloring matter, which is an entirely new feature in this country. Every bottle of extract contains sufficient harmless color to give the produced liquor the required color. For instance, to make 50 gallons crême de menthe, 55 per cent strong, take 27½ gallons proof spirits, 1 pound of crême de menthe extract, 15 gallons sugar sirup, and 7½ gallons water, and the 50 gallons crême de menthe are ready, equal to any imported, colored green, clear, and ready for bottling.

Every other liquor made with our extracts is made in the same simple manner.

There is another good feature about our extracts. The dealer saves considerable by making these liquors himself. For instance, if you want to buy a barrel of good-quality crême de rose, or rose cordial, you will have to pay at least $1.50 per gallon. Now, by making it yourself with our extract, see what it will cost you, 55 per cent strong, to 50 gallons:

27½ gallons proof spirits, at $1.30	$35.75
15 gallons sirup, at $0.50	7.50
7½ gallons water.	
1 pound crême de rose extract	3.25
Total	46.50

One gallon costs $0.93, and the saving on this barrel crême de rose amounts to about $30. The same is true as to the cheaper grades.

We beg also to call your attention to another of our specialties, our different kinds of gin extracts. We have a few only on our list, but can make any desired flavor to equal any imported brand. Our "sweetened Old Tom gin" extract, something entirely new, will save the manufacturer 12 per cent spirit. Gin made with this extract does not need any sirup. With gin essence, which you have been using to make a sweetened gin, you had to make your gin 92 per cent strong and add 1½ gallons sirup to the barrel to get the desired sweetness, and the sirup will reduce the apparent proof to 80 per cent. With our "sweetened Old Tom gin" extract you can make your barrel 80 per cent actual proof, and the gin will have the desired sweetness and still show 80 per cent.

There is no extract that we are not able to make, but there are many we have not on our list. For instance, for Boonekamp and Angostura bitters it requires, besides the extract sold by us, another extract made from herbs and roots by the liquor dealer himself, and for which we gladly will give recipe.

We are competent to give advice on any question concerning liquors and whiskies and will gladly serve our customers.

We do not sell retailers. One pound of extract is needed for 50 gallons liquor, and we will mail recipe with every pound extract.

We are convinced that a trial with our extracts will make you a steady customer. Hoping to be favored with your kind order, we beg to remain,

Very truly, yours, ——— ———.

EXTRACTS.

	Cost per pound.
Apricot brandy	$2.50
Apricotine. Extract contains the red color	2.50
Absinth (white). Good imitation of imported	3.00
Absinth (yellow). Extract contains the color	3.00
Allasch kuemmel	2.00
Alpenkrauter. Extract contains the green color	2.50
Anisette (French). Stays clear in 50 per cent spirits	2.00
Anisette (Italian). Good strong taste	2.25
Anisonia. Turns milky when diluted with water	2.50
Aquavite. Danish type	2.00
Aromatique	2.50
Bendictine. Extract contains the color and will make the best benedictine produced in America	3.25
Berliner getreide kuemmel. Will give product as good as gilka	1.75
Blackberry brandy. Contains the red color	1.50
Blackberry cordial. Contains the red color	1.50
Brandy, California type	2.00
Calamus cordial, German type	2.50
Celery cordial. Contains the green colors. Very strong taste	3.00
Chartreuse (yellow). Best imitation of imported in market. Contains the color	3.50
Chartreuse (green). Best imitation of imported in market. Contains the color	3.50
Cherry brandy. Red color	1.50
Cocktails, Manhattan	3.00
Cocktails, Martini	3.00
Cocktails, gin	2.50
Cocktails, vermouth. Will send several different recipes with extracts	2.25
Cognac, French type, very good	2.50
Creme de menthe. Extract contains the green color. Product will be equal to the best imported	2.50
Creme de violette. Contains the violet color	2.75
Creme de rose. Contains the red color	3.25
Creme de vanille. Produced from Mexican vanilla beans	3.75
Creme de citron. Contains the yellow color	3.25
Curacao. Holland and French type	2.50
Goldwasser. (German cordial) containing sufficiency of pure gold	4.00
Gin (dry). Made to equal any standard brand	1.50
Gin (Plymouth type). Made to equal any standard brand	1.50
Gin (Old Tom). Made to equal any standard brand	1.50
Gin (Old Tom, sweet). Contains the sweetness and will not reduce proof	$1.75
Ginger brandy. Contains the strong, spicy taste	1.50
Jamaica rum	2.25
Karlsbader bitters	2.50
Kuemmel. Contains the sweetness; specially adapted for cheaper grades	2.00
Maraschino di Zara. Difference from best imported can not be told	2.25
Malakoff	3.00
Nordhauser korn	2.00
Orange bitters. Good as any imported	2.75
Parfait d'amour. Containing red color	4.00
Peppermint essenz. Extra strong taste	3.75
Peppermint punsch. Contains the green color	2.50
Pepsin bitters	3.00
Punsch, rum	2.50
Punsch, arac	2.50
Punsch, militair	2.50
Punsch, swensk	2.50
Raspberry cordial. Contains the red color	1.75
Rostopschin	3.00
Rosollo. Product strong in taste, contains red color	3.25
Stomach bitters	2.50
Vermouth di Torino	2.25

All colors are harmless and according to United States law.

Recipes furnished with every pound extracts purchased. Failure impossible.

All our extracts will produce nonclouding liquors, and same will be clear enough for bottling.

Any desired extract not on list can be made on short notice.

For instance, have Bonnekamp and Angostura bitters—

Who would have supposed there was an extract for the manufacture of Bonnekamp or Angostura bitters?

We are competent to give advice on any question concerning liquors or whiskies.

Here is offered a commercial brand of spirits, made of ethyl alcohol, with no whisky in it, with no genuine liquor in it. These are not the only ones engaged in the offering of adulterated articles. Now, I yield to my friend from Georgia.

Mr. ADAMSON. I sought to interrupt the gentleman from Illinois when he had finished talking on the question asked him as to the second exception on page 21. I wish to ask if the gentleman intended to say that anything was expected to be labeled or branded as blended except to say it was a blend?

Mr. MANN. That is all. It is only required to state that they are blended.

Mr. ADAMSON. You do not give any details.

Mr. MANN. No details; and I will say to the gentleman from Georgia that the provision is not confined at all to whisky. The same provision applies to food products, a proper provision in reference to adulteration.

Mr. GILBERT of Kentucky. May I ask the gentleman a question?

Mr. MANN. Certainly.

Mr. GILBERT of Kentucky. From the reading of this bill—not carefully having read it—it seems to me that a man can not tell whether he is violating the law or not by reading the bill, and should have to wait until some rule or regulation has been established by the Department fixing the ingredients and component parts, so that a citizen may know when he is violating the law or not.

Mr. MANN. I will say to my friend that the man who wants to get near the dividing line may have to wait for a ruling of the Department when the question arises as to whether an article is deleterious to health or not, and it may require not only a ruling of the Department, but a ruling of the courts before it can be ascertained. But the man who wants to sell good, pure food or drink to the people of the United States can do it without fear of trouble under this bill. [Applause.]

Mr. GILBERT of Kentucky. It is a very nice and very proper sentiment, but——

Mr. MANN. That is the fact.

Mr. GILBERT of Kentucky. Of course it is, but the legislation is aimed at the man who does not want to sell sound and wholesome foods and drinks. When we come to prosecute that man we prosecute him for the violation of a rule issued by the Department, rather than prosecute him for a violation of the terms of this bill, and that being true, is there any trouble in the enforcement of the law on that line?

Mr. MANN. I do not think there is any trouble in the enforcement of the law on that line. The same matter of legislation is being enforced in the various States all over the United States. And, permit me to say to my friend from Kentucky, that the man who violates the law does not merely violate a rule, he violates an act of Congress, which defines what are adulterations and what are misbrandings, and the rule, like the fixing of the rate on a railroad, is simply carrying out a mandate of Congress, the law of Congress.

Mr. GILBERT of Kentucky. We had a decision of the supreme court of my State making it the duty of the Pure

Food Commissioner to denounce bologna sausage that had an amount of boric acid in it that was deleterious to public health. The inspector comes around and he denounces this sausage as containing a dangerous and deleterious substance. Well, the next inspector comes around and decides that same bologna sausage does not contain a sufficient amount of poisonous substance, consequently our court of last resort held that the law was too vague and indefinite and consequently could not be enforced, and I am seeking light along that line.

Mr. MANN. You have a very good pure-food law in your State and it is being well enforced, I may say. Now, let me proceed, if the gentleman will permit me——

Mr. COOPER of Pennsylvania. I would like to ask the gentleman a question.

Mr. MANN. I yield to the gentleman.

Mr. COOPER of Pennsylvania. If I understood him correctly, his interpretation of this bill is that it does not prohibit the sale of anything that is not deleterious to health providing it is properly branded.

Mr. MANN. In general terms that is true.

Mr. COOPER of Pennsylvania. Well, now, take the case of oleomargarine. There are laws in most of the States, as there are in my State—Pennsylvania—that prohibit the sale or offering for sale of oleomargarine that is colored so as to look like butter or to imitate pure butter.

Now, suppose that oleomargarine is colored or mixed with something merely to give it color or effect, which is not deleterious to health or is not impure; what is the effect of this bill upon the law of our State on that question?

Mr. MANN. This bill, I may say to my friend, would prohibit the coloring of oleomargarine unless it is marked "colored." It would not prohibit the shipment of colored oleomargarine marked "colored" into your State.

Mr. COOPER of Pennsylvania. Then the effect of that would be, so far as articles in interstate commerce are concerned, to nullify the laws of Pennsylvania on that subject?

Mr. MANN. Not at all. Having it in the State, it could not be sold in the State except under the laws of the State of Pennsylvania.

On the subject of adulterations I have another letter here—and I do not propose to weary you very much with many of these letters, although I have quite a collection of them. Here is one dated "Middletown, N. Y., April 2, 1906." I forget whose district that is in. It says:

Why not save money by making black pepper P. D.?

"P. D." is "pepper deteriorator."

We are sending by this mail under separate cover a sample of our No. 3 filler for your inspection. This is the material that is the dark particles in our No. 5 pepper P. D. This, mixed with equal quantities of bolted corn meal and the harmless coloring matter that we will tell you to use, will make the very best black pepper P. D. that you have ever bought. This is the way that our No. 5 is made, a sample of which is also sent in same package.

Here is a sample of it [illustrating by pouring out contents of package].

A MEMBER. Will it make you sneeze?

Mr. MANN. It will not make anyone sneeze. I will say to my friend that it is made out of ground olive nuts.

The letter further says:

In making your own P. D. you save one-half of the freight charges, as you can procure corn meal in your city as cheap, if not cheaper, than we can. * * * We quote the No. 3 filler at $20 per ton in 5-ton lots.

[Laughter.]

Who would have supposed that black pepper adulteration was so extensive that men could afford to quote the "deteriorator" in 5-ton lots? The letter further says:

Inclosed in the same package you will find a sample of our No. 2 filler that we quote in 5-ton lots. * * * We will give you the different formulas for making an exact match for either cinnamon, cloves, or allspice out of the No. 2 filler at a very small additional cost to the price of the filler. * * * A great many spice houses use our No. 2 filler as a P. D. for cinnamon, cloves, and allspice without mixing anything else with it.

Then we find upon examination that a very large quantity of the spices and peppers of the country are adulterated, not only the ground pepper, but I have a sample on the desk here of the pepper berries made out of tapioca colored with lampblack.

Mr. Chairman, you will notice a great many advertisements in the daily and other papers to-day which read something like this:

Mocha and Java coffee, 22 cents a pound; value, 30 cents. We have always sold this coffee at 30 cents a pound. It is composed of Old Government Java and Arabian Mocha. We are taking a loss on it because we want to introduce it into more homes. We depend on its superiority to hold its place in your esteem.

Twenty-five per cent or more of the coffee sold in the United States is sold as Mocha and Java coffee. There were more than 1,000,000,000 pounds of coffee imported into the United States last year, and of that less than 2,000,000 pounds was Mocha and only 10,000,000 pounds was Java, less than 13,000,000 pounds of the two out of more than a thousand millions. But that 13,000,000 pounds of Mocha and Java have beaten all records and have amplified themselves more than anything else ever did in the world, because out of the 13,000,000 pounds there have been sold not less than 250,000,000 pounds of Mocha and Java coffee; at a price, mind you—the question would be the price—at a price twice what could have been obtained if sold under its true name. [Applause.]

According to the reports of the Bureau of Statistics there were imported into the United States of coffee for the fiscal year 1905, 1,047,792,084 pounds, valued at $84,654,062. Mocha coffee, or coffee imported from Aden, Arabia, is put down as 1,789,788 pounds, valued at $251,592. Java coffee imported from the Dutch East Indies is put down as 10,712,449 pounds, valued at $1,318,970.

This Mocha coffee was imported direct from Aden and includes the long-berry coffee, which has a pronounced Mocha flavor, is grown in Africa, but imported from Aden as Mocha coffee. All of the Mocha coffee above mentioned comes direct from Arabia, and in addition to this there are other coffees which are shipped to England and from England to this country. Coffees shipped to England are not included in the list of genuine Mochas, for they are tinctured with a suspicion of being mixed in London.

The total amount of coffees of all kinds imported to this country from the United Kingdom (Great Britain and Ireland) for the fiscal year 1905, was 4,709,783 pounds, valued at $497,989.

The amount of Mocha coffee imported from Aden for various fiscal years:

1901—1,595,047	pounds, valued at	$243,682
1902—2,688,285	pounds, valued at	377,352
1903—2,555,836	pounds, valued at	300,683
1904—2,147,379	pounds, valued at	259,545
1905—1,789,788	pounds, valued at	251,592

JAVA COFFEE.

Amount of Java coffee imported from the Dutch East Indies for the following fiscal years:

1901—9,404,025	pounds, valued at	$1,359,794
1902—9,945,396	pounds, valued at	1,312,410
1903—12,515,404	pounds, valued at	1,678,408
1904—11,730,352	pounds, valued at	1,388,325
1905—10,712,449	pounds, valued at	1,318,970

RIO COFFEE.

The bulk of our coffee comes from Brazil. For the fiscal year 1905 we imported from Brazil 820,259,995 pounds, valued at $64,136,008.

The standard coffee in the market and the one which is quoted in the New York market is No. 7 Rio, and there are said to be nine grades of coffee known in the New York coffee market.

The CHAIRMAN. The gentleman has consumed one hour.

[Cries of "Go ahead!"]

Mr. HEPBURN. I yield such time to the gentleman as he desires. [Applause.]

Mr. MANN. I find, Mr. Chairman, that I must hasten along.

Mr. GILBERT of Kentucky. May I ask you one more question?

Mr. MANN. I yield to the gentleman.

Mr. GILBERT of Kentucky. Suppose I buy a carload of coal thinking it to be Jellico, and it turns out to be Bird's Eye. The generic name "coal" being correct, would the mistake made of using a different name be a violation of this law?

Mr. MANN. Why, Mr. Chairman, I do not know that we have gotten to the point where we consider coal food. I know I have heard of people eating it, yet I scarcely think we have got down to the point of classing coal as food.

Mr. GILBERT of Kentucky. I am not speaking about food, but I want to know if that is covered.

Mr. MANN. This bill only covers foods, drinks, and drugs.

Mr. RODENBERG. Will the gentleman allow me to ask him a question?

Mr. MANN. Certainly.

Mr. RODENBERG. With what was this Mocha and Java coffee adulterated?

Mr. MANN. Most of the coffee that is sold as Mocha and Java is Brazil coffee; but there are a good many kinds of adulterations, I may say to my friend; sometimes made by the use of acids; some made of sawdust, ground, hardened, and soaked, and sometimes made by bread properly prepared, but, of course, the ground coffee is adulterated in a great many different ways.

AMENDMENTS PROPOSED BY OUTSIDERS.

Now, I have received—and I do not know how many Members of the House may have received—letters from various persons, honest in their belief, asking that certain amendments might be made to this House bill. I have had a number of Members of the House speak to me about the proposition, each one handing me precisely the same letters and amendments. I had a

curiosity to ascertain, if I could, where these amendments came from, and we managed to trace them back to the Columbia Egg and Provision Company, of New York, a company which has been engaged in importing egg yolks into the United States, preserved with boric acid, but which company came in contact with the provisions of the law, and that proceeding was stopped at the port of New York and also at Chicago. They have provided for a number of amendments, which they ask the people to support, and they prepare a letter and a copy of the amendments for the different people to send to their respective Members of Congress, and the letter all ready to sign:

Provided a fair national pure-food law being a necessity, please promote the passage of the Heyburn bill, amended by the House committee, after it is further amended, as proposed by the National Food Manufacturers' Association, and present section 14 is completely eliminated.

They suggested a great many amendments, but particularly dwelt on section 14. It was section 14, as now enacted in the agricultural appropriation bill, with which they had come into contact in endeavoring to import from China a lot of eggs, broken, rotten, preserved from further spoiling by boric acid, and they had been shut out, and they were anxious for a pure-food law that did not apply to their business. [Laughter and applause.]

Mr. LACEY. I would like to ask the gentleman from Illinois what methods they had to disguise the flavor of the rotten egg, so as to make it salable?

Mr. MANN. Well, I will say to the gentleman from Iowa, these eggs were used for two purposes. One was to add to the color of oleomargarine, and the other was to prepare proper confectionery and baker's articles in the great city of New York.

Mr. GAINES of Tennessee. We did not get it in our eggnogg, then? [Laughter and applause.]

Mr. LACEY. I was told in Alaska last summer that a miner on return to Illinois during the year before had his first fresh egg in a great while and said it tasted insipid.

Mr. GAINES of Tennessee. May I ask the gentleman is he a regular licensed apothecary or doctor?

Mr. MANN. Mr. Chairman, I have borne the title of doctor, I will say to my friend from Tennessee, properly for some years. [Loud applause.]

ADULTERATIONS.

Now, Mr. Chairman, I have here, which the House has already inspected, probably, a number of adulterated articles. Here is a bottle of cherries, originally picked green, in order that they might be firm, with the green color all taken out with acid until they were perfectly white, and then colored with an aniline dye which is poisonous in any quantity; and I have here a sample of the cloth colored with the aniline dye taken out of a similar bottle. I do not know whether it would kill anybody to eat all of those at once or not. Usually, I believe, they are taken one at a time. [Laughter.]

The gentleman referred to olive oil. I have here a quart of genuine olive oil, bearing the name of the manufacturer. Here is a can bearing the same name, purporting to be made by the same person, sold at the same price, but filled in this country, the whole thing a counterfeit, cotton-seed oil, and, by the way, a sample of oil which, I am informed, was used for a time and eaten with relish and great avidity by members of the Union League Club of Philadelphia. [Laughter.] Here is another package of the same sort, a counterfeit of the same name and the same company, also filled with cotton-seed oil. Here is a package containing machinery oil. And gentlemen will notice that the makers of these counterfeits not only succeed in reducing the quality of the article, but also the quantity. Both packages are the same size, one containing machinery oil, and probably half or two-thirds full, the other containing olive oil, an argument in reference both to quality and quantity.

PRESERVATIVES.

Mr. Chairman, the use of preservatives is a matter of some contest and controversy, but there is a class of preservatives about which there is no controversy as to their unhealthfulness. All through the country there have from time to time appeared advertisements of various articles for the purpose of preventing the deterioration of foods. Here is a bottle of so-called "freezem," intended to convey the idea that it would do the same work that cold storge would do in the preservation of meat or vegetables. But, although this article will, to a certain extent, preserve the meat or fruit or vegetables upon which it is sprinkled, it is injurious to health without question, being composed largely of sulphite of soda and red coal-tar dye. It has been used very extensively. One of the articles upon the table here which has attracted some attention is a sample of honey, in the preparation of which the acumen of man has really reached its highest point. The specimen is composed of glucose, but it still deceives by containing a bug or a bee. Who, when looking at the clear amber substance, which resembles honey in appearance, with a bee floating in it, would suspect that it never had seen the inside of a hive, but only came from the glucose factory?

PACKAGE AMENDMENT.

But, Mr. Chairman, I mean to go to the question of packages. A good deal has been said on that subject. Gentlemen this morning received in their mail a circular letter, purporting to be signed by Mr. L. A. Sears, president, and Mr. F. F. Wiley, secretary and treasurer of the Western Packers Canned Goods Association.

In the first place, I may say that these gentlemen, I think, are laboring under a misapprehension of the proposition which is presented to the House. We proposed a provision of the bill requiring that packages containing food articles shall contain on the outside of the article, on the label, a statement of the quantity of the contents; and we shall offer an amendment to the proposition requiring that the approximate quantity shall be stated at the time put up; providing further that all standard sizes recognized by the custom of the trade may continue to be used under rules and regulations to be fixed by the Secretary of the Treasury, the Secretary of Commerce and Labor, and the Secretary of Agriculture. The latter part of that proposition is designed to permit the use of such size packages as many of the whisky bottles and other bottles that are used, purporting to contain a quart, but which in fact contain less than a quart; if they be properly labeled, designating the character of the quart it contains, and also permitting the use of the recognized sizes of canned goods, by stating upon the can the size that it is.

In the circular letter which came this morning the statement is made:

It has been said that the consumer has been imposed upon by the variation in the sizes of cans. We wish to state that there is no variation in the size of standard packages. The 1-pound regular, etc., size packages are made from a standard scale, fitted down to the thirty-second of an inch.

I have here a number of samples of packages varying in size, all sold for the same contents. It is true that the cans are not marked 3-pound, or 2-pound, or 1-pound. No can in the trade is so marked, but they are sold that way. They are advertised that way. Here is an advertisement, taken from the Boston Sunday Herald of May 6, advertising 2-pound can cherries, 2-pound can raspberries, 2-pound can blackberries, 3-pound can baked beans, 3-pound can pork and beans, and various other articles named likewise.

Here is an advertisement from a Chicago paper of 3-pound cans California peaches, 3-pound cans California apricots, and various cans by pound weight, both fruit and vegetables, etc., and we have collected a large number of these advertisements from all over the United States. This morning I went into one of the leading grocery stores of the city of Washington, if not the leading one, and asked in reference to the size of these cans, and not a clerk on the floor of the grocery store knew even that these cans were not actually 2 and 3 pound cans instead of being only standard-size cans.

Mr. McCLEARY of Minnesota. What is the point of the advertisement? I do not quite understand.

Mr. MANN. We have a provision in the bill requiring that in some way we shall be able to indicate to the public and to the consumer either the quantity or the size of the can. These cans are advertised as 3-pound cans, and the one that I have in my hand is advertised as a 3-pound can and was bought for a 3-pound can of tomatoes. Here is another bought for a 3-pound can. I place them in the balances, and you see that one is much heavier than the other.

Mr. KEIFER. I understand that you have a provision in the bill that requires the labeling to show the size of the can or the contents by weight. I find a clause on page 21 which says that if the quantity and size of the package be incorrectly stated in terms of weight or measure——

Mr. MANN. The committee have recommended an amendment striking out the words that the gentleman has quoted and inserting the following:

If in package form, the approximate quantity of the contents of the package at the time put up be not plainly and correctly stated in terms of weight or measure on the outside of the package: *Provided*, That the use of particular sizes of packages established by recognized custom of trade may be authorized and permitted by and in accordance with rules and regulations established from time to time under the provisions of section 2 of this act.

Mr. COOPER of Wisconsin. Did I understand the gentleman's amendment to make use of the word "approximate?"

Mr. MANN. Yes.

Mr. COOPER of Wisconsin. If that provision of the bill is enacted into law, how much of a variation from the actual weight or the actual measurement would the word "approximate" permit?

Mr. MANN. Well, I can not answer the question of the gentleman. I do not know how much variation might be allowed; that would be a matter for the judge and the jury to determine. If they were, upon the evidence, satisfied that the man had endeavored to put in the full amount, he would not be convicted; if they thought he was deliberately putting in a less quantity, he would be convicted, and he ought to be convicted, for a violation of the law.

Mr. POLLARD. I would like to ask the gentleman whether the 2-quart can and 3-quart can——

Mr. MANN. Three-pound cans.

Mr. POLLARD. As I understand the bill as it will be amended by the amendment recommended by the committee, the manufacturers can either state on the outside of the can the quantity by weight or measure. Is that correct?

Mr. MANN. That is correct.

Mr. POLLARD. It seems to me that would meet the objection of the canners, would it not?

Mr. MANN. I wish to be perfectly frank with the House. The objection of the canners to this provision of the bill would not be raised at all, in all probability, if the canners made their own cans; but, in the first place, the canners buy their cans. I am informed that nine-tenths of the cans in the country are made by the tin-can trust, or whatever name it has. They are regular sizes, as a rule; they have been known to the trade for a long time as No. 1 tall, 1, 1½, 2, 2½, 3 in size. The public considered, and the trade—not the men who sell and possibly not the men who buy, but the clerks in the grocery stores and the country merchants—consider and sell these for so many pounds, according to the size.

Now, if everybody did that, if they were all alike, it would not make very much difference; but I say to gentlemen, here I have two cans of tomatoes, neither one weighing 3 pounds, and each one is sold for a 3-pound can. One of them weighs 2 pounds 5½ ounces and the other weighs 2 pounds 9½ ounces, and here is one that weighs 2 pounds 10½ ounces. Now there is a quarter of a pound difference. Who is entitled to say that the consumer who buys these cans can tell which is the heavier by looking at them or by handling them, and is not swindled when he does buy them? He is buying 2 pounds 10½ ounces, and pays a price for which he receives 2 pounds 5½ ounces.

Mr. HOAR. Will the gentleman yield?

Mr. MANN. I yield to the gentleman.

Mr. HOAR. If you required in the bill that they should stamp on the can that it contained not less than 3 pounds, why would not the purchaser be entirely protected?

Mr. MANN. Mr. Chairman, I think the gentleman from Massachusetts [Mr. HOAR] can hardly make a valid criticism in that respect. The "approximate" quantity is sufficient, I may say to the gentleman, when we examine it, and I will say to the gentleman I have yet to find a single package of any kind of goods that exceeded the quantity that it purported to contain.

Mr. GAINES of Tennessee. Will the gentleman from Illinois tell the committee how he proposes to remedy the evil that he spoke of a while ago about the anilyne cherries? That seems to be a pretty dangerous dose.

Mr. MANN. We forbid the use of those adulterants in the bill.

Mr. GAINES of Tennessee. How? What language is used as to that?

Mr. MANN. The first is the adding of deleterious substances, and the second is the adding of anything which conceals the inferiority of the article. Either one of those would cover aniline dyes.

Mr. NORRIS. Referring to those cans which the gentleman weighed a few minutes ago, and of which he gave us the weight, I want to inquire whether or not under this bill the word "approximate" would not let all those cans in? Would anyone be liable on account of the sale or because of that word?

Mr. MANN. Oh, I say that "approximate" clearly would not permit a can purporting to contain 2 pounds and 10 ounces to contain 2 pounds and 4 ounces.

Mr. NORRIS. Well, let us get up to the 2 pound 10 ounce can. You are very near up there, and where are you going to draw the line?

Mr. MANN. We can not draw the line at an exact point, and we appreciate the fact. We do not endeavor to say that every can shall contain exactly so much. In the first place, that is practically impossible, because even if the gentleman had the scales before him—the most perfect set of scales in the city of Washington—he could not tell exactly the weight of a can, measuring here, and then it would vastly increase the cost of canning, because most canning is either done by machinery or else perfunctorily done by men or women dipping the article into the can. It is manifestly impossible to state the exact quantity in the can; but we can require that at least within a reasonable degree of sizes the cans shall correspond, and then that they shall be fairly well filled.

Mr. WILLIAMS. Mr. Chairman, I desire to read a part of section 12 as the basis of a question which I desire to ask. Section 12 reads:

> This act shall not be construed to interfere with commerce wholly internal in any State, nor with the exercise of their police powers by the several States.

That is all right. I have no fault to find with that; but it then goes on—and I desire to ask the gentleman why this language should be in the bill and why there should be any effort to limit or attempt to limit the police powers of the State? The language is as follows:

> But foods and drugs fully complying with all the provisions of this act shall not be interfered with by the authorities of the several States when transported from one State to another so long as they remain in original unbroken packages, except as may be otherwise defined by law or provided by statutes of the United States.

Now, suppose, for example, that the State of Illinois or the State of Mississippi is not satisfied with this law as being fully protective of the health of the people, and the State has other provisions, cumulative and additional. Why should this bill attempt to limit the power of the State to protect its people under the police power of the State reserved under the Constitution?

Mr. MANN. I will say to the gentleman that I do not think it does undertake to limit. Let me explain: The provision that is in the bill authorizes the transfer of original packages, complying with the provisions of this act, from one State to another. It does not authorize the sale of those packages in the limits of any State, but it frequently has arisen that different States have different food laws, and in fact now that is so in the State of Minnesota and the State of Wisconsin. The State of Minnesota has one pure-food law and the State of Wisconsin has another pure-food law. The article may be precisely the same. It must bear one kind of a label for the State of Minnesota and another kind of a label for the State of Wisconsin. If the article bearing the Minnesota label gets into the State of Wisconsin it is a misdemeanor, and if the article with the Wisconsin label gets into the State of Minnesota it is a misdemeanor, and, so far as the sale of the goods in those States is concerned, we do not wish to interfere.

But here is the city of Duluth and here is the city of Superior, side by side, one in the State of Minnesota and the other in the State of Wisconsin. The dealer of goods in Minnesota wishes to ship goods from Duluth to Superior, but if he carries goods in stock in Duluth to ship to Superior, he is subject to violation of the laws of Minnesota, and the purpose of this bill is to permit him to carry, in the original packages, in his store in Duluth, goods that comply with the law of Minnesota on one side and another package of goods that complies with the law of Wisconsin on the other, and then to permit him not to sell goods in Minnesota contrary to the law there, but to receive them into the State and to ship them out of the State. The only exception provided by the bill is in the case of liquor now governed by the statutes of the United States, and we do not wish to permit, under this bill, the shipment of packages of liquor in the original package into a State in violation of the law; that is now governed by the statutes of the United States.

Mr. WILLIAMS. I hope the gentleman from Illinois will excuse me for interrupting him, but this seems to me to do that identical thing. If Mississippi or Maine, for example, do not want liquor brought in, this seems to me to secure the right to send it in anyhow. It reads this way:

> But food and drugs—

And you have already defined food to include liquors—

> fully complying with all the provisions of this act shall not be interfered with by the authorities of the several States when transported from one State to another so long as they remain in original unbroken packages.

Mr. MANN. I say to the gentleman from Mississippi that that provision was not intended to affect in any way the law as it now stands. As I understand the law, without any act of Congress, you can ship into any State of the Union a package of liquor in the original package, but you could not sell it in the State, and we say we except the act of Congress known as the "Wilson Act," or other acts from repeal by this provision in the bill.

Mr. WILLIAMS. Under other acts of the United States; under that language.

Mr. MANN. We were afraid without putting in that provision we might repeal to that extent the law which now for-

bids the shipment of liquor from one State to another, and we did not wish to repeal that provision of the statute.

Mr. WILLIAMS. One word further, and then I have finished. One reason I asked this question was because of this fact, which the gentleman will recognize, and while it might be true that under the present law original and unbroken packages can be shipped into a State, it is true only because Congress has remained silent upon the subject. Congress can prevent it whenever Congress chooses to do so.

Mr. PAYNE. I would like to ask the gentleman—the gentleman presented three or four cans of tomatoes, I think, and I would like to ask him if any of those cans were precisely the same size, but of different weight?

Mr. MANN. They are not precisely the same size.

Mr. PAYNE. I think I saw some cans there of fruit this morning which were precisely the same size, but differing very greatly in weight.

Mr. MANN. I think the gentleman is mistaken. I have no doubt the gentleman thought they were the same size by looking at them.

Mr. PAYNE. I will tell you what I did. I put one can on top of the other and they appeared to be about the same circumference. I then stood them side by side on the table and they seemed to be the same height, and I came to the conclusion they were of the same size. Perhaps I am wrong, but they were of different weight. Now, is it not a fact that in putting the same vegetable into the same can of the same size they will get different weights in a can?

Mr. MANN. I will say to the gentleman I have weighed myself at least several hundred or more packages of these articles in cans and I have found no substantial difference in weight of cans of the same size.

Mr. HINSHAW. Is that true of the olive oil and machine oil a while ago?

Mr. MANN. I am talking about these canned goods.

Mr. PAYNE. That is an astounding statement in view of what the canners say about it——

Mr. MANN. I know it is astonishing what the canners say about it.

Mr. PAYNE. Oh, well, I know some canners whose word I would rely upon——

Mr. MANN. I do not doubt their word.

Mr. PAYNE. As well as the word of any Member of this House, and I have great respect for the membership of this House, and they say that at different stages of the growth of vegetables the same quantity in a can may weigh a different amount—peas, tomatoes, etc.

Mr. MANN. Permit me to say to the gentleman peas are slightly heavier than water, very slightly heavier than water; that there is no substantial difference, there is hardly any difference, between a can of peas and the same quantity of clear water. Now, it is true that where fruit is put up and where peas are sweetened the addition of sugar does add somewhat to the weight of the sirup, but I have weighed hundreds of cans of sweet corn, being a pound and a half substantially gross weight every one of them, and where we find a difference in the weight of the can we find a difference in the size of the can.

Mr. PAYNE. If that is true that peas are about the same weight as water, what protection would there be to the consumer by requiring the cans to be of the same weight when one dealer might put in a few peas and fill it with water and the other fill it with peas?

Mr. MANN. That is practically true, I will say to my friend, and the consumer can tell whether it is filled with water or peas, but he can not tell by looking whether it is 2½ pounds or 2¾ pounds.

Mr. PAYNE. What good will that do him if the water and the peas weighed approximately the same?

Mr. MANN. Oh, he can tell whether it is peas or water. The gentleman from New York [Mr. PAYNE] possibly misunderstands the purpose of the amendment as to cans. We do not desire to compel the canner to state the weight of the can, but we do desire that, if he uses a particular size of can, he state the size of the can and conform to that sized can.

Mr. TIRRELL. Will the gentleman allow me?

Mr. MANN. If the gentleman desires to ask me a question, but I will not allow him to read a letter.

Mr. TIRRELL. Only a few lines on this particular subject, to show that the gentleman from New York [Mr. PAYNE] is correct.

Mr. MANN. If it is short, I will yield to the gentleman.

Mr. TIRRELL. It is from E. T. Cowdrey & Co., the largest company in Massachusetts. It says:

In the first place, in packing fruits and vegetables, there are certain sized cans used in packing same. Now, when these cans are filled they are packed with whatever substance is going into the cans, and as much of the substance is put into the can as possibly can be gotten into it, and a great many times in packing—we will say, for instance, canned spinach—at certain seasons of the year the same quantity of spinach will weigh a great deal more than spinach packed at another season; just so on all kinds of fruits and vegetables. A quart can packed with tomatoes sometimes, when packed full, will weigh 2 pounds 6 ounces, while the same can packed full of tomatoes sometimes will weigh 2 pounds 12 ounces. It depends on the condition of the material going into the cans.

Mr. MANN. It depends upon the accuracy of the statement. [Laughter.] Here is a statement coming directly from a man who has been circularizing Congress. What does he say in his communication to this House:

Often mistakes are made in properly adjusting the filler, and many short-weight cans go through. I wish to say, however, that all such short-weight cans are sorted out from the first-class grades of goods and are put into cheaper grades, which are sold at a very low price. In fact, all light-weight goods, though they be of a fancy quality, sell for very cheap prices, and people seldom pay more for them than they are worth.

Here is an admission by one of the leading canning companies in the country that they put up these short-weight goods. Do you know what they do with them? I will tell you.

I bought some cans this morning in the city of Washington, advertised for 5 and 6 cents a can—that would sell at the ordinary store for 10 or 12 cents a can—at a department store. These short-weight cans are sold by the department stores and the mail-order houses of the country. [Applause.] The mail-order houses advertise this size of a can at a low price. They buy these short-weight cans from the canners. The department stores in New York, in Philadelphia, in Chicago, and the other large cities advertise them. This gentleman, Mr. Sears, mentions that they are sold in competition with the little grocery stores in the cities, attempting to do a little business. [Applause.] Now, the gentleman from New York [Mr. PAYNE] says that he can not distinguish—the cans being almost the same weight—that there is any difference.

Mr. LITTLEFIELD. In size.

Mr. MANN. The gentleman from New York said that he had examined some of my cans and found they were of the same size and of different weight.

Mr. LITTLEFIELD. The same size and different weight.

Mr. MANN. If there is any gentleman here who can not distinguish between the size of those cans then he has not as good an eye as the gentleman from New York ought to have. Here are three cans that have never been opened. I bought them at random from a store this morning, and had them sent up here. They all contain California fruit. I do not know which weighs the most. [After demonstrating on the scales, showing that one can weighed more than the other.] Now, does the gentleman from New York [Mr. PAYNE] think they are the same size? They are not.

Mr. PAYNE. I want to say to the gentleman that no one can tell by throwing a can down on the scales, and one side going down, just how much it weighs.

Mr. MANN. We can very easily tell how much more it weighs. I will place a quarter of a pound weight on top of the can. That can contains a quarter of a pound less than this can [indicating]. Both sell for 3-pound cans.

Mr. GAINES of Tennessee. Did you buy them for that?

Mr. MANN. I bought them for that.

Mr. GAINES of Tennessee. Sold by whom?

Mr. MANN. I am not going to tell who sold them.

Mr. STEVENS of Minnesota. The grocer advertises that he sells 3-pound cans.

Mr. PAYNE. Not the canner, but the groceryman here in the city. Why do you not have some penalty against him?

Mr. MANN. I am not engaged in an onslaught against the canners of the country. I think they are engaged in a proper business. I do not desire that they should be required to change the size of their cans. These cans are of standard size. While they are advertised for 3-pound cans, probably the largest of them will contain 2 pounds 10 ounces. The smallest of them will contain much less than that.

But I think that the consumer is entitled to have marked on the can the fact that it is a No. 3 can or a No. 2½ can or a No. 2 can, and with that marked on that can the can shall conform in size to the mark that is on the can. I do not think the canners have any objection to that. [Applause.]

Mr. PAYNE. I hope the gentleman will not look so fiercely in my direction. I am generally in favor of the bill, but I want a bill that will support itself. I do not want anything that will ruin any industry in the country, or one that will injure any industry, and I presume the gentleman does not. Generally, I am in sympathy with the gentleman's bill.

Mr. MANN. If I look fiercely at the gentleman, it is because of my great affection for him. [Laughter and applause.] Now I will yield to the gentleman from Wisconsin.

Mr. ADAMS. Now, Mr. Chairman, just a word——

Mr. MANN. I do not yield for a speech.

Mr. ADAMS. I am not going to make a speech, but I want to call the attention of the gentleman in all fairness to one thing. No honest man wants a short-weight can, and there are short-weight cans in this country. But there are some honest men in my district engaged in this business of canning. They are doing a perfectly honest and legitimate business. They write that the difference in the weight of beet, corn, and other vegetables at different developments in their growth is so great that in the same sized can there will be a marked difference in the weight; and for that reason, and that reason only, they object to a definite requirement as to the weight. Now, I want to say another thing here. I want to ask him in regard to the concluding paragraph of this class——

Mr. MANN. I can not yield to the gentleman for a speech, because my time must be cut off very shortly.

The CHAIRMAN. The gentleman declines to yield except for a question.

Mr. ADAMS. You provide in that paragraph the standard sizes which are now in use may be approved by the Secretary of Agriculture. Now, what would you consider, out of the numerous sizes used, which is the standard of the sizes which are now being used in the United States?

Mr. MANN. Oh, there are some short-weight sizes, so purposely, differing from the standard sizes. They are made purposely to contain a little less than the standard size. Here is a standard size. An honest canner would use the standard size and put in the full quantity in a package of full size. What we desire is to protect the consumer against the crook, the man who lives by his wits, who tries to defraud either by adulterating the goods or, whenever he gets out of that business, tries to defraud by short-weight goods. Now I yield to the gentleman from Kentucky.

Mr. STANLEY. As I understand the gentleman from Illinois, the bill requires either that they shall state the weight or quantity contained in the can.

Mr. MANN. We cover that later by a statement in weight or measure, and then put in a provision which will allow the Secretary to permit the use of standard sizes by marking on them, according to the standard size, what it purports to be.

Mr. STANLEY. I am not differing with the gentleman at all. I simply want to get light. I want to ask the gentleman this question: As I understand him, the makers or manufacturers of these cans sell them to the canner as a certain standard size, under certain specifications, and if the canner would state to the public what the manufacturer of the can states to him, would not that be sufficient?

Mr. MANN. Well, I will say to the gentleman from Kentucky that if the canners say that about the size, as a rule the retail dealers do not buy them by standard size at all. Now I yield to the gentleman from New Jersey.

Mr. GARDNER of New Jersey. Does the gentleman from Illinois know from his investigation that when the manufacturer makes these smaller cans he saves nothing by it? In order that I may make my question clear, unless there has been a very recent change in the can-making industry, the cans are made out of a sheet 14 by 22½. One of these sheets cuts two cans—tops, bottoms, and caps. To make any cans under that size saves nothing but a little scrap practically without value.

Mr. MANN. All I ask the gentleman to do is to compare the cans which I purchased in the open market and produced here. They are different sizes purporting to be the same size.

The CHAIRMAN. The gentleman declines to yield further.

Mr. MANN. I am sorry to disappoint gentlemen, but this bottle which I hold in my hand contains vinegar, bought for a quart, supposed to be a quart, and sold for a quart. I pour it into the graduate which I have in my hand and you will see that it lacks about one-fourth of being a full quart.

Mr. MONDELL. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Wyoming?

Mr. MANN. I do not at present. I have almost finished, and I must decline to impose upon the House much longer.

There are a great number of so-called cereal foods. It is impossible to ascertain much about the contents unless there is some method provided. It is true that people can buy them or not buy them, as they please. It is also true that people must eat, and hence must buy some articles of food. Now, I do not wish to say that people shall not put up such food as they please or buy such food as they please. That is not the purpose at all. But what objection is there to stating the quantity of the contents?

Here are two packages of precisely the same apparent size. It is true that under the bill they might state the quantity in measure and not in weight. It is also true that if the quantity were stated in measure and not in weight, people would not buy it. Gentlemen can see the comparative cost where there is an additional weight.

Mr. GAINES of Tennessee. They are not the same kind of food. One is rice and the other is oats.

Mr. MANN. I understand. While these packages are of nearly the same apparent size, one weighs a trifle less than two pounds and the other weighs half a pound gross. The material is all right. There is no objection to the size of the package containing only half a pound, but the person who buys these articles in the market is often led to buy by the size of the package when there is no weight stated upon it. What harm can it do the producer to state the weight of the package?

Mr. McCLEARY of Minnesota rose.

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. No; I can not.

The CHAIRMAN. The gentleman declines to yield.

Mr. MANN. Here are two packages precisely the same kind. One of them is not marked. It weighs 2 pounds. The other is marked 2 pounds. It weighs a little less than 2 pounds. Why one is marked and the other is not might be a problem, but one is probably marked to conform to a State law somewhere and the other is not. Why should they not state the quantity on there, so that the consumer, in determining between the various kinds of food that he has, may know how much is food and how much is package. Here is a package supposed to weigh half a pound. It does, but the contents of it weigh a trifle more than a quarter of a pound. Nearly half the weight is in the wrapper of the package. I have no objection to people buying and paying for the weight of the package, but I think they are entitled to know whether the weight is in the food or whether it is in the package itself.

Here is a package also sold largely by weight, and three-fourths of the weight is not in the article, but in the package which contains it. That is perfectly legitimate if people know it, but what objection is there to stating upon the package the quantity of contents of it?

We have collected a great number of these articles, some of them marked to contain certain quantities and some of them not marked, but sold for certain quantities, and scarcely any of them come up to the weight that they purport to be. There are a few exceptions, and I am almost tempted to advertise them. We think there is no reason why the dealer or the manufacturer should not be fairly compelled to state, at least with reasonable certainty, the quantity of the contents, and then to put a reasonably pure article in the package, or else indicate that it is not a pure article. [Prolonged applause.]

I decline to detain the House further.

APPENDIX.

GERMAN LAW.

Under the law of Germany meat can not be imported which has been treated with any one of the following preservatives or any preparation containing the same, to wit:

(*a*) Boracic acid and its salts.
(*b*) Formaldehyde.
(*c*) Alkali and alkaline earth hydroxides and carbonates.
(*d*) Sulphurous acid and its salts, as well as hyposulphites.
(*e*) Hydrofluoric acid and its salts.
(*f*) Salicylic acid and its compounds.
(*g*) Chlorates.
(*h*) Dyes of all kinds, however, without prejudice to their use for coloring margarine yellow and for the coloring of sausage skins, in so far as this use does not contravene other provisions.

MEMORANDA OF BOTTLES EXHIBITED ON TABLE FOR USE IN MAKING LIQUORS FROM PURE ETHYL ALCOHOL.

Bottle of cognac oil, bottle of Scotch whisky essence, bottle of Irish whisky essence, bottle of bead oil, bottle of Bourbon whisky oil, bottle of rye whisky oil, bottle of ageing oil, bottle of caramel.

Bottle of 100 c. c. proof alcohol. To make Irish whisky add 3 drops Irish whisky essence, 2 drops bead oil, 2 drops caramel.

Bottle of 100 c. c. proof alcohol. To make Scotch whisky add 3 drops Scotch whisky essence, 2 drops bead oil, 3 drops caramel.

Bottle of 100 c. c. proof alcohol. To make cognac add 1 drop of cognac oil, 10 drops caramel.

Bottle of 500 c. c. proof alcohol. To make rye whisky add 1 drop rye whisky oil, 2 drops bead oil, 2 drops ageing oil, 7 to 10 drops caramel.

Bottle of 500 c. c. proof alcohol. To make bourbon whisky add 1 drop bourbon whisky oil, 2 drops bead oil, 2 drops ageing oil, 7 to 10 drops caramel.

Bottle of rye whisky. This sample of whisky is colored with a coal-tar dye, is only 66 proof, and is made of alcohol colored and beaded.

STATEMENT REGARDING CONVICTIONS IN VARIOUS STATES FOR THE SALE OF FOOD CONTAINING INJURIOUS SUBSTANCES.

It has only been possible to secure very imperfect information on this subject, as it is customary in the majority of States to report foods merely as legal or illegal in the published reports, and to give no indication of the manner of the violation of the law.

Of the foods mentioned below, a large number consist of milk and cream, which may enter into interstate commerce, but more frequently do not. A large number of prosecutions have been successfully conducted in North and South Dakota for the sale of foods chemically preserved and colored with aniline dyes. Both of these classes of substances are regarded as injurious to health in those States, and are forbidden by law. The prosecutions occasioned by them have uniformly resulted in the conviction of the defendant.

We have not full data regarding the enforcement of the Pennsylvania law, and the information given under that State refers only to prosecutions that have been conducted from December 15, 1905, to April 15, 1906. On June 6 to 9, 1906, nine dealers were prosecuted at Norristown, Pa., for the sale of codfish preserved with boric acid. Eight of the defendants plead guilty, and the other was convicted. These cases were intended as a trial of the law to a certain extent, preparatory to prosecution of a large number of cases for the same offense in various parts of the State.

In the appendix to the Yearbook of the Department of Agriculture for 1905 is given a brief tabular statement of the number of prosecutions and convictions for the violation of the food laws in the United States for that year. No statement is included, however, of the number of cases that were regarded as injurious to health, and no such data can be secured without communicating with the officers charged with the enforcement of the food laws in the various States.

Number of cases.	Substance.	Adulterant.	State.
a2	Bacon	Preserved chemically	Pennsylvania.
	Beverages:		
9	Alcoholic	Salicylic acid	Minnesota.
18	Alcoholic	Salicylic acid and coal tar dye	Do.
2	Nonalcoholic	Salicylic acid	Do.
a25	Catsup	Preserved chemically	Pennsylvania.
a19	Cherries	Preserved and colored	Do.
a1	Cherry jam	Preserved chemically	Do.
	Dairy products:		
1	Butter	Decomposed	Wisconsin.
2	Cream	Formaldehyde	Illinois.
2	Milk	....do	Do.
2	Milk	....do	Minnesota.
11	Milk	Miscellaneous unwholesome samples.	Do.
7	Milk	....do	Wisconsin.
a2	Milk	Preserved chemically	Pennsylvania.
1	Milk	....do	Wisconsin.
	Flavoring extracts:		
1	Lemon	Wood alcohol	Michigan.
27	Lemon	....do	Minnesota.
2	Lemon	....do	Wisconsin.
1	Vanilla	....do	Michigan.
a2	Fruit jelly	Preserved chemically	Pennsylvania.
27	Fruit juices, liquors, etc.	....do	Minnesota.
a12	Ham	....do	Pennsylvania.
a2	Hamburger steak	....do	Do.
a1	Jam	....do	Do.
1	Jamaica ginger	Wood alcohol	Minnesota.
a1	Liver pudding	Preserved chemically	Pennsylvania.
a3	Oysters	....do	Do.
a16	Sausage	....do	Do.
2	....do	Artificially colored and chemically preserved.	Wisconsin.
a8	Worcestershire sauce	Preserved chemically	Pennsylvania.

[a] Data for four months only.

FOOD LEGISLATION AND INSPECTION.

[By W. D. Bigelow, chief of division of foods, Bureau of Chemistry.]

The information in the following table was obtained from State and municipal food-law officials, as far as they could be reached. The inspectors whose work is reported are usually men of good judgment and considerable experience in selecting food samples, and only foods suspected were sampled; also only such samples were analyzed as seemed likely to show violations of law. Accordingly the table does not show the ratio of adulterated foods to pure foods on the American market. The great mass of high-grade foods is excluded from any calculation that may be made upon the figures here given. Unless otherwise stated, the report submitted is for the calendar year 1905. In several localities statistics are prepared on the basis of some other year than the calendar year, however, and in some cases the records for a complete year could not be obtained.

The time included in the report from San Francisco is for milk from July 1, 1905, to March 1, 1906, and for other foods from February 1, 1905, to March 1, 1906. The figures submitted by the State of Washington are for eleven months, beginning May 1, 1905, and ending April 1, 1906.

In Los Angeles, Cal., and Cambridge, Mass., the year for which statistics are reported closed December 1, 1905. The year for which statistics are reported from St. Louis, Mo., closed April 1, 1905.

In the District of Columbia, the Passaic, N. J., and the South Dakota State food-inspection work, the year closed June 30, 1905.

In Providence, R. I., the year covered by the statistics ended August 3, 1905.

But little chemical work is reported from Idaho, owing to the fact that the laboratory was being extensively repaired and could not be used. In Indiana the laboratory of the State board of health has been organized during the year, and is now in active operation.

This information was secured as a result of a circular letter which was sent to the officers charged with the enforcement of the food laws in all States and to the boards of health in all cities having a population of 25,000 or over. In some few cases no replies were received. In many cases, owing to a lack of appropriation, no attempt is made to examine the foods on sale in the markets other than by such rough tests as inspectors without chemical training are able to perform. In some cases no provision is made for a food inspector; in others no laboratory facilities are provided. Hence a considerable number of responses to the circular letter merely gave the information that no food samples had been examined.

The State and city offices making such reports are as follows: Colorado, State dairy commissioner; Florida, State commissioner of agriculture; Georgia, State commissioner of agriculture; Indiana, State board of health; Iowa, State food and dairy commissioner; Missouri, State dairy commission; New York, State department of health; South Carolina, State board of health; Tennessee, State board of health; Texas, State health officer; and the health boards of the following cities: Bridgeport and Meriden, Conn.; Kansas City and Wichita, Kans.; Newport, Ky.; Gloucester, Haverhill, Lawrence, Malden, New Bedford, North Adams, Quincy, and Taunton, Mass.; Kalamazoo, Mich.; St. Paul, Minn.; Joplin, Mo.; Camden, Elizabeth, Hoboken, Orange, and Trenton, N. J.; Elmira, Newburg, and Troy, N. Y.; Lima and Springfield, Ohio; Portland, Oreg.; Altoona, Chester, Johnstown, Newcastle, Reading, Scranton, Williamsport, and York, Pa.; Charleston, S. C.; Chattanooga and Knoxville, Tenn.; Fort Worth, Galveston, and San Antonio, Tex.; Tacoma, Wash.; Wheeling, W. Va.; La Crosse and Superior, Wis.

Statistics of food examinations and prosecutions under laws, 1905.

State and city.	Samples examined.		Samples below standard.		Prosecutions.		Convictions.		Cases still pending.		Organization or officer charged with enforcing law.
	Milk.	Other foods.	Milk.	Other foods.	Milk.	Other foods.	Milk.	Other foods.	Milk.	Other foods.	
Alabama—Montgomery	6,321	9	5	0	5	0	4	0	0	0	Sanitary department.
California:											
Los Angeles	723	768	16	89	16	23	15	21	.....	.....	Health department.
Sacramento	730	.....	0	.....	0	.....	0	.....	0	.....	Board of health.
San Francisco	2,191	1,274	822	a357	42	31	24	31	9	0	Do.
Colorado:											
Colorado Springs	720	29	2	0	2	0	2	0	1	0	Department of public health.
Denver	5,261	.....	.....	.....	7	.....	5	.....	0	0	Health department.
Connecticut:											
State inspection	446	901	169	219	.....	216	.....	216	.....	0	Agricultural experiment station and dairy commission.
New Haven	645	.....	38	.....	.....	.....	.....	.....	.....	.....	Board of health.
Delaware—Wilmington	5,106	0	135	0	5	0	5	0	0	0	Milk inspector.
District of Columbia	8,279	542	1,788	145	346	102	341	96	4	0	Health department.
Hawaii—Territorial inspection	900	94	48	38	1	0	1	0	0	0	Territorial board of health.
Idaho—State inspection	163	32	1	13	.....	.....	.....	.....	.....	.....	Dairy, food, and oil commission.
Illinois:											
State inspection	495	1,907	90	703	65	203	28	134	25	69	Food commission.
Chicago	25,727	900	1,502	80	1,296	12	1,176	12	102	0	Health department.
Peoria	465	.....	38	.....	7	.....	7	.....	0	.....	Milk inspector.
Rockford	400	0	20	0	20	0	20	0	0	0	Health department.
Springfield	230	.....	7	.....	7	.....	3	.....	4	.....	Board of health.
Indiana:											
Evansville	200	0	6	0	0	0	0	0	0	0	Do.
Indianapolis	1,032	.....	26	.....	3	.....	3	.....	.....	.....	Do.
Terre Haute	25	20	6	2	6	0	1	0	0	0	Do.
Kentucky:											
Covington	100	0	0	0	0	0	0	0	0	0	Do.
Lexington	25	.....	0	.....	0	.....	0	.....	0	.....	Do.
Louisville	289	21	12	13	19	7	15	7	3	0	Do.
Louisiana—New Orleans	4,459	.....	102	.....	139	.....	137	.....	2	.....	Do.
Maine:											
State inspection	.....	181	.....	51	.....	0	.....	0	.....	0	Agricultural experiment station.
Portland	1,500	250	(b)	(b)	0	0	0	0	0	0	Board of health.
Maryland—Baltimore	309	331	114	186	1	3	0	2	0	1	Department of health.
Massachusetts:											
State inspection	4,997	2,779	.....	278	50	6	47	6	.....	.....	State board of health.
	65	188	0	1	8	147	8	147	0	0	Dairy bureau.
Boston	18,582	2,071	(b)	(b)	287	93	268	82	1	.....	Bureau of milk inspection.
Brockton	62	20	8	8	0	0	0	0	0	0	Board of health.
Cambridge	4,048	161	1,548	0	6	.....	6	0	.....	.....	Inspector of milk.
Chelsea	293	19	30	0	0	0	0	0	0	0	Do.

[a] Does not include arsenic found in wine.

[b] Not reported.

Statistics of food examinations and prosecutions under laws, 1905—Continued.

State and city.	Samples examined.		Samples below standard.		Prosecutions.		Convictions.		Cases still pending.		Organization or officer charged with enforcing law.
	Milk.	Other foods.	Milk.	Other foods.	Milk.	Other foods.	Milk.	Other foods.	Milk.	Other foods.	
Massachusetts—Continued.											
Everett	150	0	25	0	0	0	0	0	0	0	Inspector of milk.
Fall River	78	4	9	4	0	0	0	0	0	0	Board of health.
Fitchburg	322	2	7	0	1	0	1	0	0	0	Inspector of milk.
Holyoke	1,907	.....	69	.....	10	0	10	0	1	.....	Board of health.
Lowell	2,570	.....	.....	.....	6	.....	6	.....	3	.....	Milk and vinegar department.
Lynn	1,889	96	15	.....	15	.....	12	.....	.....	.....	Board of health.
Newton	1,423	193	.....	.....	.....	.....	.....	.....	.....	.....	Do.
Salem	1	2	.....	2	4	2	4	2	2	0	Do.
Somerville	945	7	0	1	15	.....	15	.....	1	.....	Do.
Springfield	952	.....	.....	.....	12	.....	9	.....	.....	.....	Do.
Worcester	1,349	241	258	77	4	5	4	4	0	1	Inspector of milk.
Michigan:											
State inspection	562	337	42	167	9	8	8	8	1	12	Dairy and food commission.
Detroit	1,524	74	68	22	8	.....	8	.....	.....	.....	Board of health.
Grand Rapids	1,942	0	33	0	8	0	8	0	0	0	Milk inspector.
Minnesota:											
State inspection	642	6,783	491	2,315	48	616	48	616	.....	.....	Dairy and food commissioner.
Minneapolis	1,707	34	569	.....	28	.....	27	.....	0	.....	Department of health.
Missouri:											
Kansas City	1,120	94	42	56	42	30	37	27	.....	3	Department of food inspection.
St. Joseph	216	12	5	10	0	0	0	0	0	0	Board of health.
St. Louis	3,969	.....	329	.....	329	.....	114	.....	215	.....	Do.
Nebraska:											
State inspection	13	121	1	62	0	0	0	0	0	0	Food commissioner.
Lincoln	379	.....	3	.....	3	.....	3	.....	.....	.....	Board of health.
South Omaha	208	.....	10	.....	5	.....	2	.....	0	.....	Milk inspector.
New Hampshire:											
State inspection	45	1,122	15	550	.....	.....	.....	.....	.....	.....	State board of health.
Manchester	648	0	35	0	0	0	0	0	0	0	Board of health.
New Jersey:											
State inspection	1,381	1,381	345	415	176	55	.....	.....	14	3	State board of health.
Atlantic City	200	16	3	0	4	0	3	0	0	.....	Board of health.
Jersey City	93	.....	17	.....	17	.....	16	.....	1	.....	Do.
Newark	445	18	91	14	22	.....	22	.....	.....	.....	Do.
Passaic	114	.....	0	.....	0	.....	0	.....	0	.....	Do.
Paterson	4,000	4	25	2	4	2	4	0	1	2	Inspector of food and drugs.
New York:											
Auburn	876	.....	.....	.....	.....	.....	.....	.....	.....	.....	Board of health.
Binghamton	46	285	7	35	0	0	0	0	0	0	Do.
New York	118,924	501	2,061	31	853	36	779	35	47	.....	Department of health.
Rochester	3,267	107	69	.....	41	0	35	0	0	0	Health bureau.
Schenectady	99	.....	65	.....	.....	.....	0	0	0	0	Board of health
Syracuse	9,209	57	5	0	5	0	5	0	0	0	Department of public safety.
North Carolina—State inspection	.....	266	.....	136	.....	.....	.....	.....	.....	.....	Department of agriculture.
North Dakota—State inspection	34	3,200	3	992	0	7	0	7	0	0	Agricultural experiment station.
Ohio:											
State inspection	1,027	1,403	198	772	85	158	62	151	11	.....	Dairy and food commissioner.
Canton	2	1	.....	.....	0	0	0	0	0	0	Board of health.
Cincinnati	a 400	0	.....	0	.....	0	.....	0	.....	0	Do.
Cleveland	5,982	276	b 16	43	10	4	6	2	.....	.....	Health department.
Columbus	1,004	.....	83	.....	4	.....	3	.....	0	.....	Board of health.
Dayton	74	4	10	.....	.....	.....	.....	.....	.....	.....	Health department.
Hamilton	150	6	2	0	0	0	0	0	0	0	Board of health.
Toledo	1,427	98	118	25	10	6	9	5	0	0	Department of health.
Youngstown	523	10	6	7	.....	.....	.....	.....	.....	.....	Board of health.
Pennsylvania:											
State inspection	2,312	2,500	75	1,150	70	1,015	50	8	.....	165	Department of agriculture.
Allentown	86	.....	2	.....	2	.....	2	.....	.....	.....	Board of health.
Erie	1,664	50	1	7	1	7	1	0	.....	6	Do.
Lancaster	400	.....	2	.....	2	.....	2	.....	.....	.....	Do.
Philadelphia	15,100	23	212	20	14	5	1	0	13	5	Bureau of health.
Pittsburg	3,400	18	200	2	200	2	200	2	0	1	Do.
Wilkes-Barre	300	720	1	.....	1	.....	1	.....	.....	.....	Board of health.
Rhode Island—Providence	7,493	1,064	253	191	25	1	23	1	2	0	Milk department.
South Dakota—State inspection	.....	256	.....	117	0	0	0	0	0	0	Food and dairy commission.
Tennessee—Nashville	2,025	80	8	8	8	6	6	6	0	0	Health department.
Texas—Houston	91	0	1	0	1	0	1	0	0	0	Board of health.
Utah:											
State inspection	983	430	27	70	.....	.....	.....	2	.....	1	Dairy and food commissioner.
Salt Lake City	505	284	.....	.....	.....	.....	.....	.....	.....	.....	Board of health.
Vermont—State inspection	15	174	6	62	.....	.....	.....	.....	.....	.....	State board of health.
Virginia—Richmond	1,140	45	11	0	11	0	11	0	1	0	Board of health.
Washington:											
State inspection	54	61	4	28	2	2	2	1	.....	.....	Dairy and food commission.
Seattle	5,202	50	39	20	4	0	4	0	0	0	Board of health.
Spokane	120	14	3	.....	3	.....	3	.....	.....	.....	Health department.
Wisconsin:											
State inspection	4,137	842	154	554	.....	.....	36	88	.....	.....	Dairy and food commission.
Milwaukee	5,328	106	147	17	9	0	8	0	0	0	Health department.
Wyoming—State inspection	63	164	4	59	2	1	2	1	0	0	Dairy, food, and oil commission.

a Not reported.

b Exclusive of watered milk.

MEMORANDA CONCERNING VARIOUS ARTICLES EXAMINED FOR PURITY, IN EVIDENCE BEFORE THE COMMITTEE.

Bottle—Cinnamon filler, composed of ground cocoanut shells.

Bottle—Mustard filler. Wheat flour and turmeric. Cost $0.05 per pound.

Bottle—Filler for cayenne pepper. Ground wood, corn meal, and some coloring material. Cost $0.04 per pound. Pure kind costs $0.16 up.

Bottle—This is a sample to be used to thicken and preserve cream. It is made of gelatin and boric acid.

Bottle—Sample of alfafa seed. Picked out of raspberry jam.

Bottle—Ground cocoanut shells used to adulterate spices, pepper, and cinnamon. Cost $0.35 per pound.

Bottle—Ground olive pits, imported in considerable quantities for adulterating spices.

Bottle—"Freeze-em." Sample of "Freeze-em," which is a commercial preservative largely composed of sulphite of soda, and contains a red coal-tar dye.

Bottle—Sample of "Iceine," which is commercial preservative largely composed of sulphite of soda and contains a red coal-tar dye.

Can—Olive oil. 16333. This is undoubtedly a sample of genuine olive oil produced by F. Baruo & Co., of Lucca, and was sold for $2 a gallon. 2 pounds 2¾ ounces.

Can—Olive oil. 16348. This can was bought in New York City; is an imitation of the one above, and was evidently filled in this country with cotton-seed oil.

Can—Olive oil. 16337. This tin and label are an imitation of second one above, although the trade-mark and the spelling of the name of the producer has been very slightly changed. The oil in this can is largely cotton-seed oil. This can was bought in Philadelphia for $0.45. These cans were probably filled in this country with cotton-seed oil. 2 pounds 1 ounce.

Can—Olive oil. 16332. This is also an imitation of third one above. This can has also apparently been filled in this country with cotton-seed oil, and was sold for $2 a gallon, the same price as for the genuine article.

Can—Olive oil. 16339. This sample is guaranteed to be pure olive oil of the finest quality and is practically all cotton-seed oil.

Bottle—Pure olive oil. Sample of oil taken from the custom-house, shipped from France, and labeled "Pure California olive oil."

Can—Olive oil. 16331. This sample is guaranteed to be pure olive oil of the finest quality and is practically all cotton-seed oil.

Can—Olive oil. 16335. Another sample claiming to be pure Italian oil and practically all cotton-seed oil. This can was evidently filled in this country.

Can—Olive oil. 16334. This is a sample of oil claimed to have been made in France; largely cotton-seed oil and sesame oil. Sold for $2.50 a gallon.

Can—Olive oil. 16341. Sample of oil claimed to be pure olive oil which contains a large amount of sesame oil.

Can—Olive oil. 16350. This sample was bought in New York City for $1 a gallon. It is olive oil of very low grade, probably machinery oil that has been purified in some way.

Can—Olive oil. 16351. This sample was bought in New York City for $1.08 a gallon. It is olive oil of very low grade, probably machinery oil that has been purified in some way.

Can—Olive oil. 16338. This sample is guaranteed to be pure olive oil of the finest quality and is practically all cotton-seed oil.

Can—Olive oil. 16336. This sample is guaranteed to be pure olive oil of the finest quality and is practically all cotton-seed oil.

Can—Olive oil. 16349. This sample claimed to be pure olive oil, but contains some cotton-seed oil.

Bottle—Olive oil. Sample of imported olive oil adulterated with cotton-seed oil. The size of the bottle is also misrepresented, as it contains only one-half the amount stated on the label. This form of adulteration was very common before the food-inspection law went into effect, but now samples are very seldom obtained containing cotton-seed oil.

Bottle—Sample of imported egg albumen preserved with 1 per cent of boric acid. Out of 121 samples of egg products examined since July 1, 1905, 13 were adulterated.

Bottle—Apple-cider extract. Artificial extract prepared from ethers and alcohol.

Bottle—Grape-cider extract. Artificial extract prepared from ethers and alcohol, flavored with orange-flower water.

Bottle—Extract of lemon. Sample of lemon extract. This sample contains no lemon oil, but is purely an artificial product. Report of Michigan dairy and food commission, 1904, shows that of 159 samples examined 56 were adulterated. Report of New Hampshire State board of health, 1904, shows that of 53 samples examined 34 were adulterated. Report of North Dakota Experiment Station, 1902, shows that of 10 samples examined 7 were adulterated.

Bottle—Vanilla. Sample of vanilla extract. This sample is a purely artificial product prepared from vanilla. This is a very common form of adulteration. Report of New Hampshire State board of health, 1904, shows that of 32 samples examined 22 were adulterated. Report of Massachusetts State board of health, 1903, shows that of 25 samples examined 12 were adulterated.

Bottle—Maraschino cherries. Samples of imported cherries colored with coal-tar dye. Practically all samples of imported cherries were found to be colored, but are now being properly labeled. Out of 54 samples examined since July 1, 1905, only 4 were not properly labeled. All of the rest were labeled "Artificially colored."

Bottle—Sample of crême de menthe cherries colored with coal-tar dye.

Can—Frankfurters. Sample of imported German sausage, containing boric acid. This form of adulteration was very common before the import pure-food law went into effect, but at present practically none of the sausages are found to be preserved. Out of 181 samples examined from 1903–4, 31 samples were found to be preserved.

Can—German sausage. Sample of imported German sausage, preserved with large amount of benzoic acid. This form of adulteration was very common before the import pure-food law went into effect, but at present practically none of the sausages are found to be preserved. Out of 181 samples examined from 1903–4, 31 samples were found to be adulterated.

Can—Sausage. Sample of imported sausage, preserved with aluminum acetate. This form of adulteration was very common before the import pure-food law went into effect, but at present practically none of the sausages are found to be preserved. Out of 181 samples examined from 1903–4, 31 samples were found to be adulterated.

Bottle—Sample of whole pepper very largely adulterated with pepper hulls. Report Connecticut Agricultural Experiment Station, 1901, shows that of 51 samples examined 20 were adulterated. Report Massachusetts State board of health, 1904, shows that of 62 samples examined 24 were adulterated.

Bottle—Black pepper adulterated with 15 per cent taploca covered with lamp black.

Glass—Pineapple jelly. Sample of so-called "Pineapple jelly" made up largely of glucose and preserved with benzoic acid. Upon a very careful examination of the label, it was found to be marked "compound." Report Connecticut Agricultural Experiment Station, 1898, shows that of 64 samples examined 42 were adulterated. Report Minnesota dairy and food commission, 1900, shows that of 32 samples examined 18 were adulterated. Report North Dakota Agricultural Experiment Station, 1902, shows that of 33 samples examined 33 were adulterated. Report Michigan dairy and food commission, 1904, shows that of 97 samples examined 71 were found to be adulterated.

Glass—Quince jelly. Sample of so-called "Quince jelly," made up largely of glucose and preserved with benzoic acid. Upon a very careful examination of the label, it was found to be marked "compound." Report Connecticut Agricultural Experiment Station, 1898, shows that of 64 samples examined 42 were adulterated. Report Minnesota dairy and food commission, 1900, shows that of 32 samples examined 18 were adulterated. Report North Dakota Agricultural Experiment Station, 1902, shows that of 33 samples examined 33 were adulterated. Report Michigan dairy and food commission, 1904, shows that of 97 samples examined 71 were found to be adulterated.

Jar—Plum preserves. Sample of plum preserves very largely adulterated with glucose, colored with a coal-tar dye. Report Connecticut Agricultural Experiment Station, 1898, shows that of 64 samples examined, 42 were adulterated. Report Minnesota Dairy and Food Commission, 1900, shows that of 32 samples examined, 18 were adulterated. Report North Dakota Agricultural Experiment Station, 1902, shows that of 33 samples of preserves, jellies, etc., examined, 33 were adulterated. Report Michigan Dairy and Food Commission, 1904, shows that of 97 samples examined, 71 were adulterated.

Jar—Honey. Sample of honey, which is found marked "compound" in very small letters on the label. This sample is largely glucose and bugs. Report Massachusetts State Board of Health, 1903, shows that of 59 samples examined, 24 were found to be adulterated. Report Minnesota Dairy and Food Commission, 1903, shows that of 114 samples examined, 16 were found to be adulterated.

Bottle—Maple sirup. Sample of maple sirup adulterated with a large percentage of cane sirup. The addition of cane sirup to maple sirup is an almost universal practice. Report Massachusetts State Board of Health, 1903, shows that out of 57 samples examined, 14 were found to be adulterated. Report Ohio Dairy and Food Commission, 1903, shows that of 129 samples examined, 102 were found to be adulterated.

Bottle—Libby's tomato catsup. Sample of catsup which is preserved with a large amount of benzoic acid.

Bottle—Sunbeam catsup. Sample of catsup preserved with benzoic acid. Practically all catsups are preserved with benzoate of soda. Report Connecticut Agricultural Experiment Station, 1904, shows that out of 66 samples of catsup examined 66 were found to be adulterated. Bulletin North Carolina State Board of Agriculture, 1903, shows that of 22 samples examined 22 were found to be adulterated. Report Ohio Dairy and Food Commission, 1903, shows that of 9 samples examined 9 were found to be adulterated.

Bottle—Navelade. Sample of fruit sirup colored with a coal-tar dye and preserved with salicylic acid. Report Connecticut Agricultural Experiment Station, part 3, 1902, shows that of 27 samples examined 20 were found to be adulterated.

Bottle—Imported vinegar. This vinegar, claimed to be made from pure wine, is a diluted vinegar colored with caramel. This form of adulteration is very common. Out of 136 samples of vinegar examined since July 1, 1905, 64 were found to be adulterated.

Can—Peas. Sample of peas. This sample is preserved by taking dried peas and soaking them, and is a very low grade of what is known as "soaked goods." We have no data as to the extent of this class of adulteration.

Can—Corn. Sample of sweet corn labeled "of the best quality," which has been soaked and is commonly known as "soaked goods." We have no data as to the extent of this form of adulteration.

Can—Mustard. Sample of mustard colored with turmeric and mixed with flour. Report Connecticut Agricultural Experiment Station, 1904, shows that of 14 samples of ground mustard examined 10 were found to be adulterated. Report Massachusetts State board of health, 1903, shows that of 250 samples examined 66 were found adulterated. Report Michigan dairy and food commission, 1904, shows that of 4 samples examined 4 were found to be adulterated.

Can—Cocoa. Cocoa containing a large amount of arrowroot starch. Arrowroot costs $0.12 to $0.15 per pound. Cocoa costs $0.40 to $0.80 a pound. Report Connecticut Agricultural Experiment Station, 1902, shows that of 45 samples of cocoa 19 were found to be adulterated. Report Massachusetts State board of health, 1903, shows that of 42 samples examined 20 were found to be adulterated. Report Michigan dairy and food commission, 1904, shows that of 39 samples examined 18 were found to be adulterated.

Bottle—Sample of carbonated soda water. This sample is artificially colored with coal-tar dye and sweetened with saccharin. The sample of cloth accompanying this bottle was dyed with the coloring matter from a bottle of this size. Report Connecticut Agricultural Experiment Station, 1902, shows that of 71 samples of soda water examined 43 were found to be adulterated. Report State board of health, 1904, shows that of 36 samples examined 25 were found to be adulterated. Bulletin North Carolina State board of agriculture, 1903, shows that of 36 samples examined 24 were found to be adulterated.

Bottle—Scotch hop ale. Sample of carbonated beverage of soda-water type, preserved with benzoate of soda. Report Connecticut Agricultural Experiment Station, 1902, shows that of 71 samples of soda water examined 43 were adulterated. Report New Hampshire State Board of Health, 1904, shows that of 36 samples examined 23 were adulterated. Bulletin North Carolina State Board of Agriculture, 1903, shows that of 36 samples examined 24 were adulterated.

Bottle—Barsac. Sample of imported wine which contains a very large amount of sulphurous acid. A report for food inspection from 1903 to 1905 for the Bureau of Chemistry, shows that out of 1,097 samples of wine examined 189 were contrary to the law.

Bottle—Rhine wine. Sample of imported Rhine wine, preserved with salicylic acid. This is not a very common form of adulteration.

Bottle—Lime-juice cordial. Sample of lime-juice cordial. This sample is preserved with a large amount of salicylic acid.

PARTIAL MEMORANDA CONCERNING VARIOUS PACKAGE ARTICLES PURCHASED AT FIRST-CLASS RETAIL STORES, WITH STATEMENT OF WEIGHT OR MEASURE, IN EVIDENCE BEFORE THE COMMITTEE.

Can—Cocoa. F 16406. Marked to contain 1 pound; gross weight, 1.2 pounds; net weight, 0.94 pound; price, $0.35; purchased at Washington, D. C.

Can—Cocoa. F 16484. Marked to contain 8 ounces; gross weight, 10.2 ounces; net weight, 7.2 ounces; price, $0.19; purchased at New York, N. Y.

Can—Tetley's tea. F. 16704. Sold for 1 pound; gross weight, 1.5 pounds; net weight, 1 pound; price, $0.60; purchased at Chicago, Ill.

Can—Molasses. F 16703. Claimed to contain 1 quart; contains 0.9 quart; price $0.20; purchased at Chicago, Ill.

Can—Extract lemon. F 16443. Sold to contain 8 ounces; net weight, 5.6 ounces; price, $0.35; purchased at Boston, Mass.

Can—Extract of vanilla. F 16444. Sold to contain 8 ounces; net weight, 6.2 ounces; price, $0.35; purchased at Boston, Mass.

Can—Baking powder. Sample of baking powder very largely adulterated with ground rock.

Can—Condensed milk. F 16555. Sold to contain 1 pound; gross weight, 0.94 pound; net weight, 0.78 pound; price, $0.10; purchased at Philadelphia, Pa.

Can—Peanut butter. F 16417. Marked to contain 1 pound; gross weight, 1 pound; net weight, 0.84 pound; price, $0.20; purchased at Washington, D. C.

Can—Allspice. F 16429. Sold to contain 4 ounces; gross weight, 4.2 ounces; net weight, 3 ounces; price, $0.10; purchased at Washington, D. C.

Can—Cinnamon. F 16506. Marked to contain 4 ounces; gross weight, 5.5 ounces; net weight, 3.7 ounces; price, $0.10; purchased at New York, N. Y.

Can—Potted ham. F 16424. Sold to contain 4 ounces; gross weight, 5.3 ounces; net weight, 3.7 ounces; price $0.05; purchased at Washington, D. C.

Can—Potted ox tongue. F 16423. Sold to contain 4 ounces; gross weight, 5.3 ounces; net weight, 3.5 ounces; price $0.05; purchased at Washington, D. C.

Can—Sliced bacon. F 16405. Sold to contain 1 pound; gross weight, 1 pound ¼ ounce; net weight, 7 ounces; price $0.25; purchased at Washington, D. C.

Can—Extract beef. F 16502. Marked to contain 2 ounces; gross weight, 8.5 ounces; net weight 1.6 ounces; price, $0.25; purchased at New York, N. Y.

Can—Lard. F 16469. Sold for 3 pounds; gross weight, 3 pounds; net weight, 2.4 pounds; price, $0.23; purchased at Boston, Mass.

Can—Corned beef. F 16407. Sold to contain 1 pound; gross weight, 1.2 pounds; net weight, 0.94 pound; price, $0.15; purchased at Washington, D. C.

Can—Clam juice. F 16724. Sold for 2 pounds; gross weight, 1.5 pounds; price, $0.10; purchased at Chicago, Ill.

Can—Cove oysters. F 16695. Sold for 1 pound; gross weight, 0.81 pound; price, $0.10; purchased at Chicago, Ill.

Can—Clam bouilion. F 16738. Sold for 0.50 quart; contains, 0.22 quart; price, $0.20; purchased at Chicago, Ill.

Can—Shrimp. F 16700. Sold for 0.5 pound; gross weight, 0.46 pound; price, $0.10; purchased at Chicago, Ill.

Can—Minced sea clams. F 16693. Sold for 1 pound; gross weight, 0.87 pound; price, $0.13; purchased at Chicago, Ill.

Can—Little-neck clam juice. F 16694. Sold for 1 pound; gross weight, 0.84 pound; price, $0.10; purchased at Chicago, Ill.

Can—Mule Head oysters—F 16698. Sold for 2 pounds; gross weight, 1.5 pounds; net weight, 1.3 pounds; price, $0.20; purchased at Chicago, Ill.

Can—Lemon cling peaches. F 16673. Sold for 3 pounds; gross weight, 2.3 pounds; net weight, 1.9 pounds; volume, 1.7 pints; price, $0.20; purchased at Washington, D. C.

Can—Apricots. F 16730. Sold for 2.5 pounds; gross weight, 2.3 pounds; price, $0.25; purchased at Chicago, Ill.

Can—Apricots. F 16663. Sold for 3 pounds; gross weight, 2.3 pounds; net weight, 2 pounds; volume, 1.7 pints; price $0.20; purchased at Washington, D. C.

Can—Bartlett pears. F 16666. Sold for 3 pounds; gross weight, 2.3 pounds; net weight, 1.9 pounds; volume, 1.7 pints; price, $0.20; purchased at Washington, D. C.

Can—White cherries. F 16660. Sold for 3 pounds; gross weight, 2.3 pounds; net weight, 2 pounds; volume 1.8 pints; price, $0.25; purchased at Washington, D. C.

Can—Sliced pineapple. F 16697. Sold for 2 pounds; gross weight, 1.5 pounds; price, $0.20; purchased at Chicago, Ill.

Can—Pineapple. F 16702. Sold for 2 pounds. Gross weight, 1.6 pounds; price, $0.25; purchased at Chicago, Ill.

Can—Strawberries. F 16716. Sold for 1 pound; gross weight, 0.95 pound; price, $0.10; purchased at Chicago, Ill.

Can—Cream corn. F 16485. Sold to contain 2 pounds; gross weight, 1.5 pounds; net weight, 1.3 pounds; price, $0.09; purchased at New York, N. Y.

Can—Sugar corn. F 16426. Sold to contain 2 pounds; gross weight, 1.5 pounds; net weight, 1.3 pounds; price, $0.10; purchased at Washington, D. C.

Can—Sugar corn. F 16565. Sold to contain 2 pounds; gross weight, 1.5 pounds; net weight, 1.3 pounds; price, $0.10; purchased at Philadelphia, Pa.

Can—Sugar corn. F 16470. Sold for 2 pounds; gross weight, 1 pound 9½ ounces; net weight, 1.25 pounds; price, $0.08; purchased at Boston, Mass.

Can—Sugar corn. F 16674. Sold for 2 pounds; gross weight, 1.5 pounds; net weight, 1.3 pounds; price, $0.10; purchased at Washington, D. C.

Can—Sugar corn. F 16425. Sold to contain 2 pounds; gross weight, 1 pound 8¾ ounces; net weight, 1.4 pounds; price, $0.10; purchased at Washington, D. C.

Can—Limas. F 16559. Sold to contain 2 pounds; gross weight, 1.5 pounds; net weight 1.3 pounds; price, $0.18; purchased at Philadelphia, Pa.

Can—Tomatoes. F 16473. Sold for 3 pounds; gross weight, 2.6 pounds; net weight, 2.25 pounds; price, $0.12; purchased at Boston, Mass.

Can—Tomatoes. F 16732. Sold for 2.5 pounds; gross weight, 2.4 pounds; price, $0.12; purchased at Chicago, Ill.

Can—Tomatoes. F 16557. Sold to contain 3 pounds; gross weight, 2 pounds 7½ ounces; net weight, 2.2 pounds; price, $0.13; purchased at Philadelphia, Pa.

Can—Tomatoes. F 16486. Sold to contain 2 pounds; gross weight, 1 pound 10 ounces; net weight, 1.3 pounds; price, $0.10; purchased at New York, N. Y.

Can—Tomatoes. F 16672. Sold for 3 pounds; gross weight, 2.6 pounds; net weight, 2.2 pounds; volume, 2.1 pints; price, $0.10; purchased at Washington, D. C.

Can—Tomatoes. F 16667. Sold for 3 pounds; gross weight, 2.4 pounds; net weight, 2 pounds; volume, 1.9 pints; price $0.10; purchased at Washington, D. C.

Can—Tomatoes. Sold for 3 pounds; gross weight, 2.3 pounds; net weight, 2 pounds; volume, 1.9 pints; price, $0.12; purchased at Washington, D. C.

Can—Beans. F 16722. Sold for 2 pounds; gross weight 1.4 pounds; price, $0.15; purchased at Chicago, Ill.

Can—Baked beans with tomato sauce. F 16720. Sold for 2 pounds; gross weight, 1.6 pounds; price, $0.15; purchased at Chicago, Ill.

Can—Baked beans. F 16723. Sold for 2 pounds; gross weight, 1.7 pounds; price, $0.15; purchased at Chicago, Ill.

Can—Pork and beans. F 16719. Sold for 2 pounds; gross weight, 1.6 pounds; price, $0.15; purchased at Chicago, Ill.

Can—Pork and beans. F 16714. Sold for 2 pounds; gross weight, 1.6 pounds; price, $0.18; purchased at Chicago, Ill.

Can—Boston baked beans. F 16743. Sold for 3 pounds; gross weight, 2.7 pounds; price, $0.18; purchased at Chicago, Ill.

Can—Peas. F 16705. Sold for 2 pounds; gross weight, 1.5 pounds; price, $0.13; purchased at Chicago, Ill.

Can—Beets. F 16713. Sold for 3 pounds; gross weight, 2.75 pounds; price, $0.15; purchased at Chicago, Ill.

Can—Asparagus. F 16745. Sold for 2.5 pounds; gross weight, 2.3 pounds; net weight, 1.95 pounds; price, $0.35; purchased at Chicago, Ill.

Can—Stringless beans. F 16558. Sold to contain 2 pounds; gross weight, 1.5 pounds; net weight, 1.2 pounds; price, $0.15; purchased at Philadelphia, Pa.

Glass—Peach jelly. F 16466. Sold to contain 6 ounces; gross weight, 9 ounces; net weight, 4.7 ounces; price, $0.06; purchased at Boston, Mass.

Glass—Raspberry jelly. F 16467. Sold to contain 1 pound; gross weight, 1.3 pounds; net weight, 0.65 pound; price, $0.25; purchased at Boston, Mass.

Package—Toasted wheat flakes. F 16767. Weight, not marked; gross weight, 0.85 pound; net weight, 0.70 pound; price, $0.13; purchased at Chicago, Ill.

Package—Currants. F 16418. Marked to contain 1 pound; gross weight, 0.96 pound; net weight, 0.92 pound; price, $0.10; purchased at Washington, D. C.

Package—Crushed oats. F 16699. Weight, not marked; gross weight, 2 pounds; net weight, 1.7 pounds; price, $0.10; purchased at Chicago, Ill.

Package—Raisins. F 16419. Marked to contain 1 pound; gross weight, 1 pound; net weight, 0.95 pound; price, $0.10; purchased at Washington, D. C.

Package—Raisins. F 16731. Sold for 1 pound; gross weight, 0.98 pound; net weight, 0.93 pound; price, $0.18; purchased at Chicago, Ill.

Package—Currants. F 16734. Sold to contain 1 pound; gross weight, 0.9 pound; net weight, 0.88 pound; price, $0.10; purchased at Chicago, Ill.

Package—Currants. F 16562. Marked to contain 1 pound; gross weight, 0.96 pound; net weight, 0.86 pound; price, $0.12; purchased at Philadelphia, Pa.

Package—Raisins. F 16453. Sold to contain 1 pound; gross weight, 1.4 pound; net weight, 0.95 pound; price, $0.15; purchased at Boston, Mass.

Package—Cornstarch. F 16480. Sold to contain 1 pound; gross weight, 1 pound; net weight, 0.96 pound; price, $0.09; purchased at Boston, Mass.

Package—Wheatena. F 16762. No weight on package; gross weight, 1.5 pound; net weight, 1.4 pound; price, $0.13; purchased at Chicago, Ill.

Package—Pancake flour. F 16759. No weight on package; gross weight, 2 pounds; net weight, 1.8 pound; price, $0.13; purchased at Chicago, Ill.

Package—Malta-vita. F 16678. Weight not marked on package; gross weight, 1.2 pounds; net weight, 1 pound; price, $0.15; purchased at Washington, D. C.

Package—Zest. F 16684. Weight not marked on package; gross weight, 1.5 pounds; net weight, 1 pound; price, $0.13; purchased at Washington, D. C.

Package—Corn-crisp. F 16760. No weight on package; gross weight, 1.08 pounds; net weight, 0.91 pound; price $0.13; purchased at Chicago, Ill.

Package—Pancake flour. F 16765. Weight not marked; gross weight, 2 pounds; net weight, 1.9 pounds; price, $0.10; purchased at Chicago, Ill.

Package—Cream biscuit. F 16397. Sold to contain 1 pound; gross weight, —— pound; net weight, 0.78 pound; price, $0.13; purchased at Washington, D. C.

Package—Force. F 16696. Sold for 1 pound; gross weight, 1.1 pounds; net weight, 0.88 pound; price, $0.13; purchased at Chicago, Ill.

Package—Quaker rice. F 16715. Weight not marked; gross weight, 0.54 pound; net weight, 0.40 pound; price, $0.10; purchased at Chicago, Ill.

Package—Pancake flour. F 16742. Weight not marked; gross weight, 1.8 pounds; net weight, 1.75 pounds; price, $0.10; purchased at Chicago, Ill.

Package—Cream of wheat. F. 16701. Weight not marked; gross weight, 2 pounds; net weight, 1.8 pounds; price, $0.13; purchased at Chicago, Ill.

Package—Wheat-flake celery food. F. 16771. No weight on package; gross weight, 0.9 pound; net weight, 0.7 pound; price, $0.10; purchased at Chicago, Ill.

Package—Quaker oats. Marked to contain 2 pounds; gross weight, 1 pound 15 ounces.

Package—Egg-o-see. F. 16685. Weight not marked on package; gross weight, 1 pound; net weight, 0.8 pound; price, $0.08; purchased at Washington, D. C.

Package—Malt breakfast food. F. 16675. Marked to contain 2 pounds; gross weight, 2.1 pounds; net weight, 1.9 pounds; price, $0.15; purchased at Washington, D. C.

Package—Health brand hominy. F. 16492. Marked to contain 2 pounds; gross weight, 1.8 pounds; net weight, 1.7 pounds; price $0.10; purchased at New York, N. Y.

Package—Grape-nuts. F. 16677. Marked to contain 16 ounces net; gross weight, 1.1 pounds; net weight, 1 pound; price, $0.15; purchased at Washington, D. C.

Package—Cream of wheat. F 16676. Weight not marked on package; gross weight 2 pounds; net weight 1.8 pounds; price $0.15; purchased at Washington, D. C.

Package—Tapioca. F. 16576. Sold to contain 1 pound; gross weight 0.98 pound; net weight 0.92 pound; price $0.12; purchased at Philadelphia, Pa.

Package—Macaroni. F. 16572. Sold to contain 1 pound; gross weight 1 pound; net weight 0.94 pound; price $0.10; purchased at Philadelphia, Pa.

Package—Macaroni. F. 16712. Sold for 1 pound; gross weight 0.97 pound; net weight 0.85 pound; price $0.12; purchased at Chicago, Ill.

Package—Grandmother's gelatine. F 16576. Marked to contain 2 ounces; gross weight 2.3 ounces; net weight 1.8 ounces; price $0.10; purchased at Philadelphia, Pa.

Package—Uneeda biscuit. F 16396. Sold to contain 8 ounces; gross weight 8 ounces; net weight 5.8 ounces; price $0.05; purchased at Washington, D. C.

Package—Maple flake. F 16761. No weight on package; gross weight, 0.97 pound; net weight, 0.80 pound; price, $0.13; purchased at Chicago, Ill.

Package—Quaker oats. F 16770. No weight on package; gross weight, 2 pounds; net weight, 1.9 pounds; price, $0.10; purchased at Chicago, Ill.

Package—Breakfast food. F 16718. Weight not marked; gross weight, 1.7 pounds; net weight, 1.5 pounds; price, $0.13; purchased at Chicago, Ill.

Package—Perfection apples. F 16452. Marked to contain 1 pound; gross weight, 0.97 pound; net weight, 0.87 pound; price, $0.14; purchased at Boston, Mass.

Package—Tapioca. F 16495. Marked to contain 1 pound; gross weight, 1 pound; net weight, 0.96 pound; price, $0.10; purchased at New York, N. Y.

Package—Coffee. F 16503. Marked to contain 1 pound; gross weight, 1.1 pounds; net weight, 0.97 pound; price, $0.14; purchased at New York, N. Y.

Package—Self-raising flour. F 16494. Marked to contain 3 pounds; gross weight, 3 pounds; net weight, 2.95 pounds; price, $0.15; purchased at New York, N. Y.

Jar—Peach preserves. F 16465. Sold to contain 1 pound; gross weight, 1.7 pounds; net weight, 0.96 pound; price, $0.09; purchased at Boston, Mass.

Glass—Apple jelly. F 16463. Sold to contain 6 ounces; gross weight, 9.2 ounces; net weight, 4.9 ounces; price $0.06; purchased at Boston, Mass.

Glass—Apple jelly. F 16468. Sold to contain 1 pound; gross weight, 1.1 pounds; net weight, 0.66 pound; price, $0.10; purchased at Boston, Mass.

Can—Java and Mocha coffee. F 16451. Marked to contain 2 pounds; gross weight, 2.5 pounds; net weight, 1.95 pounds; price, $0.50; purchased at Boston, Mass.

Can—Cayenne pepper. F 16505. Marked to contain 4 ounces; gross weight, 5.6 ounces; net weight, 3.7 ounces; price, $0.10; purchased at New York, N. Y.

Package—White pepper. F 16459. Marked to contain 4 ounces net; gross weight, 4.4 ounces; net weight, 3.7 ounces; price, $0.10; purchased at Boston, Mass.

Package—Black pepper. F 16461. Marked to contain 4 ounces; gross weight, 4.1 ounces; net weight, 3.5 ounces; price, $0.08; purchased at Boston, Mass.

Package—Black pepper. F 16460. Marked to contain 4 ounces net; gross weight, 4.4 ounces; net weight, 3.7 ounces; price, $0.10; purchased at Boston, Mass.

Package—Cinnamon. F 16458. Marked to contain 4 ounces net; gross weight, 4.4 ounces; net weight, 3.7 ounces; price, $0.10; purchased at Boston, Mass.

Package—Cream tartar. F. 16474. Marked to contain 1 pound; gross weight, 1.2 pounds; net weight, 0.98 pound; price, $0.33; purchased at Boston, Mass.

Package—Buckwheat. F. 16412. Marked to contain 1½ pounds; gross weight, 1½ pounds; net weight, 1.4 pounds; price, $0.10; purchased at Washington, D. C.

Package—"Sure rising buckwheat." F. 16436. Marked to contain 2 pounds; gross weight, 1.95 pounds; net weight, 1.8 pounds; price, $0.10; purchased at Washington, D. C.

Package—Digesto coffee. F. 16568. Sold to contain 1 pound; gross weight, 0.81 pound; net weight, 0.62 pound; price, $0.25; purchased at Philadelphia, Pa.

Bottle—"Pure maple sirup." F. 16446. Sold to contain 1 quart; contains 1.6 pints; price, $0.30; purchased at Boston, Mass.

Bottle—Vermont sirup. F. 16421. Sold to contain 1 pint; contains 0.8 pint; price, $0.15; purchased at Washington, D. C.

Bottle—"Pure rock-candy sirup." F 16706. Sold for 0.5 quart; contains 0.44 quart; price, $0.20; purchased at Chicago, Ill.

Bottle—Grape juice. F 16741. Sold for 0.5 quart; contains 0.47 quart; price, $0.25; purchased at Chicago, Ill.

Bottle—Pure malt vinegar. F 16709. Sold for 1 quart; contains 1.7 pints; price, $0.18; purchased at Chicago, Ill.

Bottle—Zinfandel. F 16394. Sold to contain 1 quart; contains 1.5 pints; price, $0.40; purchased at Washington, D. C.

Bottle—Pure cider vinegar. F 16488. Sold to contain 1 quart; contains 1.7 pints; price, $0.10; purchased at New York, N. Y.

Bottle—Cider vinegar. F 16471. Sold for 1 quart; contains 1.5 pints; price, $0.12; purchased at Boston, Mass.

Bottle—Wine vinegar. F 16489. Sold to contain 1 quart; contains 1.6 pints; price $0.25; purchased at New York, N. Y.

Bottle—Blue Label tomato ketchup. F. 16448. Sold to contain 1 pint; contains 0.9 pint; price, not given; purchased at Boston, Mass.

Bottle—Monument pure rye whisky. F. 16679. Sold for 1 quart; contains 2 pints; price, $1; purchased at Washington, D. C.

Bottle—Winchester pure rye whisky. F. 16680. Sold for 1 quart; contains 2 pints; price, $1; purchased at Washington, D. C.

Bottle—Hunter Baltimore rye. F. 16690. Sold for 1 quart; contains 1.5 pints; price, $1.25; purchased at Washington, D. C.

Bottle—Braddock Maryland rye. F. 16688. Sold for 1 quart; contains 1.6 pints; price, $1.25; purchased at Washington, D. C.

Bottle—Trimble rye whisky. F. 16691. Sold for 1 quart; contains 1.5 pints; price, $1.25; purchased at Washington, D. C.

Bottle—Duffy's pure malt whisky. F. 16683. Sold for 1 quart; contains 1.5 pints; price, $0.90; purchased at Washington, D. C.

Bottle—Sauterne, To-Kalon vineyards. F. 16395. Sold to contain 1 quart; contains 1.5 pints; price, $0.40; purchased at Washington, D. C.

Bottle—Old Overholt whisky. Contains full quart.

MEMORANDUM OF "HABIT-FORMING DRUGS."

The following "habit-forming drugs" have, within the last year or two, been stated upon good authority to be contained in the following medicines. These statements have been found in various medical journals and board of health reports and Collier's Weekly. The latter has collected from various sources extensive data on this subject. In view of the fact that recently heavy damages (reported as about $17,000) were obtained from a popular magazine because of an untrue statement that a certain "patent medicine" contained alcohol and opium, these data have, doubtless, been carefully confirmed. In the case of a few of the preparations named below, the label states that cocaine, etc., are contained; a few others are ostensibly sold only on physicians' prescriptions, but most of them are entirely secret and in many cases stated to be harmless.

The patent medicines containing a large percentage of alcohol are not given here, for, as a result of recent rulings of the Commissioner of Internal Revenue, there have been extensive changes in the composition of this class of medicines. There is no doubt, however, that there are still upon the market a number of medicines containing a considerable percentage of alcohol in combination with drugs for which there is little recognized use.

Morphine and opium.—Dr. Bull's Cough Syrup, Kopp's Baby Friend, Grandma's Secret, Nurses' and Mothers' Treasure, St. Anne's Morphine Cure, Wooley's Cure for Alcoholism, Opium Cure of St. James's Society, Chamberlain's Colic Remedy, Dr. Week's Breath of Cold, Mrs. Winslow's Soothing Syrup, Oxidine, Fenner's Cough Honey, Dr. King's New Discovery for Consumption, Boschee's German Syrup.

Cocaine.—Dr. Birney's Catarrh Cure, Gray's Catarrh Cure, Dr. Cole's Catarrh Cure, Crown Catarrh Powder.

Chloroform.—Dr. King's New Discovery for Consumption, Shiloh's Consumption Cure, Piso's Consumption Cure.

Acetanilid.—Orangeine, Antikamnia, Kohler's Powders, Hed-eze, Bromo-Seltzer, Cephalgine, Electric Headache Powders, A. B. C. Headache Powders, Royal Pain Powders, Miniature Headache Powders, Megrimine, Anti-Headache, Dr. Davis's Headache Powders.

Cannabis indica.—Piso's Consumption Cure.

NOTES ON SOME PREPARATIONS CONTAINING HABIT-FORMING DRUGS.

Chloral hydrate.—"Bromidia:" This is one of the best-known proprietary remedies containing chloral hydrate. It is not necessary to make any comments concerning this product, because the formula is printed on each package. It complies, therefore, fully with the bill at present before Congress.

Cocaine.—"Doctor Birney's Catarrh Powder" and "Doctor Agnew's Catarrh Powder:" Both of these remedies contain cocaine. This information is contained on both packages. The sticker on "Doctor Birney's Catarrh Powder" simply states "Contains a small quantity of cocaine," while the amount of cocaine present in "Doctor Agnew's Catarrh Powder" is clearly set forth on the label and amounts to 2¼ per cent of cocaine hydrochlorate.

Heroin.—"Ayer's Cherry Pectoral" and "Glyco-Heroin" (Smith): Both of these preparations are also marked as to the presence of their active medicinal constituents. "Ayer's Cherry Pectoral" gives all the ingredients said to be present in this compound. "Glyco-Heroin" does not go as far as that, but clearly sets forth that it contains heroin. Heroin is frequently considered as not being as dangerous a drug as morphine or opium, but during the past few years the medical profession has had numerous examples to indicate that heroin is nearly as dangerous in the formation of habits as is morphine.

Morphine and opium.—"Godfrey's Cordial," "Chamberlain's Diarrhea Remedy," "Kopp's Baby's Friend," "Mrs. Winslow's Soothing Syrup," and "Salvita:" These preparations serve to bring out interesting points. "Godfrey's Cordial" is a well-known remedy, which anyone is at liberty to prepare. Its composition is well known to all druggists and manufacturing pharmacists. The value of the remedy depends largely on the morphine which it contains. "Kopp's Baby Friend" is known to contain morphine and has been instrumental in causing the death of a number of children during the past few years. Nothing is said relative to the presence of the dangerous poison, morphine. "Mrs. Winslow's Soothing Syrup" is known to contain opium or opium in some form. Such information, however, is not given on the package or the literature accompanying same. In England the manufacturer of this preparation is compelled to clearly indicate that it is a poison, according to the laws of that country. "Chamberlain's Diarrhea Remedy" clearly sets forth in literature accompanying the sample the presence of opium, in the following language: "N. B. With the exception of chronic diarrhea, this remedy is not recommended for any disease that would require its habitual use. It should not be used habitually, as it contains about half a grain of opium in each teaspoonful." Reference is also made on the label of the bottle to the directions in wrapper around each bottle. This would probably be sufficient information, but it seems that if it is desirable to call attention to the presence of opium in the advertising literature, such information should also be clearly indicated on the label of the bottle itself. "Salvita" is one of the remedies which is represented in the advertising literature as being free from opium or any of its salts. An examination, however, showed that this representation is false, opium being present.

Acetanilid.—Acetanilid is a most beneficial and useful medicinal remedy, but during the past few years it has been placed in the hands of the laity in so many forms under the guise of headache cures, neuralgia cures, etc., that at present there are many women who are unable to do their daily work without taking a portion of some compound containing acetanilid, in order to properly do their daily tasks. A brief perusal of the proprietary remedies handled in a wholesale way throughout this country shows that there are over 300 preparations used for this purpose, and it would probably not be far from the truth to say that all of them contain acetanilid. The following are among the most widely used and well-known headache remedies: "Antikamnia," "Bromo Seltzer," "Harper's Brain Food," and "Red Dragon Seltzer."

"Antikamnia" is largely advertised, and there are very few households in the United States that do not know this remedy, and in many cases there are persons who take some of this remedy daily. The chief constituent is acetanilid.

"Bromo Seltzer" and "Red Dragon Seltzer" both contain acetanilid as the chief ingredient.

"Harper's Brain Food" is a liquid preparation containing acetanilid. The following statements on the package of this remedy are unwarranted: "A positive cure for headache, neuralgia, nervousness, insomnia, etc." "This preparation is perfectly harmless, and may be relied upon as containing nothing injurious." This remedy will not cure any of the affections enumerated, but simply relieves.

Alpha and Beta Eucaine.—No preparation containing either or both of the above compounds is known to the drug laboratory. They are, however, used in place of and substitutes for cocaine, and in some States where it is unlawful to sell cocaine eucaine is frequently supplied to cocaine habitués.

Medicine without alcohol.—A large proportion of the liquid medicinal preparations contain more or less of alcohol as a solvent, and it is a common belief that medicinal remedies can not be prepared without this agent. This position is not correct. There are a goodly number of preparations which do not contain any alcohol; as a notable example of the proprietary remedies may be cited "Pierce's Favorite Prescription." This compound does not contain any alcohol, its solvent constituents being water and glycerine.

"Grandma's Secret" is another child soother. It killed the young son of Mr. and Mrs. Nankivell, of Shamokin, Pa., in December last.

SHAMOKIN, PA., *March 24, 1906.*

DEAR SIR: I received your letter yesterday. You want to know whether it is true that our son died from the effects of a medicine called "Grandma's Secret." That is the truth. That was the cause of his death.

Yours, very truly, ——— ———.

Another of this class is "Nurses and Mothers' Treasure," which Joseph and Nellie Kucer, of Fall River, Mass., gave to their 3-weeks-old child to make it sleep. He did not awake. Opium poisoning was the verdict of the medical examiner. Neither "Grandma's Secret" nor "Nurses and Mothers' Treasure" has any label showing that they contain a dangerous poison. On the contrary, "Nurses and Mothers' Treasure," in its advertising, warns the public against the use of other soothing sirups and nostrums which, it says, contain laudanum or opium.

APRIL 21, 1906.

DEAR SIR: Replying to yours of the 10th, which was for some reason delayed in transit, would say that R. H. Shofner died in Sidney, N. Y., on April 6 from an overdose of morphia taken in Fenner's Cough Honey, a medicine put out by the Fenner Medicine Company, of Fredonia, N. Y.

He took during the day and evening, the greater portions during the evening, about 7 ounces of the medicine, which contains one-sixteenth grain of morphia to the dram.

Practically all the circumstances were given in the newspapers. Autopsy revealed no evidences of other disease.

Yours, truly,

S. J. WHITE, Jr.,
Coroner of Delaware County, N. Y.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY,
Washington, D. C., May 1, 1906.

Hon. JAMES R. MANN,
House of Representatives.

DEAR SIR: In reply to your favor of April 30, I beg to advise you that local druggists inform us that they do not keep Fenner's Cough Honey, neither do they know anything about this preparation. We shall, however, take steps to secure this product for you, and make the requested analysis as soon as possible. The Fenner Medicine Company, I am informed, disposes of its wares largely through itinerant drug venders.

In your letter you also ask whether one-half grain of morphine to the ounce, which is twice the quantity proposed by the Lovering amendment, had any material weight in connection with the Shofner case. If the "cough honey" contained only one-sixteenth of a grain of morphine to the dram, 7 ounces of the material, the amount consumed by R. H. Shofner, would contain 1¾ grains of morphine, which is sufficient to kill an adult in normal health, provided similar conditions prevailed as those under which Shofner lost his life. One and three-fourths grains of morphine taken over the period of time in which the Fenner's Cough Honey was taken might not prove fatal if suitable precautions were taken to counteract the effects of the drug.

The point in the case is simply this: That even if small quantities of morphine are present in a proprietary remedy which goes into the hands of the laity disastrous results are liable to follow.

Very respectfully,

H. W. WILEY, *Chief.*

Doctor Fenner's Cough Syrup. Volume, 10 ounces. Price, $1. This is a saccharine mixture containing expectorants, such as tolu, but the active valuable constituent in this remedy undoubtedly is morphine, which is present to the extent of one-fourth grain to 1 ounce.

OFFICE OF ROBERT DODD,
CORONER OF ONEIDA COUNTY,
Utica, N. Y., June 13, 1906.

Hon. JAMES R. MANN, M. C.,
Washington, D. C.

DEAR SIR: Inclosed herewith find copy of decision in the matter of the death of the Zarlak twins.

Pardon me for again suggesting that you obtain a copy of the reports of Doctors Nelson and Smith, chemists, and which are on file in the county clerk's office of the county of Oneida, N. Y., at Utica, N. Y.

ROBT. DODD, *Coroner.*

STATE OF NEW YORK,
County of Oneida, city of Utica, ss:

Decision made and rendered at the inquest of Adam and Eve Gnad, or Zarlak, in the city of Utica, county of Oneida, N. Y., on the 25th and 26th days of January and 15th and 21st days of February, 1906, by Robert Dodd, one of the coroners of said county, after inspecting the body of Adam and Eve Gnad, or Zarlak, then and there lying dead, at No. 25 Kossuth avenue, setting forth who the said persons were, and when, where, and by what means they came to his and her death, and the circumstances attending such death of said Adam and Eve Gnad, or Zarlak.

Now, after inspecting the said bodies and hearing the testimony, the said coroner doth render his decision and hereby certify it in writing accordingly, as follows:

That the said Adam and Eve Gnad, otherwise known as Zarlak, died on the 25th day of January, 1906. The boy died at about 2.30 p. m., and the girl died at 7.45 p. m., at No. 25 Kossuth avenue, in the city of Utica, county of Oneida, N. Y., of morphine poisoning. The evidence shows that Stanislaus Gnad, the father of the infants, had administered to them a dose of a mixture which is known as "Kopp's Baby's Friend" on the night of January 24, 1906, and that the infants (whose age was 1 month and 1 day) died on the following day. Now, after investigating the circumstances attending such deaths and obtaining the report of Doctors James G. Hunt and H. F. Preston, who made an autopsy on the bodies of the deceased infants, and also the report of Doctors Nelson and Smith, chemists, who made an examination of the stomachs and the stomachs' contents and also a portion of the mixture above mentioned, showing that it contained morphine, I find and decide that the said Adam and Eve Gnad, otherwise called Zarlak, died from an overdose of "Kopp's Baby's Friend," which was administered by their father, but without criminal intent.

The testimony of the witnesses examined before said coroner is hereto attached.

In witness whereof the said coroner aforesaid hath to this decision set his hand this 23d day of February, 1906.

ROBERT DODD, *Coroner.*

BALTIMORE MD., *June 11, 1906.*

DEAR SIR: Your letter addressed to the coroner of Baltimore has come to my notice. I held an inquest on the body of George Lancaster who took "Kopp's Baby's Friend."

Very truly, yours,

C. FRANK JONES, M. D.

MEDICINE ACTS LIKE HASHEESH—CHILD BECOMES VIOLENT ON TAKING PATENT COMPOUND—DOCTOR HASTILY SUMMONED—EFFECT OF TWO SMALL DOSES ON LITTLE FANNY DUTCHER LIKE THAT OF DRUG OF EAST INDIA.

A doctor's services were required at the residence of Mrs. Lottie Dutcher, of No. 1025 Avery avenue, Saturday evening after her 2-year-old daughter Fanny had been given two doses of a patent medicine, the total quantity not being a teaspoonful.

The child's condition thereafter so alarmed the mother that Dr. H. C. Gifford, of Solvay, was called, and he said the case had the appearance of drugging by the East Indian hasheesh, or cannabis indica.

The little girl was not feeling well in the afternoon, and at 5 o'clock Mrs. Dutcher gave here a small quantity of the medicine. Before putting her to bed at 8 o'clock she gave a second dose, after which the child began to act in a peculiar manner and to scream so loudly as to attract the attention of neighbors.

Her mother endeavored to carry her in her arms. At times her movements were so frantic that the mother was compelled to lay her on the floor.

COUNTERACTING MEDICINE GIVEN.

At 11 o'clock, fearing convulsions, she called Doctor Gifford, and counteracting medicine was administered. Shortly after midnight the girl dropped into a troubled sleep, waking yesterday morning relieved.

Doctor Gifford said yesterday that while he did not know the ingredients of the compound, he judged from its taste and the effect that it contained Cannabis indica. This, he said, was the "booze" of the Hindoos.

Mrs. Dutcher says that she has used the compound to some extent in her family for adults, but never gave it to a child before. (Syracuse Post-Standard, April 9, 1906.)

CHILLICOTHE, OHIO, *January 17.*

The coroner of this county declares that the death of Matthew Washington, 28, a negro, was directly caused by Hardman's Magic Cure, made by the Magic Cure Company, of Springfield.

The negro had a severe cold and took two doses of the medicine, according to the statements made here by the coroner. In twenty minutes he was dead. An agent had sold him the medicine.

DOCTOR BULL'S COUGH SIRUP NEARLY KILLED BABY—INFANT DRANK CONTENTS OF BOTTLE WHILE MOTHER WAS NOT LOOKING AND FELL INTO STUPOR.

Opium in a patent cough sirup nearly caused the death of a 2-year-old boy who got hold of a bottle of cough sirup last night and, after satisfying his taste for the sweet medicine, fell into a stupor from which he was aroused only after the most vigorous efforts of the surgeons at St. Mary's Hospital.

The child's parents, named Toal, reside at 278 Smith street. The babe had been ailing fr some time. While its mother was not watching it got hold of the bottle and drank most of its contents. -Opium formed one of the ingredients. The drug soon took effect, and the child escaped death by a narrow margin. (Rochester (N. Y.) Paper, March —, 1906.)

EVELETH, MINN., *April 18, 1906.*

Death followed the accidental taking of an overdose of "White Pine Cough Sirup," by James William, the 3-year-old son of Mr. and Mrs. James W. Falk, of Eveleth, yesterday.

DULUTH, MINN., *April 20, 1906.*

SAMUEL H. ADAMS, Esq.,
Care of Collier's, 416 West Thirteenth Street,
New York, N. Y.

DEAR SIR: I herewith inclose you extract from a local paper, the Duluth News-Tribune, under date of April 19, which may prove of interest to you. I have followed your articles in Collier's attacking certain patent medicines with a great deal of interest and admiration, and on coming across this I though perhaps it might be of assistance as well as interest to you.

I think the occurrence very sad indeed, and I have no doubt that if the "White Pine Medicine" people had properly labeled the bottle as containing poison of some sort the parents would have been careful to place this bottle beyond the infant's reach. As it is, a mother and father are quite heartbroken, just because some company wishes to make a few paltry dollars more quickly.

Once more assuring you of my deep interest and admiration for your work, I remain,

Very respectfully, yours,

LOUIS ZALK.

EL PASO, TEX., *April 19, 1906.*

DEAR SIR: I have recently treated a plumber in this city who has used a 50-cent bottle of Chamberlain's Diarrhea Remedy every day for years for the opium it contained.

About two years ago I saw an infant die with what I thought to be opium poisoning, following a few doses of German Syrup (Boschee's ?).

Yours, very truly,

F. P. MILLER.

[Letter to a physician.]

CHICAGO, *April 3, 1906.*

Having by accident heard of your sanitarium for the opiate cure, I have at last decided to write you of my own case. I have tried so many cures and been to different sanitariums and have not found one yet that makes a permanent cure. I have suffered from the curse all that any human could suffer, and have spent a fortune and still I am not free. Through a friend I was induced to try the St. James Society remedy, of Broadway, New York, who claims to cure the most obstinate cases. I have been taking the remedy now for three years; I am not cured, neither can I give up the remedy. I am convinced there is morphia or some kind of an opiate in it; what amount, of course, I do not know. I asked them some time since, but, of course, they refused to tell me, but said this much: That if I was obliged to use the morphia with the remedy that 4 to 5 grains ought to keep me comfortable for twenty-four hours. I prefer their remedy rather than the morphia. I certainly am very miserable to use the morphia; in fact, I can not use it. I have tried to cut off from the remedy to the elixir, which they claim is the final; but it would not support me. On the whole, it is as hard for me to try to give up the remedy as the opiate.

MRS. MILLER.

SOOTHING SIRUP—BABY DEAD.

MONTREAL, *May 22.*

A 6-months-old girl, Violet Jarvis, whose parents arrived from England a week ago and are staying at Lachine, died, and it was established at the inquest this morning that she had died from the effects of soothing sirup administered after she had arrived in Montreal and was too weak to withstand its effects.

The jury brought in a verdict declaring no crime, but adding that 'the label on such patent-medicine bottles should bear the names of the ingredients composing the medicine."

657 BOYLSTON STREET,
Boston, Mass., January 12, 1906.

Mr. SAMUEL HOPKINS ADAMS.

DEAR SIR: I have followed with great interest your splendid articles in Collier's, and feel that you are surely doing an immense amount of good by them.

May I call your attention to an article called "Celerina," made by the Rio Chemical Company, New York? It is supposed to be a useful and harmless remedy, "especially suitable for clergymen, school-teachers," etc., and is, I believe, used by teachers to a considerable degree.

At least one teacher's life has been almost wrecked by its use in a time of great mental and physical strain. Of course she took it in increasing quantities until completely prostrated by its effect, and now, nine months later, her mind is only just recovering its former tone.

Hoping that you may find an opportunity to examine this preparation,

I am, yours, sincerely,

ANNIE LEE HAMILTON, M. D.

HAMILTON, OHIO, *October —, 1905.*

At 12 o'clock that night he (the doctor) was called and told the baby could not be aroused, that it had been sleeping for an hour or more and had almost stopped breathing. A neighbor had suggested giving the child a dose of Mrs. Winslow's Soothing Sirup, and it had been given two doses of one-half teaspoonful, each one-half hour apart. On examination, Doctor Cummins found the pupils contracted to the size of a pin head, pulse very slow, and respiration four a minute. He diagnosed opium poisoning. Doctor Cook was called in consultation, and after four hours' work they succeeded in bringing the patient around all right. Doctor Cummins states that he has no doubt that this was a case of opium poisoning from the morphine contained in the soothing sirup.

———.

SHELBURNE FALLS, MASS., *March 24, 1906.*

I wish to add a few words about Chamberlain's Colic, Cholera, and Diarrhœa Remedy. Two weeks ago I was consulted by a railroad telegrapher who had been taking this medicine for the past two years. He began it for a diarrhea and has become addicted to it. He now takes from 2 to 4 ounces nightly (he is a night man), and has become a complete nervous wreck.

———.

Judge Smith sentenced Miss Ella Clark, of this city (Mason City), to Mount Pleasant Asylum to-day (January 29, 1906). She was proven to be addicted to the use of morphine to the extent that her health had been undermined, and she is now almost a physical wreck and is confined to her bed. In her desire for the drug she bought large quantities of Chamberlain's Colic Remedy, which, it is said, she has been using for years.

———.

OPIUM HABIT IN INFANT FROM KOPP'S BABY'S FRIEND.

We have to record another case of poisoning from the use of Kopp's Baby's Friend. How many such cases occur annually it is, of course, impossible to state, but undoubtedly there are many children who are ruined for life, morally and physically, by the continued use of "patent medicines" containing opiates.

This patient is the infant daughter of Mr. and Mrs. Edwin Jordan, 1204 West Monroe street, Chicago. Ten months ago, when the child's mother was visiting her old home in Rebersburg, Pa., the child suffered from colic, and the mother was advised by her former pastor, the Reverend Mr. Bixler, a Lutheran minister of that place, to try Kopp's Baby's Friend, which, he stated, was perfectly harmless and had been used in his family. Dr. J. J. Deshler, Glidden, Iowa, a relative of the family, recently visited Mr. and Mrs. Jordan and at once noticed that the child was in an abnormal condition. He reports the case as follows:

"The medicine was used continuously, according to the instructions on the label, since the child was about 4 months old, once or twice daily, the last dosage being 1 teaspoonful. The child was under the influence of the opiate the whole twenty-four hours. Dentition is almost completely absent, and a general condition of lassitude and listlessness is present.

"Appetite has been fair so that the child is in a well-nourished condition. Its age now is 14 months. The child has an extremely waxy pallor and appears sleepy. While taking the preparation the child 'did not seem to be able to open its eyes wide' (see illustration). It can now do this. It was formerly constipated, then lately a severe diarrhea set in, but that ceased when the drug was discontinued.

"I prescribed 2 minims each of tincture of asafetida and tincture of hyoscyamus in a little sweetened water.

"When necessary an occasional dose of a carminative tablet containing a minute dose of codein sulphate was given. The parents were instructed to give plenty of nourishment, and pasteurized milk was prescribed.

"Since the child has been taking this the mother states that it is much better and brighter, and takes more interest in its surroundings, though, naturally, it is cross and irritable."

We sent a physician to see the child and to learn present conditions. They are as reported by Doctor Deshler. Mrs. Jordan expressed her willingness to have the report published, in the hope that it may be the means of saving other babies from a similar fate. She declared that had she known the preparation contained morphine she would never have used it; and she was very emphatic in stating that "the Government should prohibit the sale of such dangerous preparations." (Journal of the American Medical Association, May 19, 1906.)

WHITESVILLE, N. Y., *April 16, 1906.*

DEAR SIR: In regard to yours of April 1, regarding the death of John Grumley, deceased was an oil-well pumper; went out on the lease to pump the wells about 2 p. m. March 15; was found in power house by his brother the next morning, March 16, at 8.30 a. m. He was in a comatose condition; saw him about 11.30; respiration and pulse slow and irregular; very slight response to stimulation. An empty bromo-seltzer bottle was found by his side in power house; had been in the habit of taking it, and had complained to his brother of prostration on numerous occasions after taking. No marks of violence were found on body, and as no symptoms of apoplexy or thrombus were present, Doctor Vaughn and myself were of the opinion that his death was from the cause stated. No autopsy was held. Barneys Mill is a railroad station on the New York and Pennsylvania, in Steuben County, N. Y.; post-office at Rexville, 2½ miles distant.

Yours, truly, ———.

OFFICE OF COUNTY CORONER, HAMILTON COUNTY, OHIO,
Cincinnati, November 17, 1905.

DEAR SIR: Inclosed please find verdict in the Hilda Keck case, which was given out to-day.

Respectfully, yours, OTIS L. CAMERON.

The testimony shows that the child's mother had given her a dose of the above-named cough sirup, and, thinking it harmless, had placed the bottle on a chair beside the bed. The child, while the mother slept, drank the contents of the bottle with fatal results.

An analysis shows that a bottle of this cough sirup contains 0.48 of a grain of morphia sulphate, or about ⅓ of a grain to the teasponful.

It is reasonable to assume that so potent a drug as morphia can not be used as freely as these sirups are without danger, as the following extract from Stille's Therapeutics and Materia Medica on opium shows:

"Like other medicines, opium acts with peculiar force on very young persons. * * * The uncertainty of its action upon the young has long been known, and has led to the reiteration by medical writers of cautions in regard to its administration."

STATE OF INDIANA,
Madison County, ss:

I, Charles Trueblood, coroner of said county, having examined the body of William H. Hawkins, and heard the testimony of the witnesses, which said testimony is hereto attached, do hereby find that the said deceased came to his death the 9th day of October, 1905, from paralysis of circulation, caused by taking Doctor Davis's Headache Powders. Said William H. Hawkins, a resident of Indianapolis, Ind., had come to Madison County, via Indiana Union Traction Company, on legal business, had transacted said business and reentered a car of Indiana Union Traction Company for Marion, Ind., where he expired while seated in said car.

In witness whereof I have hereunto set my hand and the seal of my office this 12th day of October, 1905.

CHARLES TRUEBLOOD,
Coroner of Madison County.

POWDERS NEARLY FATAL—MRS. L. W. STONE, OF 96 TAYLOR AVENUE, UNCONSCIOUS NEARLY THREE HOURS.

After taking three powders of a package that had been procured for her at a corner grocery, Mrs. L. W. Stone, of 96 Taylor avenue, Saturday, became unconscious and was so thoroughly overcome that her life was at times despaired of. Nearly three hours of work were necessary to bring her out from under the influences of the powerful drug contained in the powder. Yesterday she was much improved, and it is stated that she will recover.

Mrs. Stone had suffered from a severe headache when she arose Saturday morning, and about 9 o'clock she sent to the grocery for a package of headache cure. She took one of the powders; about 10 o'clock she took another, and at 11.30 she took a third. At 1 o'clock members of the family summoned Dr. A. L. Holden, who found Mrs. Stone in an unconscious condition. Her entire body had a purple color, her pulse was so low as to be scarcely distinguishable, her hands and lips were black. Powerful stimulants were administered, and after two hours and a half of diligent work she began to show signs of improvement. During the three hours she was under the influence of the drug she underwent convulsions, and her condition was considered precarious.

The headache powder was "The Forestine Headache Powder," manufactured by T. J. Beebe & Sons, of Albany. The carton states that the powders "contain no opiate and are warranted to cure" a large number of ills, headache included. It is advertised as four cures for 10 cents. Examination of the powders by Doctor Holden showed that it contained acetanelid, one of the deadly poisons, and said to be an ingredient of nearly every headache powder manufactured. The directions on the package say:

"Throw a powder on the tongue and take a swallow of water, if necessary. Repeat in fifteen minutes. Sickness or sourness of stomach relieved in five minutes. Eat and drink sparingly. The grip disappears when one of these is taken. One every four hours." (Utica (N. Y.) Daily Press, May 14, 1906.)

CARTHAGE MO., *April 27, 1906.*

Mr. SAMUEL H. ADAMS,
Collier's Weekly, New York City.

DEAR SIR: In reply to your favor of April 24, 1906, making inquiry as to the cause of death of Matt Cherry upon April 17, 1906, will say that the preparation which he was taking was Miles' Pain Pills. I have been the family physician of this family for a long time, but never had been called upon to prescribe for him. He was a very robust individual, and operated a channeller at a stone quarry. His wife says that he was subject to headache and had been taking a good many of these pills during the past winter. His assistant states that he saw him take some tablets shortly before he complained of being sick. He was dead when I reached him.

Yours, sincerely, C. M. KETCHAM.

MAY 9, 1906.

Mr. S. H. ADAMS,
416 West Thirteenth Street, New York.

DEAR SIR: In answer to your query concerning the name of the tablet that caused the death of Matt Cherry, it was Dr. Miles Anti-Pain Tablet.

Yours, DR. K. E. BAKER.

NEW ORLEANS, LA., *November 27, 1905.*

DEAR SIR: It is with great thankfulness that I at last see a ray of enlightenment going to the public about patents. As a druggist in a humble way, I have been trying to educate people in my immediate neighborhood on the proper way of medication via the physician.

I think acetanilid in its various forms more dangerous even than opium, inasmuch as the people have an inkling of the fact that cough sirups, soothing sirups, and patents in that category contain a certain

amount of opium or morphine, but with headache and antineuralgic preparations no such knowledge is as yet extant.

I would call your attention to the fact that Mr. A. Heiman, an immediate neighbor of mine at that time, very nearly died of a dose of two antikamnia tablets taken fifteen or twenty minutes apart, containing 10 grams in all of this compound. If immediate medical help was not available no doubt the makers of this preparation would have been guilty of another murder. I do not see for the life of me why a law could not be passed prohibiting both the manufacture and sale of such nostrums.

Yours, truly. GEO. A. THOMAS.

GIRL LYING IN SNOWDRIFT—OVERCOME BY HEADACHE REMEDY ON HER WAY TO WORK, SHE WANDERED ALL DAY—BROMO SELTZER.

Charlotte Thompson, 17 years old, of 162 West 116th street, was found lying in a snowdrift about 5 o'clock yesterday afternoon at 188th street and Amsterdam avenue by Policeman Thomas Barry of the West 152d street station, half frozen. She was taken to the Washington Heights Hospital. When stimulants had been given to her, she said that she had been walking the streets since morning, but she could not tell where she had been.

The young woman is a bookkeeper in a furnishing goods store on West 125th street. Going to work, she stopped in a drug store to get a remedy for a headache. After that she says she has no recollection of what happened.

Barry almost stumbled over the girl's body in a pile of snow. At first he thought she was dead.

The young woman was found nearly 5 miles away from her home. The physicians at the hospital said that the girl might have suffered from something in the drug she took. She will be able to go home to-day. (New York paper, April, 1906.)

DALLASTOWN, PA., *March 19, 1906.*

COLLIER'S WEEKLY, *New York.*

MY DEAR SIR: Being interested in your well-directed efforts to stop the slaughter of the innocents by proprietary poisons, I report to you the following:

On February 18, 1906, at Craley, Pa., Ralph E. Kinard, a child of 2 years, died from effects of "Kopp's Baby's Friend." Dr. N. A. Overmiller, of East Prospect, Pa., the attending physician, reported cause of death opium poison.

———.

MR. SAMUEL H. ADAMS, care *Collier's.*

DEAR SIR: Permit me to thank you for having intervened in a well-meant attempt on my part to poison myself. I had already half accomplished the feat when I read in Collier's that Bromo-Quinine contains acetanilide. I had been taking the tablets for a severe cold in the head and should probably have persisted in taking them, as the symptoms, especially the headache, grew worse, and the directions on the box favor persistent treatment until recovery.

Personally, I consider this fraud to be the worse that you have exposed, because the so-called "medicine" is virtually masquerading under the guise of other medicines which are well known and definite in their effects. I would not have taken acetanilide, knowing it to be such, on any account. The quantity, I suppose, I swallowed under the guise of bromine and quinine has made me miserably ill for the last ten days.

———.

CINCINNATI HOSPITAL, *Cincinnati, May 14, 1906.*

DEAR SIR: Your favor of the 12th to hand. In reply, will state as follows:

On the morning of May 5 a colored man brought in a child about 2 years old and said that it had swallowed the contents of a 2-ounce bottle of Piso's Cough Sirup.

He produced the bottle and it then contained about one teaspoonful, so that if the youngster started with a full bottle (and the father said he had), he must have taken a pretty good dose.

The child was pretty well stupified, but his pupils were not markedly contracted; but I at once had his stomach carefully washed out and in about an hour he was taken home out of all danger.

I spoke to one druggist here, and he said there was no way of telling exactly the contents of the bottle, unless we analyzed; but on looking up some works, we found it stated that each fluid drachm contained one-fourth grain morphine sulphate and cannabis indica in variable amounts.

If that is true the child got enough morphia to kill him very easily or promptly, unless medical aid was at hand.

Personally, I am inclined to doubt there being such an amount of morphia present, because of the absence of the "pin-point pupil;" yet, as cannabis indica generally dilates the pupil, it is possible it may have masked that symptom of morphine poisoning.

———.

CINCINNATI, OHIO, *May 14, 1906.*

The name of the patent medicine taken by my little boy was Piso's Cough Cure.

I am, Mrs. MORRIS KEITH,
322 Genesee Street, Cincinnati, Ohio.

Child taken to Cincinnati hospital May 5, unconscious. Stomach pump used. Recovered. Statement of Dr. A. E. Osmond, of hospital staff.

CHICAGO, *December 8, 1905.*

SAMUEL HOPKINS ADAMS, Esq., *New York City, N. Y.*

DEAR SIR: I have just read your articles on cold cures, headache powders, and the like.

I take the liberty of writing this letter to thank you and Collier's Weekly. These things are a menace to the public and should be driven from the market.

As you are doubtless aware, owing probably to "the lake," catarrh is quite common in Chicago. Some years since some "damned good-natured friend" told me to try Doctor Birney's Catarrh Cure. I did. There was nothing to indicate the presence of cocaine or any other noxious ingredient. I took several bottles, and they, like the immortal Oliver Twist, called for more.

One day I asked an honest druggist for it and he said, "In the name of God, man, do you know what you are taking? That stuff will give you the cocaine habit if you don't cut it out." I "cut it out." And I want to assure you that I had a hell of a time (actually, not figuratively) in doing that same "cutting out."

I truly believe that people are daily using these drugs innocently; they know not what they are.

APRIL 20, 1906.

MR. WILLIAM R. OVERBY,
14 Kent street, Atlanta, Ga.

DEAR SIR: Will you very kindly let me know the name of the headache powder taken by your daughter, as reported in the newspapers, and also whether it was taken on a physician's prescription?

Thanking you in advance for the information,

I am, SAMUEL H. ADAMS.

SAMUEL H. ADAMS.

DEAR SIR: In reply to your request, I will state it was not a powder I gave my daughter, but a liquid "antimigraine," manufactured by the Antimigraine Company, Savannah, Ga. Our daughter and myself had taken two bottles without any bad effect, and I thought it perfectly safe to give to this one, but it came near proving serious.

Respectfully,

MRS. W. H. OVERBY.

TOO MUCH BROMO SELTZER CAUSED HIS DEATH—FRUIT DEALER DROPS DEAD WHILE TALKING WITH CUSTOMER.

Antonio Tramonte, a fruit dealer, dropped dead in his store at No. 175 Main street at midnight Saturday while talking to two customers. Death was due to an attack of heart disease, Medical Examiner Fuller says, which may have been brought on by the excessive use of bromo seltzer, which Tramonte was in the habit of taking for headaches. Doctor Fuller said that analysis has proved that a teaspoonful of bromo seltzer contains 7½ grains of acetanilid, which tends to weaken the heart action. Tramonte took several spoonsful yesterday, and Doctor Fuller said that in all probability Tramonte had a weak heart and the overdose of the drug stopped his heart action.

Tramonte had been a fruit dealer in Hartford for several years. He was 25 years old and leaves a wife. The funeral will be held Tuesday morning from his late residence at 8.30 o'clock, followed by services in St. Anthony's Church. Burial will be in Blue Hills Cemetery. (From the Hartford, Conn., Courant.)

HEADACHE TABLETS KILL HIM—MAJOR SMITH, WELL-KNOWN OSKALOOSA MAN DROPS DEAD AT THE CRICKET MINES.

OSKALOOSA, IOWA, *November 21.*

Major Smith dropped dead at the Cricket mines to-day from the effects of taking too many headache tablets. (From the Des Moines, Iowa, Register and Leader.)

HEADACHE MEDICINE WAS TOO STRONG.

R. W. Wilkerson, whose home is in Springfield, Tenn., but who is employed as a barber at the Seelbach, was taken to the city hospital about midnight last night. He was ill, it is thought, as the result of some headache medicine he took earlier in the night. His heart is said to be weak, and the powders were too strong, it is thought. He was able to walk to the ambulance from his room in the St. Nicholas Hotel and was never unconscious. Dr. Leo Bloch was called in, but made only a hasty examination and would not say what caused the collapse of the man. He had not been well during the day and complained to the bartender at the hotel before going to his room. He is 24 years old and is unmarried. (From the Louisville, Ky., Journal, January 17, 1906.)

HEADACHE-POWDER VICTIM.

Maud Andrews, a chorus girl, stopping at Beiser's Hotel, opposite the Empire Theater, got some headache powders, with instructions to take one every four hours, last night. Instead of following the directions, the girl took one every half hour, and she finally became unconscious. Doctor Poole, of the dispensary staff, revived her. (From the Indianapolis News, February 15, 1906.)

TOOK A HEADACHE POWDER—DR. H. J. STALKER, OF KENOSHA, WIS., IS PROSTRATED FROM ITS EVIL EFFECTS.

KENOSHA, WIS., *February 7.*

Dr. H. J. Stalker, of this city, a prominent physician, collapsed at Racine while attending a banquet given by Racine physicians in honor of the Kenosha Medical Association. He was removed to his room in the hotel, and is still in a critical condition. The cause of the sudden collapse is thought to be due to what was supposed to be a harmless headache powder. The members of his family were summoned to the scene. (From the Dubuque, Iowa, Journal, February 8, 1906.)

HEADACHE TABLETS ALMOST PROVE FATAL.

MILLVILLE, N. J., *February 14.*

Headache tablets proved almost deadly to Mrs. Emma Rubert, wife of Francien Rubert, yesterday afternoon, and when a physician arrived at her home, 229 South Third street, he found her unconscious and apparently lifeless.

Mrs. Rubert felt somewhat ill at dinner time, and, taking headache tablets, tried to take a nap, but when her husband attempted to arouse her a half hour later he was unable to do so.

Mr. Rubert was badly frightened and thought his wife was dead, but called Dr. Charles B. Neal, who applied restoratives, and, after considerable difficulty, succeeded in resuscitating the woman from the comatose state, so that she is now believed to be out of danger.

The tablets had paralyzed the heart and nerve centers, and had Mrs. Rubert slept an hour longer, it is believed that nothing could have saved her life. (From the Camden, N. J., Courier, February 14, 1906.)

Mrs. Joseph Parfrey, aged 32, of this city, was adjudged insane Monday, and on Tuesday taken to the Mendota hospital at Madison, where she will receive medical treatment. Her insanity is said to be the result of the morphine habit contracted from the use of certain patent

medicines which contained the drug. (From The Richland Center, Wis., Observer, February 1, 1906.)

With a cheery smile, Charles C. Wright, assistant manager of the Colonial Life Insurance Company, in this city, chatted with a bartender in a saloon in Market near Nineteenth street yesterday. A few minutes later he lay dead in the rear yard of the building, a victim of cyanide of potassium, taken with suicidal intent.

Ill health, superinduced by a failing heart weakened by the excessive use of powders to ward off severe attacks of neuralgia, is believed by his family to have prompted him to end his life. (From the Philadelphia Press.)

BEWARE OF HEADACHE POWDERS.

Headache powders continue their deadly operations, here and elsewhere. In this city a clergyman from another town was recently found unconscious and was with difficulty revived. It is thought he was the victim of some form of these powders. At York, Pa., on Sunday, Miss Sadie Kemper, 26 years of age, who was to be married in April, died from the effects of a headache powder. Some of these specific drugs may be innocent, but they are to be taken with caution and it is better to consult a physician before indulging in them. There are many forms of headache, as there are of sore throat, and what may be good for one form may not be effective with another. Moreover, there may be constitutional or organic difficulties which in individual cases would make the taking of these powerful drugs exceedingly dangerous. Life and health are too precious to be trifled with through ignorance and presumption. (From the Rochester, N. Y., Chronicle, March 20, 1906.)

DANGEROUS HEADACHE POWDERS.

Because of having taken an unusual quantity of headache capsules, Eugene A. McColly, a well-known business man of Latrobe, had a narrow escape from death Thursday. A woman in Bradenville had a similar experience, and in both cases prompt medical aid was necessary to pull the patients through. (From the Greensburg, Pa., Argus, January 3, 1906.)

AT POINT OF DEATH—TOOK FREE SAMPLES—HERBERT GREATRIX, OF BELLEVILLE, IS DYING AFTER TAKING SAMPLE CATHARTIC SPECIFIC.

BELLEVILLE, *April 1.*

As a result, it is alleged, of taking patent medicine which had been distributed around the streets in free samples, Herbert Greatrix, aged 24, is at the point of heath in the hospital. On Wednesday night he took a dose of medicine, which was said to be a cathartic, and on Thursday morning was seized with violent diarrhea. Later he was taken with cramp and vomiting, and Doctor Yeomans advised his removal to the hospital. This morning an operation was performed and the young fellow found to be suffering from rupture of the bowels. His life is despaired of. (From the Winnipeg, Manitoba, Telegram, April 2, 1906.)

Lab. No.	Article.	Determination.
7467	Gray's Catarrh Powder	Contains cocaine.
7468	Crown Catarrh Powder	Do.
7469	Cole's Catarrh Powder	Do.
7470	Shiloh's Consumption Cure.	Contains chloroform, prussic acid, alcohol, and a tar product. Test for morphine, negative.
7472	Hood's Sarsaparilla	Contains 17.92 per cent of alcohol by volume.
7473	Paine's Celery Compound	Contains 20.24 per cent of alcohol by volume.
7474	Warner's Safe Cure	Contains 15.40 per cent of alcohol by volume.
7475	Antikamnia	Mixture of acetanilid and sodium bicarbonate.
7476	Orangeine	Do.
7593	Piso's Consumption Cure.	Contains chloroform, alcohol, and apparently cannabis indica. No morphine.
7732	Kopp's Baby Friend	Contains morphine.
7868	Kilmer's Swamp Root	Contains 11.17 per cent of alcohol by volume.
7970	Dr. Bull's Cough Syrup	Contains chloroform and morphine.
8003	Mrs. Winslow's Soothing Syrup.	Contains morphine, 0.027 grain sulphate of morphine per ounce. Each bottle holds 1½ ounces, containing $\frac{1}{74}$ grain. One teaspoonful contains 0.0034 grain of morphine.
8107	Dr. Davis's Anti-Headache Powders.	Sample is composed almost entirely of acetanilid.
8129	Dr. King's Consumption Cure.	Contains morphine and chloroform.
8196	Bromo-Seltzer	Contains bromide and acetanilid. Acetanilid equals 8.35 per cent. One heaping teaspoonful weighs 120 grams, containing approximately 10 grains of acetanilid.
8212	Dr. Harper's Cephalgine Brain Food.	Contains acetanilid approximately 5 grains to the dose of 2 drams.
8213	Laxative Bromo-Quinine.	Contains acetanilid (39.82 per cent.) Each tablet weighs 5 grains, 2 directed to be taken as a dose equals 4 grains acetanilid.
8475	Dr. Boschee's German Sirup.	Morphine present; chloroform, none; hydrocyanic acid present (probably derived from wild cherry); sugar sirup p esent; tar present.
8540	Dr. Milo's new cure for the heart.	Specific gravity, 1.0214; alcohol by volume, 10.38 per cent; alcohol by weight, 8.06 per cent; residue on evaporation, 12.38 per cent (mainly glycerin); mineral matter, 0.33 per cent (mainly iron, and a small amount of lime). None of the ordinary alkaloids present. No artificial coloring present. Sample has a deep green color and is an alcoholic extract of a leaf drug.
9999	Nurses' and Mothers' Treasure.	One 2-ounce bottle contains a sixth of a grain of morphine, equal to slightly over one-hundredth grain per teaspoonful. Dose prescribed on label for child 6 months to 1 year old, one-fourth to one-half teaspoonful.
10163	Dr. Fenner's Cough Honey	Each teaspoonful contains one-eightieth grain of crystallized morphine.
10743	Morphina-Cura Compound.	Contains morphine.
10745	Orrine No. 4	Specific gravity, 1.0771 per cent; alcohol by weight, 25.13 per cent; alcohol by volume, 34.11 per cent; volatile at 100° C., 59.81 per cent; mineral matter, 0.82 per cent. Remarks: Does not contain opium or its alkaloids. The alcohol is present only in sufficient amount to keep vegetable drugs in solution.

LIST OF POTENT MEDICINAL SUBSTANCES.

The following list of drugs and elementary bodies comprise such substances whose presence in any medicinal compound should require that the label or package of such medicinal preparation or compound should indicate the presence and name the amount of such ingredient:

Acetanilid (0.25).
Aconite (65 mg.) and its principles.
Adrenal gland and active principles.
Amyl compounds and deriv.
Antimony and compounds.
Arsenic and compounds.
Belladonna (65 mg.) and alkaloids.
Bromine.
Cannabis indica (65 mg.).
Cantharides (30 mg.).
Chromium compounds.
Chloral and deriv.
Chlorates (K, 0.25).
Chloroform.
Coca and alkaloids.
Colchicum (0.2) and alkaloid.
Colocynth (65 mg.).
Conium (0.2) and alkaloid.
Copper compounds.
Cresol.
Creosote (0.2) and deriv.
Croton oil.
Curare.
Cyanides.
Digitalis (65 mg.) and active principles.
Dionin.
Duboisine.
Elaterium and its principle (5 mg.).
Ergot (2.0).
Gelsemium (65 mg.) and alkaloids.
Granatum and alkaloid (0.25).
Hyoscyamus (0.25) and alkaloid.
Heroin.
Iodine.
Ipecac and alkaloid (65 mg.).
Lead compounds (Acet. 65 mg.).
Lobelia (0.5) and alkaloid.
Methyl comp. and deriv.
Mercury and compounds.
Naphthalene comp. and deriv.
Nux vomica (65 mg.) and its alkaloids.
Opium (65 mg.), its alkaloids and deriv.
Phenyl comp. and deriv.
Phosphorus (0.5 mg.).
Physostigma (0.1) and alkaloids.
Pilocarpine and salts (0.01).
Picrotoxin (0.01).
Podophyllum, resin (15 mg.).
Saccharin.
Santonin (65 mg.).
Sanguinaria, active principle of.
Scammony resin (0.2).
Scilla (0.12).
Silver, compounds of.
Scopola (45 mg.) and alkaloid.
Scoparius, its alkaloid (0.01).
Stramonium (65 mg.) and alkaloids.
Strophanthus (65 mg.) and its active principle.
Veratrin (2 mg.).
Veratrum (0.12).
Zinc, compounds of.

The figures refer to the average doses in grammes given in the U. S. P.

Mr. HEPBURN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 88—the pure-food bill—and had come to no resolution thereon.

FORTIFICATIONS APPROPRIATION BILL.

Mr. SMITH of Iowa. Mr. Speaker, I present a conference report on the fortifications appropriation bill (H. R. 14171) for printing in the RECORD under the rule.

The SPEAKER. The conference report will be printed under the rule.

VIEWS OF MINORITY ON PURE-FOOD BILL.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent to print in the RECORD the views of the minority on the pure-food bill. There was a double quantity printed of the majority report.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The views of the minority are as follows:

The undersigned members of the Committee on Interstate and Foreign Commerce, being unable to agree with the report submitted on Senate bill 88, respectfully submit the following reasons why they can not concur in the report:

The power of government to regulate the sale of food products and drugs, prohibit adulteration of the same, prescribe the manner in which they shall be branded, and fix the size and weight of the packages in which such food products and drugs shall be contained is admittedly an exercise of police power. We do not understand or believe, from our conception of the powers of Congress contained and specified in the Constitution of the United States, that Congress has the power or authority to enact police laws for the regulation of the manufacture, sale, or for the prevention of the adulteration of food, except so far as such laws may be made to apply to the District of Columbia, the Territories, and those localities over which Congress has, under the Constitution, exclusive jurisdiction.

While we are in hearty accord with all efforts made for the purpose of having laws enacted to prevent the sale of impure or adulterated foods, or to prevent frauds and impositions upon the people by the sale of impure or adulterated food, we believe that the legislatures of the several States have full power and authority to enact such laws and to protect the people of the various States from fraud and imposition by the sale of impure or adulterated food and drugs. Nearly all of the States have enacted laws on the subject, and are enforcing them. The power to protect the people of the various States in health, in morals, and general welfare is inherent in the States—was reserved to the States by the Constitution, was not delegated to the Congress of the United States, and remains there to be exercised by the States at the will and pleasure of the legislatures of such States.

We do not believe that it is true that the various States have failed or do fail to protect their citizens properly in the matter of impure food. The evidence before the committee is to the contrary. Doctor Wiley, the Chief of the Bureau of Chemistry, and who has been most ardent, insistent, and influential in advocating the passage of a national law on this subject, in his evidence before the Committee on Interstate and Foreign Commerce of the House, pages 308, 309 of the hearings, stated:

"Doctor WILEY. By consent, yes, sir; but in these other cases we get a request for certified copies and send them.

"Mr. BARTLETT. Certified copies of what?

"Doctor WILEY. Of the food standards.

"Mr. BARTLETT. What law makes that admissible?

"Doctor WILEY. It is because they were prepared for the advice of food officials and for the information of the courts. That was in the original act under which these were prepared. It was dropped out of the last act, but it was in the original act under which these were prepared, and it was for the use of food officials and for the information of the courts. That is what they were prepared for. Therefore we had a warrant of law to send them out, and the Secretary does that.

"Now, there is a list of the States that have adopted these standards.

"Mr. TOWNSEND. How many of them are there, do you think—about how many?

"Doctor WILEY. Connecticut, Indiana, Kentucky, Maine, North Dakota, Nebraska, and a number of others that some of these have been adopted in. Perhaps I had better read them.

"Mr. TOWNSEND. Well, no; I do not care about that.

"Doctor WILEY. It is all down here, Mr. TOWNSEND; that is, the States that have adopted them by act of legislature are stated here, and those that have adopted them by authority conferred on the food commissioner are here.

"Mr. TOWNSEND. I thought you could tell us generally.

"Doctor WILEY. Well, I could not without running over this list, because they are arranged here alphabetically; but all that information is there.

"I have also here the attitude of the States in regard to preservatives—those that forbid and those that permit their use. You will find that useful, because they are all classified, and you can get that readily. These are taken from the copies officially sent to us in compiling the State laws.

"Mr. BARTLETT. Most of the States, if not all, have what they call pure-food laws, and most of them have commissioners—how many of the States?

"Doctor WILEY. Nearly all the States have food laws, and about twenty, or perhaps a few more, of them have provided for the enforcement of those laws. The others are just laws without any methods of enforcement; and, in so far as I know, in those States the laws are not enforced. But where the law provides for a machinery to enforce the law, in most States it is enforced very rigidly. That is all brought out in this statement.

"Mr. BARTLETT. That is what I want. So you say that where they have adopted these food laws and appointed food commissioners or officers to watch the enforcement of them, they are enforced very properly?

"Doctor WILEY. Yes, very efficiently, as far as the State can go. And I will say this, Mr. Chairman, that in every State, I believe, where the statute has previously prescribed the standard, and, of course, required an act of the legislature, I believe in every other case these standards have been adopted by the food commissioners in toto. In fact, one State made a great mistake in adopting the preliminary report we sent out for criticism, thinking it contained the official standards, and now they are in a pickle to know what to do about it. They did not notice that it was only sent out as a preliminary suggestion and not as a standard at all; and of course the standards as finally adopted would be very different from those which were at first proposed, because it is remarkable how we get the information that we want when we send these out and ask for criticisms, and thereby are enabled to construct finally a standard of high efficiency, not absolute accuracy, of course."

Another witness, Mr. Williams, made the following statement, page 15:

"Mr. TOWNSEND. You are familiar with the Michigan law?

"Mr. WILLIAMS. Yes.

"Mr. TOWNSEND. Doesn't that prohibit you from manufacturing and selling excepting under that label?

"Mr. WILLIAMS. Yes, sir.

"Mr. BURKE. Did you state in your opening statement that the laws of these three States were substantially the same, and that they conform to the language of this bill?

"Mr. WILLIAMS. I said they were along the same general lines. The principle of the laws to a great extent and the wording of the laws are very similar—or, rather, this being a later production, House bill No. 4527 is very similar to the laws of those three States. The point that I was trying to bring out is that under that language the rulings made by whoever administers the law could be changed in every change of administration. It is not at all likely that any one man is going to live forever and always be at the head of the Department which would administer this law.

"Mr. RICHARDSON. How many of the States have pure-food laws? Don't you know, as a general proposition, that pure-food laws of the different States, as a general practice, are a dead letter in the majority of the States as to the enforcement of them?

"Mr. WILLIAMS. I would not say that.

"Mr. BARTLETT. It does not seem so in Wisconsin.

"Mr. WILLIAMS. It is not a dead letter in the State of Michigan, in Wisconsin, nor Minnesota. It is not a dead letter in North Dakota nor South Dakota. It is not a dead letter in Pennsylvania, nor in Ohio, nor in Illinois, nor in Indiana.

"Mr. RICHARDSON. Is it not a fact that the standards created by the different States with respect to the sale of goods can not be effectually enforced?

"Mr. WILLIAMS. Not without a lot of embarrassment of this kind. You have got to make your goods all alike and label them differently for each State, carrying in your stock of made-up goods a stock for every State in the country doing business. A jobber whose place of business is located on the borders of a State must carry a stock of goods to comply with the laws of those different adjacent States.

"Mr. BURKE. You do not object to the law, but you want it uniform?

"Mr. WILLIAMS. We don't object to it, but we want it so we can comply with it.

"Mr. RICHARDSON. If you had an act of Congress regulating this matter, the States could still enact their own statutes.

"Mr. WILLIAMS. I believe they can.

"Mr. RUSSELL. Do you know of any State where the law is a dead letter?

"Mr. WILLIAMS. I do not know. I would also state that the law is actively enforced in Kentucky.

"Mr. RUSSELL. Is there any difference in the enforcement of the law in the various States where you sell the goods?

"Mr. WILLIAMS. No, sir; no marked difference. They all seem to be very active."

One of the purposes of the bill is to enable the manufacturers of food and dealers in food to disregard and violate the laws of the various States on the subject of pure food, and that has been one of the chief influences that have been advocating the enactment of this bill into law. The bill deals purely with questions of police, such as "adulterations in drugs," "adulterations in confectionery," "adulterations in food," "misbranding of packages of food," etc. The bill undertakes to establish standards for food, to prescribe how and in what manner preservatives for food may be used, and, in other words, undertakes to enact into law nothing save those things that are accepted and regarded as police regulations in the sale of food products. It is true that the bill in one section pretends that it does not interfere with the police regulations of the States, but at the same time the same section declares that foods and drugs which comply with the provisions of this act shall not be interfered with by the State authorities when brought from another State so long as they remain in the original, unbroken packages.

We challenge the right of Congress to enact such a law as this. We deny that Congress has any such power, and insist that under the pretense and guise of regulating commerce Congress can not enact a law which is purely for the purpose of exercising police power within the States. The test which would be applied to the act, if it should become a law, would be whether laws enacted by the States in reference to the subject of food products and drugs which were manufactured in the States or which were brought into the States, whether in original packages or not, for sale could be enforced where such laws conflicted with this act of Congress. The only reason that could be given why the State law would be inoperative would be that this act was passed in pursuance of the power of Congress to regulate commerce and that the laws of the States passed on the same subject were efforts on the part of the State to interfere with commerce.

As we have stated, we do not believe that this bill can be enacted by Congress by reason of its power and authority to regulate commerce among the States, nor do we believe that this act will prevent the States from enforcing such laws as they now have on their statute books, or that they may hereafter pass, for the purpose of protecting the people of the States from fraud and imposition in the matter of impure food or drugs, or prevent the States from themselves establishing standards of foods with which all food products must comply, whether manufactured in the States or brought therein for sale, consumption, or use.

It occurs to us to say that this is but another effort to minimize the powers of the States and to magnify the powers of the General Government, an effort to look to the General Government for the correction of all the ills and evils with which the public may think itself afflicted. We believe that the State legislatures are competent to enact adequate laws on the subject, and that the State officials are both honest and efficient and will enforce the laws. We do not believe that this law will accomplish any more than State laws rigidly enforced would accomplish.

Believing that this is an attempt on the part of the United States to exercise police power within the States, and that it is not a proper exercise of power by Congress under the commerce clause of the Constitution of the United States, we insist that neither the original bill which came from the Senate nor the substitute offered by the committee should pass. Amplifying our reasons, we submit that—

POLICE POWER.

The police power of the States extends to all matters relating to the health, safety, and morals of its citizens and to everything referring to its domestic economy and of the relations of the people to each other and the States.

This was clearly decided by the License cases (5 Howard, 631), per Grier, J., in whose opinion cases on this subject are cited.

See Federalist, No. 45, 216; Passenger cases, 7 Howard, 523, 550;

Groves v. Slaughter, 15 Pet., 512; License cases, 5 Howard, 589, 631; 6 Greenl., 412; Holmes v. Jennison, 14 Pet., 568; Gibbons v. Ogden, 9 Wheat., 203; Mayor, etc., of N. Y., v. Miln., 11 Pet., 133; Brown v. Md., 12 Wheat., 441, 4 Sandf., 492, 5 Howard, 628, 7 Howard, 414, 7 Howard, 417, 1 Black, 603 (66 U. S., XVII, 191), the case of Conway v. Taylor; Austin v. Tennessee, 179 U. S., 343.

The principle sustained in the cases above cited is condensed in the head notes to the case of The Mayor and Aldermen of New York v. Miln. (11 Peters), as follows:

"A State has the same undeniable and unlimited jurisdiction over all persons and things within its territorial limits as any foreign nation, when that jurisdiction is not surrendered or restrained by the Constitution of the United States.

"It is not only the right but the bounden and solemn duty of a State to advance the safety, happiness, and prosperity of its people and to provide for its general welfare by any and every act of legislation which it may deem conducive to these ends when the powers over the particular subject or the manner of its exercise are not surrendered or restrained by the Constitution of the United States.

"All those powers which relate to merely municipal legislation, or which may be more properly called "internal police," are not surrendered or restrained, and, consequently, in relation to these the authority of the State is complete, unqualified, and exclusive."

In the opinion rendered by Judge Barbour the statement is made that these positions are considered as "impregnable." In defining what is meant by the "police powers" of the State, the court said:

"Every law came within this description which concerned the welfare of the whole people of a State or any individual within it, whether it related to their rights or duties; whether it respected them as men or as citizens of the State; whether in their public or private relations; whether it related to the rights of persons or of property of the whole people of a State or of any individual within it, and whose operation was within the territorial limits of the State, and upon the persons and things within its jurisdiction * * *."

Congress is without power to legislate (except as to the District of Columbia, the Territories, and insular possessions) on this subject.

That Congress can not exercise this police power so as to make it a crime for any citizen to violate the provisions of this bill in any of the States with reference to branding and labeling food products, or for failing to have the same come up to the standard provided by this bill, is, in our opinion, clearly established by the case of United States v. Henry C. De Witt. (9 Wallace, 41, 45.) In that case De Witt was indicted under the twenty-ninth section of the internal-revenue act, which made it a misdemeanor punishable by fine or imprisonment to mix for sale naphtha and illuminating oils, or to sell or offer for sale such mixture, or to sell or offer for sale oil made of petroleum for illuminating purposes inflammable at less temperature than 110° F., and the indictment alleged that he offered for sale oil made of petroleum of the description specified in the statute at Detroit, Mich. To this indictment the defendant demurred upon two grounds, to wit: That the first charge in the indictment did not constitute any offense under any valid and constitutional law of the United States, and that the act above quoted was invalid and unconstitutional.

There was a certificate of division of opinion between the circuit judges and the case came to the Supreme Court of the United States upon such certificate of division. The opinion of the court was pronounced by Chief Justice Chase, and the decision is concurred in by all of the judges. In that case the Chief Justice said that the act was so clearly a regulation of police, and that it could only have constitutional operation within the District of Columbia and those localities over which the United States has exclusive jurisdiction, that it was unnecessary to enter into a detailed discussion of it, and that within the State limits the law could have no constitutional operation. This case is so directly in point and so fully sustains the proposition that the provisions of this bill are mere regulations of police and an effort on the part of Congress to exercise police powers within the limits of the State, which power Congress does not possess, that the following quotation from the opinion is given:

"The question certified resolves itself into this: Has Congress power, under the Constitution, to prohibit trade within the limits of a State?

"That Congress has power to regulate commerce with foreign nations and among the several States, and with the Indian tribes, the Constitution expressly declares. But this express grant of power to regulate commerce among the States has always been understood as limited by its terms, and as a virtual denial of any power to interfere with the internal trade and business of the separate States; except, indeed, as a necessary and proper means for carrying into execution some other power expressly granted or vested.

"It has been urged in argument that the provision under which this indictment was framed is within this exception; that the prohibition of the sale of the illuminating oil described in the indictment was in aid and support of the internal-revenue tax imposed on other illuminating oils. And we have been referred to provisions, supposed to be analogous, regulating the business of distilling liquors and the mode of packing various manufactured articles; but the analogy appears to fail at the essential point, for the regulations referred to are restricted to the very articles which are the subject of taxation, and are plainly adapted to secure the collection of the tax imposed, while in the case before us no tax is imposed on the oils the sale of which is prohibited. If the prohibition, therefore, has any relation to taxation at all, it is merely that of increasing the production and sale of other oils and, consequently, the revenue derived from them by excluding from the market the particular kind described.

"This consequence is too remote and too uncertain to warrant us in saying that the prohibition is an appropriate and plainly adapted means for carrying into execution the power of laying and collecting taxes. There is, indeed, no reason for saying that it was regarded by Congress as such a means, except that it is found in an act imposing internal duties. Standing by itself it is plainly a regulation of police; and that it was so considered, if not by the Congress which enacted it, certainly by the succeeding Congress, may be inferred from the circumstance that while all special taxes on illuminating oils were repealed by the act of July 20, 1868, which subjected distillers and refiners to the tax on sales as manufactures, this prohibition was left unrepealed.

"As a police regulation, relating exclusively to the internal trade of the States, it can only have effect where the legislative authority of Congress excludes, territorially, all State legislation, as, for example, in the District of Columbia. Within State limits it can have no constitutional operation. This has been so frequently declared by this court, results so obviously from the terms of the Constitution, and has been so fully explained and supported on former occasions (License cases, 5 How., 504; Passenger cases, 7 How., 283; License Tax cases, 5 Wall., 470—72 U. S., XVIII, 500—and the cases cited) that we think it unnecessary to enter again upon the discussion.

"The first question certified must, therefore, be answered in the negative.

"The second question must also be answered in the negative, except so far as the section named operates within the United States, but without the limits of any State."

This bill by its very title indicates that it is an effort on the part of the United States Congress to enact a police regulation or law, for it is entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein," etc.

If it is a correct statement that this bill is one by which Congress seeks to exercise police power over citizens and property in localities other than those over which it has exclusive jurisdiction, to wit, the District of Columbia, the Territories, and insular possessions, then Congress has no constitutional authority to enact this law. I do not think it can be doubted that under our system of government the police power over citizens and property resides with and belongs to the several States and not to the Federal Government, except so far as Congress can exercise it over the Territories, the District of Columbia, and the insular possessions. It is a power which is inherent in the several States; it is left with them under the Federal system of government; it was reserved to them by the Constitution; it was not granted to the United States by that instrument, nor can it be impliedly conferred upon the General Government, but it is left to the States, and may always be exercised by the State legislatures.

This is so by reason of Article X of the Constitution, which declares that—

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people."

Nor is this principally affected by the fourteenth amendment, and Congress can not in pursuance of it exercise power over the affairs of police in the States. The exercise of the police power is inherent in the States, resides there, and is not under the control of the Federal Congress, and this has been repeatedly decided by the Supreme Court of the United States.

Some of the cases are the following:

United States v. Dewitt (9 Wall., 41), where it is stated that this principle is so well fixed as to be beyond all controversy.

License cases, 5 Howard, 621; Passenger cases, 7 Howard, 283; Barbier v. Connelly, 113 U. S., 27; License Tax cases, 5 Wallace, 470; United States v. Reese, 92 U. S., 214; United States v. Cruikshanks, 92 U. S., 542; Wilkinson v. Rahrer, 140 U. S., 545; Gibbons v. Ogden, 9 Wheaton, 205.

In the case last cited the court said that this was legislation which "can be most advantageously exercised by the States themselves."

In the case of the United States v. Dewitt, supra, which was a case where Congress had passed an act prohibiting the sale of certain kinds of oil, or of oil unable to undergo a fire test, and Dewitt was indicted for the sale of oil prohibited by the act of Congress, it was held that such act was plainly a police regulation relating exclusively to the internal trade of the State and therefore beyond the power of Congress to pass. It could therefore be operative only within the District of Columbia. (See also Civil Rights case, 109 U. S., 3; Slaughterhouse cases, 16 Wallace, 36.)

In the case of Cruikshanks et al. (92 U. S., 542) the Supreme Court say:

"The duty of protecting all its citizens in the enjoyment of an equality of rights was originally assumed by the States and it remains there."

POWER OF THE STATES TO PROTECT THE PEOPLE FROM IMPOSITION OR FRAUDS IN THE MATTER OF FOODS.

The States have the power to punish for a violation of the States' laws prohibiting the manufacture or sale of any article of food made in imitation of the pure or genuine article which it may seek to imitate or which may be made or offered for sale within the limits of the States, whether offered for sale in original packages or not, after being brought into any one State from another State.

In other words, any person offering for sale an article of food made in imitation of the genuine article or falsely branded or marked, brought or transported from one State to another, when it arrives within the limits of a State whose laws prohibit the manufacture or sale of such article, is subject to the laws of the State where he offers such imitation food product for sale, even though he offers it for sale in the original package.

The "commerce clause" of the Constitution of the United States will not protect such a person from being amenable to the police laws of such State.

The case of Plumley v. Massachusetts (155 U. S., 461) sustains the exclusive right of the State to pass and enforce laws for the protection of the health and morals of its people and to prevent the sale of articles of food manufactured in or brought from another State. The Supreme Court of the United States decided in that case that the statute of Massachusetts to prevent deception in the manufacture and sale of butter, and which provided that it should be unlawful for any person to manufacture, sell, or offer for sale, or to have in his possession with intent to sell any oleomargarine manufactured in imitation of yellow butter, was clearly within the power of the State to enact.

In that case it was admitted that the article sold had been sent by the manufacturers thereof, in the State of Illinois, to the defendant, who was the agent of the manufacturers in the State of Massachusetts, and that it was sold by him in the original package, and that all the requirements of the act of Congress regulating the sale of oleomargarine had been complied with. Notwithstanding that oleomargarine was authorized to be sold and manufactured by the laws of the United States under the act of Congress of August 2, 1886, and notwithstanding that it was sold by Plumley in Massachusetts in the original package, the Supreme Court of the United States decided that the State of Massachusetts had the right, through its legislature, to make it a crime for anyone to sell oleomargarine manufactured in imitation of butter, even though the sale was had of the oleomargarine while in the original unbroken package.

To quote from the decision:

"If there be any subject over which it would seem the States ought to have plenary control, and the power to legislate in respect to which it ought not to be supposed was intended to be surrendered to the General Government, it is the protection of the people against fraud and deception in the sale of food products. Such legislation may, indeed, indirectly or incidentally affect trade in such products transported from one State to another State.

"But that circumstance does not show that laws of the character

alluded to are inconsistent with the power of Congress to regulate commerce among the States. For, as said by this court in Sherlock *v.* Alling (93 U. S., 99, 103): 'In conferring upon Congress the regulation of commerce it was never intended to cut the States off from legislating on all subjects relating to the health, life, and safety of their citizens, though the legislation might indirectly affect the commerce of the country. Legislation, in a great variety of ways, may affect commerce and persons engaged in it without constituting a regulation of it within the meaning of the Constitution. And it may be said generally that the legislation of the State not directed against commerce or any of its regulations, but relating to the rights, duties, and liabilities of citizens, and only indirectly and remotely affecting the operations of commerce, is of obligatory force upon citizens within its territorial jurisdiction, whether on land or water, or engaged in commerce, foreign or interstate, or in any other pursuit.'

"But the case most relied on by the petitioner to support the proposition that oleomargarine, being a recognized article of commerce, may be introduced into a State and there sold in original packages, without any restriction being imposed by the State upon such sale, is Leisy *v.* Hardin (135 U. S., 100).

"The majority of the court in that case held that ardent spirits, distilled liquors, ale and beer were subjects of exchange, barter, and traffic, and being articles of commerce, their sale while in the original packages in which they are carried from one State to another State could not without the assent of Congress be forbidden by the latter State; that the parties in that case who took beer from Illinois into Iowa had the right under the Constitution of the United States, to sell it in Iowa in such original packages, any statute of that State to the contrary notwithstanding; and that Iowa had no control over such beer until the original packages were broken and the beer in them became mingled in the common mass of property within its limits. 'Up to that point of time,' the court said, 'we hold that in the absence of Congressional permission to do so, the State had no power to interfere by seizure, or any other action in prohibition of importation and sale by the foreign or nonresident importer.' (Page 124.)

"It is sufficient to say of Leisy *v.* Hardin that it did not in form or in substance present the particular question now under consideration. The article which the majority of the court in that case held could be sold in Iowa in original packages, the statute of that State to the contrary notwithstanding, was beer manufactured in Illinois and shipped to the former State to be there sold in such packages. So far as the record disclosed, and so far as the contentions of the parties were concerned, the article there in question was what it appeared to be, viz, genuine beer, and not a liquid or drink colored artificially so as to cause it to look like beer. The language we have quoted from Leisy *v.* Hardin must be restrained in its application to the case actually presented for determination, and does not justify the broad contention that a State is powerless to prevent the sale of articles manufactured in or brought from another State, and subjects of traffic and commerce, if their sale may cheat the people into purchasing something that they do not intend to buy, and which is wholly different from what its condition and appearance import.

"At the term succeeding the decision in Leisy *v.* Hardin this court in Rahrer's case (140 U. S., 545–546) sustained the validity of the act of Congress of August 8, 1890 (c. 728, 26 Stat., 313), known as the 'Wilson Act,' and in the light of the decision in Leisy *v.* Hardin, said, by the chief justice, that 'the power of the State to impose restraints and burdens upon persons and property in conservation and promotion of the public health, good order, and prosperity is a power originally and always belonging to the States, not surrendered by them to the General Government, nor directly restrained by the Constitution of the United States and essentially exclusive,' and that 'it is not to be doubted that the power to make the ordinary regulations of police remains with the individual States and can not be assumed by the National Government.'

"In Railroad Company *v.* Huson, above cited, the court, speaking generally, said that the police power of the State extended to the making of regulations 'promotive of domestic order, morals, health, and safety.' It was there held, among other things, to be 'within the range of legislative action to define the mode and manner in which everyone may so use his own as not to injure others,' and that 'the police powers of a State justified the adoption of precautionary measures against social evils,' and the enactment of such laws as would have 'immediate connection with the protection of persons and property against the noxious acts of others.'

"It has therefore been adjudged that the States may legislate to prevent the spread of crime, and may exclude from their limits paupers, convicts, persons likely to become a public charge, and persons afflicted with contagious or infectious disease. These and other like things, having immediate connection with the health, morals, and safety of the people, may be done by the States in the exercise of the right of self-defense; and yet it is supposed that the owners of a compound which has been put in a condition to cheat the public into believing that it is a particular article of food in daily use and eagerly sought by people in every condition of life are protected by the Constitution in making a sale of it, against the will of the State in which it is offered for sale, because of the circumstance that it is an original package and has become a subject of ordinary traffic.

"We are unwilling to accept this view. We are of opinion that it is within the power of a State to exclude from its markets any compound manufactured in another State which has been artificially colored or adulterated, so as to cause it to look like an article of food in the general use, and the sale of which may, by reason of such coloration or adulteration, cheat the general public into purchasing that which they may not intend to buy. The Constitution of the United States does not secure to anyone the privilege of defrauding the public. The deception against which the statute of Massachusetts is aimed is an offense against society, and the States are as competent to protect their people against such offenses or wrongs as they are to protect them against crimes or wrongs of more serious character, and this protection may be given without violating any right secured by the national Constitution and without infringing the authority of the General Government. A State enactment forbidding the sale of deceitful imitations of articles of food in general use among the people does not abridge any privilege secured to citizens of the United States nor in any just sense interfere with the freedom of commerce among the several States. It is legislation which 'can be most advantageously exercised by the States themselves.' (Gibbons *v.* Ogden, 9 Wheat., 1–203.)

"We are not unmindful of the fact—indeed, this court has often had occasion to observe—that the acknowledged power of the States to protect the morals, the health, and safety of their people by appropriate legislation sometimes touches, in its exercise, the line separating the respective domains of national and State authority; but in view of the complex system of government which exists in this country, "presenting," as this court, speaking by Chief Justice Marshall, has said, "the rare and difficult scheme of one general government, whose action extends over the whole, but which possesses certain enumerated powers, and of numerous State governments, which retain and exercise all powers not delegated to the Union," the judiciary of the United States should not strike down a legislative enactment of a State—especially if it has direct connection with the social order, the health, and the morals of its people—unless such legislation plainly and palpably violates some right granted or secured by the national Constitution or encroaches upon the authority delegated to the United States for the attainment of objects of national concern."

CROSSMAN V. LURMAN, 192 U. S., AFFIRMS PLUMLEY V. MASSACHUSETTS, 155 U. S.

The Supreme Court of the United States, in the case of Crossman *v.* Lurman, in an opinion pronounced by Justice White, from which there was no dissent, reaffirmed and upheld the case of Plumley *v.* Massachusetts, in the 155 U. S. R., 462, and although Chief Justice Fuller, Mr. Justice Field, and Mr. Justice Brewer dissented in the Plumley case, neither the Chief Justice nor Mr. Justice Brewer, who were on the bench when the case of Crossman *v.* Lurman was decided, *made dissent.*

It will be observed by reading the dissenting opinion in the case of Plumley *v.* Massachusetts that the dissent of the Chief Justice was placed mainly upon the ground that the State of Massachusetts had excluded from commerce a food product which was wholesome, palatable, nutritious, and in no way deleterious to the public health. In the Plumley case it was decided that "the States did have and ought to have plenary control over the protection of the people against frauds and deception in the sale of food products." "Such legislation may, indeed," said the court, "directly or indirectly affect trade in such products transported from one State into another State, but that circumstances does not show that laws of the character alluded to are inconsistent with the power of Congress to regulate commerce among the States."

The court further said in that case that—

"The power of the State to impose restraints and burdens upon persons and property in the conservation of the public health, good order, and prosperity is a power originally and always belonging to the States, not surrendered by them to the General Government, nor directly restrained by the Constitution of the United States, and essentially exclusive—

and—

"it is not to be doubted that the power to make the ordinary regulations of police remains with the individual States, and can not be assumed by the National Government."

The court also said—

"that legislation forbidding the sale of deceitful imitations of articles of food among the people does not abridge any privilege secured to citizens of the United States, nor in a just sense interfere with the freedom of commerce among the several States. It is legislation which can be most advantageously exercised by the States themselves."

In upholding a statute of the State of New York which prohibited the sale of adulterated food products, and in deciding that it was not repugnant to the commerce clause of the Constitution, and that it was a valid exercise of the police power of the State, the court declared that the assertion that that statute was repugnant to the commerce clause of the Constitution of the United States was devoid of merit, and in so deciding cited with approval the case of Plumley *v.* Massachusetts, in the following language:

"Indeed, every contention here urged to show that the law of New York is repugnant to the Constitution of the United States was fully and expressly considered and negatived by the decision of this court in Plumley *v.* Massachusetts, supra. In that case the law of the State of Massachusetts forbidding the sale of oleomargarine, which was artificially colored, was applied to a sale in Massachusetts of an original package of that article which had been manufactured in and shipped from the State of Illinois. In the course of a full review of the previous cases relating to the subject it was said, page 472:

"'If there be any subject over which it would seem the States ought to have plenary control, and the power to legislate in respect to which it ought not to be supposed was intended to be surrendered to the General Government, it is the protection of the people against fraud and deception in the sale of food products. Such legislation may, indeed, indirectly or incidently affect trade in such products transported from one State to another State. But that circumstance does not show that laws of the character alluded to are inconsistent with the powers of Congress to regulate commerce among the States. For, as said by this court in Sherlock *v.* Alling (93 U. S. 99, 103): "In conferring upon Congress the regulation of commerce it was never intended to cut the States off from legislating on all subjects relating to the health, life, and safety of their citizens, though the legislation might indirectly affect the commerce of the country. Legislation, in a great variety of ways, may affect commerce and persons engaged in it without constituting a regulation of it within the meaning of the Constitution.

"'"And it may be said generally that the legislation of a State not directed against commerce or any of its regulations, but relating to the rights, duties, and liabilities of citizens, and only indirectly or remotely affecting the operations of commerce, is of obligatory force upon citizens within its territorial jurisdiction, whether on land or water, or engaged in commerce, foreign or interstate, or in any other pursuit."'

"Again it was said, page 478:

"'And yet it is supposed that the owners of a compound which has been put in a condition to cheat the public into believing that it is a particular article of food in daily use and eagerly sought by people in every condition of life are protected by the Constitution in making a sale of it against the will of the State in which it is offered for sale, because of the circumstance that it is an original package and has become a subject of ordinary traffic. We are unwilling to accept this view. We are of opinion that it is within the power of a State to exclude from its market any compound manufactured in another State which has been artificially colored or adulterated so as to cause it to look like an article of food in general use, and the sale of which may, by reason of such coloration or adulteration, cheat the general public into purchasing that which they may not intend to buy. The Constitution of the United States does not secure to anyone the privilege of defrauding the public.'"

INTERSTATE COMMERCE.

Hon. J. Randolph Tucker, of Virginia, an eminent lawyer and formerly a Member of Congress, in a paper read before the American Bar Association in 1888, on the subject "Congressional power over interstate commerce," said:

"I think to obtain the true view of this difficult class of questions

may justify me in more critical analysis of the related powers of Congress and the States in respect to them.

"Congress has power to regulate, not persons and things, but commerce in them quoad the commerce—traffic, intercourse, etc., Congress has clear power. As to the things and persons when not in commerce, the States have a clearly reserved power. Before things become articles of commerce, interstate or foreign, State power is supreme. After they become such and while they are articles of such commerce Congress has power to exclude State action (Mugler *v.* Kansas, 123 U. S., 623, and Bowman *v.* R. R. Co., 125 U. S., 495). States legislate as to things and persons; Congress only as to interstate and foreign commerce in the things or persons.

"This clear but nice and subtle distinction is as old as Brown *v.* Maryland (12 Wheat.), and Gibbons *v.* Ogden (9 Wheat.).

"The boundary line between State and Federal power is set up by the Constitution; the courts have only to find its location and keep up the fence between them.

"Thus a tax by Congress on the salary of a State judge was held void, because it was not necessary or proper for Congress thus to trench upon State autonomy. (Collector *v.* Day, 11 Wallace.)

"So inspection laws of States operate on things before they become objects of commerce and are beyond the reach of Congressional action. (Gibbons *v.* Ogden, and cases cited supra.) Quarantine laws are for State action and Congress has always conformed to them. Commerce stops with the shore; the reception of the articles is determinable by the State, if within its power, over the health, life, and safety of its citizens.

"In the last decided case, Bowman *v.* Railroad Company, supra, Iowa's right to stop the shipment of goods for transportation from Illinois to Iowa was insisted on. It was defined by the court, because Iowa forbade the *transitus* of an article while a subject of commerce. It was not decided that Iowa might not forbid its use or sale when it reached its terminus and ceased to be in *commercial transition*. When it doffs the commercial garb and dons that of a mere thing of property it ceases to be a subject of commercial regulation by Congress and becomes a subject of State power. As mere property it is under State power. But when it moves toward another State or a foreign country *its transitus* is under Congressional regulation. *Unless* in its motion it violates *the police power of the States* Congress guards, guides, and protects it to its destination. When that is reached it drops again from the hands of Congress into the hands under the power of the State.

"But here it may be asked, Can Congress invest by commercial regulation an article with the quality of property which the State declares shall not have such quality? Could Congress have authorized a slave to be transported into a State which makes slavery illegal? Could Congress authorize dynamite or gunpowder to be carried in open cars through a State which forbids it because a peril to life and property?

"Such questions bring into apparent collision the commerce power and the police power of the States.

"The solution may be found in the fact that no commercial regulation can be constitutional which is not necessary and proper; and none can be necessary or proper which exposes to disease and death or slavery the people who live in a State under the reservation of its protective power.

"And if it is objected that a State upon this view may thus transcend the bounds of its power to protect its people, the answer is that when the judicial department, whose duty it is to keep up the fence between granted and reserved power, finds that a State *mala fide* makes its police power the pretext to regulate or prohibit commerce, or that Congress under the commerce power *mala fide* invades the reserved police power of the State, it shall so adjudge, and maintain in both cases, the supreme law of the land over Congress and the States.

"And this view avoids what, I must with deference say, seems to me to be an inaccurate mode of statement—that a tax on interstate commerce by a State is a regulation of commerce, and therefore void, because of the exclusiveness of the power of Congress to regulate it. * * *

"In the exercise of the police powers as to health and the like; as to bridges, wharves, and the like; as to pilotage, etc., and as to the removal of obstructions in rivers, bays, etc., the State has these powers as a part of its police reservation for the life and property of its people engaged in commerce. In this the State only protects the person and property; it does not regulate the transitus. These it may, as we have seen, exercise freely and bona fide, so as not to obstruct the freedom of commerce secured by the higher authority of the Constitution. To regulate may and should be to help and facilitate commerce, not to obstruct it; and the obstruction, as I have insisted, of free commerce between the States established by the Constitution is not a lawful exercise of the power to regulate commerce by Congress, nor of the police power by the States.

"The Constitution makes trade free between the States. No power can obstruct it. A State can not, nor can Congress, so exercise its powers as to do so. Hence, though a tax by a State on interstate commerce is void, it is so because it obstructs the freedom of that commerce established by the Constitution, and not because it is itself a regulation of commerce. It is not such regulation, for if it were it would follow that Congress could tax it, which, for reasons already urged and hereafter set forth, I deny.

* * * * * * *

"The 'immense mass of legislation' (Gibbons *v.* Ogden, 9 Wheat., 1) which belongs to the States, called police powers, for want of a better name, are limitations upon the commercial power of Congress. These police powers, as I have endeavored to show, are not regulations of commerce. They are distinct and different from these. But the regulations of Congress and these police powers spread over the same objects. But both may exist without repugnance, and must be made to consist in the fair and just efficiency of each. While the police powers must not trench upon the regulations of commerce, these must be made to respect the health and other police laws of the States. Commerce should flourish, but must not carry disease to the people. A State bridge may cross a navigable stream, but so as not to obstruct commerce. These are all cases not of rival commercial regulations, but the constitutional coexistence in consistent force, of the commercial power of Congress and the reserved autonomy of the State as to its internal polity.

"I may venture to say that property in transitu from one State to another through a third could not be obstructed by the laws of the latter; and this seems to be involved in many of the later decisions of the Supreme Court. The State can not obstruct the transitus, for that is commerce; but it may legislate on the thing or person when its transitus being ended it remains within its borders."

Mr. Tuckner was not only an able and eminent lawyer, but also the author of a work upon the Constitution of the United States which is acknowledged and accepted as authority upon that subject by the courts; hence his views on the subject treated of by him herein quoted are entitled to much respect.

Former United States Senator George, of Mississippi, who was admitted to be one of the most learned and eminent lawyers who ever served in the Senate, while a member of the Judiciary Committee, made two reports on the subject of interstate commerce and the police powers of the States. We incorporate them as the views of that most distinguished and able lawyer, and believe that they are entitled to and will receive due consideration.

In the Fiftieth Congress Mr. George submitted the following from the Committee on the Judiciary:

[Senate Report No. 610, Fiftieth Congress, first session.]

The Committee on the Judiciary, to whom was referred the bill (S. 1067) relating to imported liquors, for examination of the constitutional questions involved, beg leave to report:

The object of the bill is to subject to the laws of the several States through whose ports importations of ardent spirits or intoxicating liquors are made the rights of the importer as to the disposition of the same.

If the bill should become a law, it would result that though Congress allows the importation of such liquors upon the payment of the duty levied, yet the right of the importer to sell or dispose of them in the original package would be subject to prohibition or regulation in each State into which the importation may be made, according to its own will. In some States the importer might freely sell; in others he would not be allowed to sell at all; and in others the sale would be restricted by license fees or other taxation, as each State might adjudge was best for itself.

The question whether a State, in the exercise of its police powers, can restrict or prohibit the sale of imported intoxicants is not submitted for our examination. The bill proceeds on the theory that the powers of the States are ineffectual to prevent such importation and subsequent sale by the importer, and seeks the permission of Congress to effect that end. Our inquiry, therefore, is restricted to the ascertainment of the powers of Congress to modify and change the constitutional effect of the laws of the United States authorizing importation so that this effect should be as diverse as the laws the several States might enact.

The theory of constitutional law on which the bill is based is expressed in the following quotation from the opinion of Chief Justice Taney, in the License cases (5 How., 504), in which that great judge stated and affirmed the doctrine announced by the court through Chief Justice Marshall in Ward *v.* Maryland (12 Wheat., 112):

"That an article authorized by a law of Congress to be imported continued to be a part of the foreign commerce of the country while it remained in the hands of the importer, for sale in the original bale, package, or vessel in which it was imported. That the authority given to import necessarily carried with it the right to sell the imported article in the form and shape in which it was imported, and that no State, either by direct assessment or by requiring a license from the importer before he was permitted to sell, could impose any burden on him or the property imported beyond what the law of Congress had itself imposed, but that when the original package was broken up, for use or for retail, by the importer, and also when the commodity had passed into the hands of a purchaser, it ceased to be an import or a part of foreign commerce and became subject to the laws of the State, and might be taxed for State purposes and the sale regulated by the State, like any other property."

The theory of the bill also recognizes the principle that intoxicants are legitimate objects of foreign commerce, and as such are within the power of Congress to regulate. This theory is thus expressed by Chief Justice Taney in the License cases (5 How., 504):

"Spirits and distilled liquors are universally admitted to be subjects of ownership and property, and are therefore the subjects of exchange, barter, and traffic, like any other commodity in which a right of property exists. And Congress, under its general power to regulate commerce with foreign nations, may prescribe what articles of merchandise shall be admitted and what excluded, and may therefore admit or not, as it shall seem best, the importation of ardent spirits. And inasmuch as the laws of Congress authorize their importation, no State has a right to prohibit their introduction."

Assuming this theory to be correct, it results that there is no difference in the power of Congress to regulate foreign commerce on ardent spirits and in their power of regulation over any other article of commerce. All objects of commerce, so far as the power of regulation by Congress is concerned, are exactly on the same footing. We may dismiss, therefore, in considering the constitutionality of the bill, the incident that this particular commodity may be injurious to the health and morals of the people as wholly immaterial. Congress, it is true, in forming a regulation of commerce with reference to intoxicants, may properly consider their injurious effect in use, and may form the regulation with reference to that effect. But having imposed a tax on the importation, and thereby recognized spirits as legitimate commodities of foreign commerce, the regulation of commerce on them must be governed by the same constitutional rules as apply to all foreign commerce.

It has been seen that an imported article remains a part of foreign commerce so long as it remains in the hands of the importer in the same shape and form in which it was imported. A prohibition or restriction on its sale whilst thus conditioned, made by State authority, would therefore be a regulation of foreign commerce by the State, and, as we have seen, would not be permissible under the Constitution. Can Congress give this power of regulation to the States? The answer to this would seem to be too plain for controversy. The dividing line between State and Federal powers is fixed by the Constitution. That instrument, the supreme law of the land, specifies what is granted, and thus fixes also what is reserved. A State can not enlarge the powers of Congress even in its own limits. This would be a surrender to that extent of its constitutional equality with the other States.

The Constitution has formed and was intended to perpetuate a Union of equal States, equal in political dignity and in political power, and no diversity in these respects is possible. If it be true that Congress can not, in pursuance of the Constitution and without any assent of a particular State or States, make a regulation as to the sale of imported goods still remaining a part of foreign commerce, different in some States from the regulation in the other States, it must follow that no such different regulation can be established in the States which shall consent to it.

It is equally clear that Congress can not part with or delegate to a

State any power which has not been reserved to it. Congress can not return to the States a power given by the Constitution to Congress; much more can not Congress delegate or surrender a granted power to any portion of the States, for that would pro tanto invest those States with powers not possessed by the others. We may safely rest, therefore, on the conclusion that this bill is unconstitutional in submitting the foreign commerce named in it to regulation by State laws, unless we find that Congress may, without any aid from State laws, make different regulations as to importations in different States. We are thus brought face to face with this proposition, that Congress has power to enact that a particular imported article, after payment of duties according to law and still in the hands of the importer and in the original package, and therefore still a part of foreign commerce, may be freely sold in some States and in others shall not be sold at all, or sold only with burdensome restrictions.

To that proposition thus expressed we are confident that none would assent. Such a law would not only contravene that provision of the Constitution which requires impost taxation to be uniform throughout the Union, but also that provision which prohibits Congress from giving by any regulation of commerce a preference to the ports of one State over those of another. It would destroy uniformity in taxation, because in one State the payment of the impost tax would include in it as its rightful and necessary effect the right to sell, and in the other it would include no such right.

Taxation to be uniform, as required by the Constitution, must not only be the same in amount on the same thing, but payment of it must be followed by the same legal consequences. A preference is given to the ports of one State over the ports of another by a regulation of commerce when, by a law of Congress, importations into the ports of the one upon payment of the duty may be sold and in the other they may not. That the State discriminated against consents to the discrimination can make no difference, as we have seen. It is not in the power of a State to give force and validity even within its own borders to an act of Congress passed in violation of the Constitution.

There is one other aspect necessary to be considered. It being shown, as we think it has been, that Congress can pass no such law, and that the States can pass no such law, and that Congress can not delegate to the State the power to pass such a law, and that a State can not invest Congress with the power of enacting such a law, to be operative only within its own borders, we have now further to inquire whether the conjoint action of a State and of the Congress can make such a law valid within the limits of the State. There is such a thing in the Constitution as concurrent powers in the several States and in the United States, whereby each sovereignty may legislate independently on the same subject. But these powers are of that kind where conjoint action is not contemplated. The concurrent power of the State is subordinate and can only be exercised when not in conflict with the law of Congress, which is supreme. This is not a case of that kind, for here neither has independently any power whatever.

There are a few conjoint powers specified in the Constitution; that is, certain reserved powers of the States are not reserved to them absolutely, but only to be exercised by the consent of Congress.

Among these is the power to levy imposts and duties, the net proceeds of which are to go into the Treasury of the United States; making compacts between two or more States; laying duties of tonnage; keeping troops and ships of war in time of peace. But among these is not included the power claimed in this bill. The power here claimed is a power denied both to the States and to Congress; and the effect of the bill is to create a constitutional power by the joint action of two parties to both of which it is prohibited. This we confidently assert can not be done.

It is no answer to this reasoning that Congress has enacted section 3247 of the Revised Statutes. The power therein exercised by Congress is in reference to things purely internal and domestic in the States—a power of internal taxation—and not the same power as is attempted to be exercised in this bill. If it is the same power, however, it has been proven to be unconstitutional.

As before stated, we express no opinion as to the power of the States, without any aid from Congress, to prohibit the sale of imported intoxicants by the importers in the original packages. If they have such power, there is no need of this bill, the sole object of which is to confer the power.

The bill is improper, if not unconstitutional, if considered as a declaration merely by Congress that such power exists in the States. That is purely a judicial question. The Congress can enact laws—they can not expound them. Necessarily in enacting a law on any given subject Congress determines that they have jurisdiction and power to legislate over that subject. But this determination is the necessary incident of enacting a statute which of itself becomes a rule of action, the framing of the rule, not the exposition of the Constitution, being the end sought to be attained. The settling of the meaning of the Constitution is not a legitimate object of legislative power.

Besides, the Congress can only exercise the powers granted, and those necessary and proper for carrying into effect the vested powers. If it be conceded, as we have shown it to be, that the power to pass the bill as a rule of action, as a law, is not in Congress, then it is also shown that it may not be passed as a declaratory act, since such act is not necessary or proper for carrying into effect any power granted to the United States.

We repeat, that in the matter submitted to us no question arises as to the extent of the police powers of the States to prevent the introduction of intoxicants, or their subsequent sale by the importer. The bill is framed on the theory, as we have seen, that it may be no such power exists in the States, its sole object being to confer it. Our conclusion goes no further than to deny that such power can be conferred. However desirable it may be to diminish, or prohibit entirely, the use of intoxicants, that end can only be reached by constitutional methods.

It should not be overlooked that the province of State control over what concerns the police regulation of domestic health, peace, and general good order and well-being within each State is, under the Constitution, as secure against intrusion from Federal authority as the regulation of foreign commerce by the General Government is from encroachment upon that province by State authority. It is not desirable that Federal legislation should seem, by inference even, necessary to impart or maintain aid or protection to the State's exercise of its authority within the province of State domestic control. The State and the Federal control in the premises are divided by the Constitution, and neither for its vigor depends upon the other. The experience of the wise administration hitherto of this judicial question, in defining these respective provinces, in the opinion of the committee, makes it best to leave this, as it now is, a judicial question, in the highest interest of both the Federal regulation of commerce and the State control of its police authority.

In the Fifty-first Congress the same bill came before the Committee on the Judiciary of the Senate. That committee made a report favorable to the passage of the bill, and Mr. George submitted his views, as follows:

[Senate Report No. 993, Fifty-first Congress, first session.]

VIEWS OF MR. GEORGE.

In the Fiftieth Congress the bill before us was considered by this committee, and a conclusion reached by a majority that it was unconstitutional. The basis of this opinion as stated in the report was that Congress had no power to grant a jurisdiction to a State which was by the Constitution vested in the Federal Government. The committee thought that the division of power between the States and the Federal Government was fixed by the Constitution and could not be changed either by the action of Congress alone or by the conjoint action of Congress and any State in which it was attempted to vest a part of this power delegated to Congress.

The committee did not consider that any question relating to the power of the State to deal with intoxicating liquors under their reserved power was submitted for their consideration, and for that reason they expressly declined to express any opinion on that subject.

Since that time the Supreme Court has determined that the reserved powers of the States did not authorize them to prohibit the sale of imported intoxicating liquors within their respective limits, and that Congress might grant to a State the power thus denied to them. We are now called upon to act upon this bill after a decision of the Supreme Court overruling the opinion then entertained by the committee as to the power of Congress to donate a power to the States, and also at variance with the views entertained by the undersigned as to the extent of the reserved powers of the States.

Under these differing circumstances, the question of donating this power to the States is presented for our consideration. If we adhere to the opinion expressed in the former report, we do so in direct conflict with the decision of that tribunal appointed by the Constitution to determine authoritatively the extent of the delegated and reserved powers. And so if the undersigned adheres in practice to the opinion that the reserved powers of the States are ample to control and prohibit the sale of imported intoxicants, he would vainly insist on a jurisdiction which, under the decision of the Supreme Court, no State would be allowed to exercise. It is his duty, therefore, to conform his action to the decision of the court.

The court having decided that the power may be delegated by Congress to the several States, the only question left is as to the expediency of the exercise of the power.

The undersigned, though yielding obedience to the decision of the court, entertains the opinion that the States have, under the Constitution, the power yielded by this bill, and that this power in the States is necessary for their welfare and even to the proper working of our complex political system.

It is certain that Congress can not exercise the police power of regulating the traffic in intoxicants within the several States, and the Supreme Court has denied this power to the States, except as to liquors manufactured within their respective limits. So that unless we agree that Congress shall grant this power to the several States as decided by the Supreme Court may be done, then there remains no power by which this police regulation may be made or enforced as far as imported liquors are concerned whilst they are in the original packages.

The Supreme Court has assented to the power of the several States to regulate, control, and prohibit the sale of intoxicants manufactured within their respective limits as a necessary police power, but denies this power as to intoxicants imported from another State or from a foreign country. The result is that however harmful a State may determine the traffic in intoxicants to be, the power to prohibit it is restricted to such liquors only as are manufactured in its borders. Foreigners and citizens of other States may, under this new law, invade a State with their intoxicants, dispose of them in their original packages, and thus carry on a business which the State has determined is destructive to the peace and good order of the community and to the health and morals of the people.

In this singular and anomalous condition has the State been placed by the decision of the Supreme Court.

The court, however, has allowed a means of correction by affirmative action on the part of Congress, granting permission to the State to deal with imported intoxicants in the same way and to the same extent as they may deal with liquors manufactured within their respective limits.

The undersigned believes the true rule to be to concede the power to the States as a power reserved under the Constitution, and not require them, as the Supreme Court has decided, to hold it as a Congressional grant, and therefore subject to the will of Congress to give it in the first instance and afterwards to withdraw it. Yet, as he deems it a power reserved to the States under the Constitution and one necessary to the maintenance of a rightful authority by the States over their own domestic affairs, he feels constrained to support the bill, since only by such legislation can the States, under the decision of the Supreme Court, exercise their rightful and necessary jurisdiction over a subject of the utmost importance to their welfare.

The undersigned expresses no opinion as to the propriety of the exercise of this power by the several States. That is not a matter for Congressional consideration. Whether there shall be a free or a regulated traffic in intoxicants, or total prohibition, is a matter for each State to determine for itself. It is not a matter either of Congressional action or advice.

Believing that the Supreme Court, by its decision in Leisy & Co. *v.* Hardin, erroneously denied to the States the power conceded to them by this bill, the undersigned gives support to the bill as the only means left whereby the States may exercise their rightful authority over a matter of the utmost gravity and concern to them. The result attained by this action on the part of Congress is the same, so long as Congress shall yield the power, as if the constitutional power of the States to act as they saw proper had been recognized. It is a matter of sincere regret that the States are compelled to rely on Congress for a grant of this essential power. It is also to be deplored that the Constitution has been authoritatively construed so as to reverse the well-recognized rule that Congress is the grantee of powers from the State, and is not the source of power which may be parceled out at its will to the States. Yet, finding the Constitution thus construed as to this particular matter by the tribunal which is appointed as the final arbiter in such matters, the States must submit to hold the power at the will of Congress until such time as the court, upon being better advised, shall reverse its action.

J. Z. GEORGE.

STANDARDS OF FOOD.

The bill provides that the standards of food which may be established shall be fixed by the Secretary of Agriculture, aided by the committee on food standards of the Association of Official Agricultural Chemists and the committee of standards of the Association of State Dairy and Food Departments. This provision, contained in section 9 of the bill, will not accomplish the purpose intended, because if the Secretary of Agriculture should establish a standard for food products and any State into which such food products may be transported should establish a different standard, as the State would have a right to do, the standard fixed by the law of the State where the food is sold or offered for sale would control.

In other words, the Congress of the United States can not, by this bill enacted into law, establish a standard for food products which will prevent the States from enforcing compliance with such standards for food products as the legislatures of the States may prescribe for the several States. Therefore the purpose of the bill—i. e., to have a uniform standard for food—will fail. As has already been stated, the Supreme Court of the United States, in the case of Crossman *v.* Lurman (192 U. S., 189), decided that the standard for food products established by the legislature of New York for the State of New York would prevail over the standard fixed for food products by the act of Congress, and that Congress could not, by fixing a standard for food products imported into the United States, deprive the States of their police power of regulating the sale of food products within the States.

In that case the Supreme Court say:

"It is urged that, even although there was power in the State of New York to legislate on the subject of adulteration of food, such legislation ceased to be operative as regards food products imported into the United States through the channels of foreign commerce after the passage of the act of Congress approved August 30, 1890, 'providing for the inspection of means for exportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases.' (26 Stat., 414.) The second section of that act, it is insisted, does not exclude from importation adulterated food, but simply adulterated food which is mixed with any poisonous or noxious chemical, drug, or other ingredient injurious to health, which it is urged was not the case with the coffee in question. The language of the section upon which this contention is based is as follows:

"'That it shall be unlawful to import into the United States any adulterated or unwholesome food or drug, or any vinous, spirituous, or malt liquors, adulterated or mixed with any poisonous or noxious chemical, drug, or other ingredient injurious to health.'

"We think it unnecessary to determine whether the statute lends even color to the proposition, since we think it is clear that its effect, whatever be its import, was not to deprive the State of its police powers to legislate for the benefit of its people in the prevention of deception and fraud, and thus to control sales made within the State of articles so adulterated as to come within the valid prohibition of the State's statute."

If it be the law, as was stated in this last-mentioned case, that, notwithstanding the fact that Congress had fixed a standard for food imported into the United States, and notwithstanding that the officials of the United States authorized to inspect the food thus imported had approved of such imported food as having complied with the law, the States have the right under their police power to fix another and different standard, and that food when offered for sale or delivered in the States should come up to the standard fixed by the States, then this bill, which endeavors to fix a national food standard for all food products in the United States when shipped from one State to another must fail in its purpose, because whenever any of the States shall fix or prescribe a different standard the manafacturers of the food products must comply with the laws of the State where such food is manufactured or offered for sale.

Congress has already, by act approved June 3, 1902, authorized the Secretary of Agriculture to establish standards of food and food products, and to determine what are regarded as adulterations therein for the guidance of the officials of the various States and the courts of justice. And the Secretary, in pursuance of that act, on November 21, 1903, issued a circular proclaiming standards for purity of food products, together with their definitions, as the official standards of these food products for the United States. That proclamation is as follows:

Original proclamation of standards and letter of transmittal.

[Circular No. 10, Secretary's Office.]

Whereas the Congress of the United States, by an act approved June 3, 1902, authorized the Secretary of Agriculture to establish standards of purity for food products; and

Whereas he was empowered by this act to consult with the committee on food standards of the Association of Official Agricultural Chemists and other experts in determining the standards; and

Whereas he has, in accordance with the provisions of the act, availed himself of the counsel and advice of these experts and of the trade interests touching the products for which standards have been determined and has reached certain conclusions based on the general principles of examination and conduct hereinafter mentioned:

Therefore I, James Wilson, Secretary of Agriculture, do hereby proclaim and establish the following standards for purity of food products, together with their precedent definitions, as the official standards of these food products for the United States of America.

JAMES WILSON.

WASHINGTON, D. C., *November 21, 1903.*

The various State legislatures have in many instances passed laws to conform to these standards, and doubtless many more will do so. In our opinion, this will be all the law necessary or proper for Congress to pass on the subject.

If anything at all is needed in the way of legislation to enable the States to effectually enforce their laws upon the subject of food, food products, and drugs, and to prevent the sale of impure foods or the fraudulent branding of food products or drugs, then all that is needed is for Congress to enact a law which would subject such food products or drugs to the police laws of the various States whenever they are transported into the States for sale or use in the same way that the act of August 8, 1890, made spirituous liquors and beer subject to the laws of the States when transported therein for use or consumption, and, to that end, we suggest that House bill No. 16248 would meet the present demands for pure-food legislation.

That bill is as follows:

[H. R. 16248, Fifty-ninth Congress, first session.]

"A bill to limit the effect of the regulations of commerce between the several States and with foreign commerce in the case of foods and drugs.

"*Be it enacted, etc.*, That from and after the passage of this act all articles of food or drugs transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall upon arrival in such State or Territory, be subject to the operation of and effect of the laws of such State or Territory enacted in the exercise of its police powers to the same extent and in the same manner as though such food or drugs had been produced or manufactured in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages.

"SEC. 2. That the term 'food' as used herein shall include all articles used for food, drink, confectionary, or condiment by man or other animals, whether simple, mixed, or compound; that the term 'drugs' shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or pervention of disease of either man or other animals."

We therefore offer this bill as a substitute for both the Senate bill and the House substitute, believing that if Congress shall enact the same it will do all that Congress is authorized to do under the Constitution and will fully protect the people of the United States, or at least will leave to the people of the various States, through their legislatures, the duty of protecting the people of the States from frauds and impositions in the matter of food products. This is where the Constitution of the United States places the power of protecting the people of the States in their health, safety, and morals, and will not destroy the powers of the States, and will not convert Congress into a legislature for the enactment of purely police laws for the various States of the Union.

The Speaker of the House, Hon. JOSEPH G. CANNON, on the 16th of February, 1906, before the Union League Club, of Philadelphia, gave utterance to some views and sentiments which we so heartily approve that we deem it not amiss to incorporate them here. They were as follows:

REPUBLIC'S GREATEST DANGER.

"In my judgment the greatest danger to the Republic comes from the citizen who refuses or neglects to participate in governing in local, State, and national affairs and seeks protection from the government to which he does not contribute according to his ability or means. In my judgment the danger now to us is not the weakening of the Federal Government, but rather the failure of the forty-five sovereign States to exercise, respectively, their function, their jurisdiction, touching all matters not granted to the Federal Government. This danger does not come from the desire of the Federal Government to grasp power not conferred by the Constitution, but rather from the desire of citizens of the respective States to cast upon the Federal Government the responsibility and duty that they should perform.

"If the Federal Government continues to centralize, we will soon find that we will have a vast bureaucratic government, which will prove inefficient, if not corrupt.

"The governor of one of the States has within a few days written to a Senator in Congress that his State is powerless to compel the railways within its borders to extend to its citizens facilities by proper connection, switching, and the furnishing of cars to enable its people to have equal and fair treatment under similar conditions with other favored citizens, and that this condition comes from inability to enforce law in existence and to enact additional necssary legislation, and in effect appealing for relief to the Federal Government.

"There is no adequate remedy for this condition, except by the people of that State clothed with plenary power through the enforcement of the law, and the enactment of additional legislation, if necessary, to exercise the function of government."

W. C. ADAMSON,
C. L. BARTLETT,
GORDON RUSSELL.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had this day presented to the President of the United States, for his approval, the following bills:

H. R. 11787. An act ratifying and approving an act to appropriate money for the purpose of building additional buildings for the Northwestern Normal School at Alva, in Oklahoma Territory, passed by the legislative assembly of Oklahoma Territory, and approved the 15th day of March, 1905;

H. R. 10133. An act to provide for the annual pro rata distribution of the annuities of the Sac and Fox Indians of the Mississippi between the two branches of the tribe, and to adjust the existing claims between the two branches as to said annuities; and

H. R. 10292. An act granting to the town of Mancos, Colo., the right to enter certain lands.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 18536. An act providing for the subdivision of lands entered under the reclamation act, and for other purposes;

H. R. 9343. An act providing for the resurvey of certain townships of land in the county of Baca, Colo.;

H. R. 16472. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes;

H. R. 18600. An act to amend section 10 of an act of Congress approved June 21, 1898, to make certain grants of land to the Territory of New Mexico, and for other purposes;

H. R. 3459. An act for the relief of John W. Williams;

H. R. 4580. An act for the relief of Blank and Parks, of Waxahachie, Tex.; and

H. R. 5221. An act for the relief of Edward King, of Niagara Falls, in the State of New York.

The SPEAKER announced his signature to enrolled joint resolution and bills of the following titles:

S. R. 66. Joint Resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Mr. José Martin Calvo, of Costa Rica;

S. 1031. An act granting to the State of California 5 per centum of the net proceeds of the cash sales of public lands in said State;

S. 1649. An act providing for the retirement of petty officers and enlisted men of the Navy;

S. 3263. An act to amend an act entitled "An act to establish a port of delivery at Salt Lake City, Utah;"

S. 3414. An act providing for a public highway on the east side of the Fort Sherman abandoned military reservation, Idaho;

S. 5989. An act to authorize the construction of a bridge across the Missouri River in Broadwater and Gallatin counties, Mont.;

S. R. 47. Joint resolution granting condemned cannon for a statute to Governor Stephens T. Mason, of Michigan;

S. 5512. An act defining the qualifications of jurors for service in the United States district court in Porto Rico;

S. 6451. An act to provide for a commission to examine and report concerning the use by the United States of the waters of the Mississippi River flowing over the dams between St. Paul and Minneapolis, Minn.;

S. 6234. An act to authorize the Chicago, Milwaukee and St. Paul Railway Company, of Montana, to construct a bridge across the Missouri River in Lewis and Clarke County, Mont.;

S. 3743. An act to confirm the right of way of railroads now constructed and in operation in the Territories of Oklahoma and Arizona;

S. 4190. An act to amend an act entitled "An act to amend section 2455 of the Revised Statutes of the United States," approved February 26, 1895;

S. 3044. An act to promote for efficiency of the Revenue-Cutter Service;

S. 1540. An act to increase the efficiency of the Ordnance Department of the United States Army;

S. 2948. An act to amend section 1 of the act approved March 3, 1905, providing for an additional associate justice of the supreme court of Arizona, and for other purposes;

S. 6333. An act authorizing the Secretary of War to acquire, for fortification purposes, certain tracts of land on Deer Island, in Boston Harbor, Massachusetts;

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

S. 1697. An act confirming to certain claimants thereto portions of lands known as "Fort Clinch Reservation," in the State of Florida;

S. R. 52. Joint resolution authorizing the Secretary of War to donate to the board of trustees of Vincennes University, Vincennes, Ind., such obsolete arms and other military equipment now in possession of said university, to be used in military instruction;

S. 6462. An act granting lands to the State of Wisconsin for forestry purposes; and

S. 4954. An act authorizing Capt. Ejnar Mekkesen to act as master of an American vessel.

LEAVE TO PRINT.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent that my colleague, Mr. LOUD, who is absent to-day, may have leave to print his remarks in the RECORD upon the naval appropriation bill.

The SPEAKER. Is there objection?

There was no objection.

BRIDGE OVER THE MISSISSIPPI RIVER AT ST. LOUIS.

The SPEAKER laid before the House the bill (H. R. 20210) to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River, with Senate amendments.

The Senate amendments were read.

Mr. BARTHOLDT. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

LEASED LANDS IN COMANCHE COUNTY, OKLA.

The SPEAKER laid before the House the bill (H. R. 16785) giving preference right to actual settlers on pasture reserve No. 3 to purchase lands leased to them for agricultural purposes in Comanche County, Okla., with Senate amendments.

The Senate amendments were read.

Mr. ZENOR. Mr. Speaker, I move that the House concur in the Senate amendments.

PERSONAL REQUESTS.

Mr. ALLEN of Maine, by unanimous consent, was given indefinite leave of absence on account of important business.

Mr. LAMAR, by unanimous consent, was given leave to extend remarks in the RECORD on the naval appropriation bill.

Mr. HEPBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned until to-morrow, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the president of the Spanish Treaty Claims Commission submitting an estimate of appropriation for certain awards of the Commission—to the Committee on Appropriations, and ordered to be printed.

A letter from the Postmaster-General, recommending that the balance of an emergency appropriation for San Francisco be made available for the next fiscal year—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. RYAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 20248) to authorize the city of Buffalo, N. Y., to construct a tunnel under Lake Erie and Niagara River, to erect and maintain an inlet pier therefrom, and to construct and maintain filter beds for the purpose of supplying the city of Buffalo with pure water, reported the same with amendment, accompanied by a report (No. 4981); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MARTIN, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 4256) for the relief of the Alaska Short Line Railway and Navigation Company's Railroad, reported the same without amendment, accompanied by a report (No. 4983); which said bill and report were referred to the House Calendar.

Mr. HERMANN, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 6300) providing when patents shall issue to the purchaser of certain lands in the State of Oregon, reported the same without amendment, accompanied by a report (No. 4988); 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. MARSHALL, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 1291) for the relief of James W. Watson, reported the same with amendment, accompanied by a report (No. 4982); which said bill and report were referred to the Private Calendar.

Mr. McGAVIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 9109) for the relief of J. H. Henry, reported the same without amendment, accom-

panied by a report (No. 4984); which said bill and report were referred to the Private Calendar.

Mr. MOUSER, from the Committee on Claims, to which was referred the bill of the House (H. R. 12086) for the relief of Edwin T. Hayward, executor of Columbus F. Hayward, and the administrator of Charles G. Hayward, reported the same without amendment, accompanied by a report (No. 4985); which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the House (H. R. 7960) for the relief of John C. Ray, assignee of John Gafford, of Arkansas, reported the same without amendment, accompanied by a report (No. 4986); which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the House (H. R. 17285) for the relief of Second Lieut. Gouverneur V. Packer, Twenty-fourth United States Infantry, reported the same without amendment, accompanied by a report (No. 4987); which said bill and report were referred to the Private Calendar.

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 4965) authorizing the appointment of Harold L. Jackson, a captain on the retired list of the Army, as a major on the retired list of the Army, reported the same without amendment, accompanied by a report (No. 4989); which said bill and report were referred to the Private Calendar.

Mr. ROBERTS, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 18380) to complete the naval record of Charles W. Held, reported the same without amendment, accompanied by a report (No. 4990); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 4899) granting an increase of pension to Ann Thompson, reported the same without amendment, accompanied by a report (No. 4991); 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. LITTAUER: A bill (H. R. 20336) to amend section 3740 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. McCLEARY: A bill (H. R. 20337) for the erection of a monument to the memory of John Ericsson—to the Committee on the Library.

By Mr. BABCOCK: A bill (H. R. 20338) to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa"—to the Committee on Interstate and Foreign Commerce.

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. ANDREWS: A bill (H. R. 20339) granting an increase of pension to Jose Serafin Valdez—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20340) granting an increase of pension to Jose Maria Martinez—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20341) granting an increase of pension to Charles W. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20342) granting an increase of pension to Refael Chavez—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20343) granting an increase of pension to Juan N. Lujan—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 20344) granting a pension to Delia M. Wilson—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 20345) granting an increase of pension to Henry S. Smith—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 20346) granting an increase of pension to James C. Bullock—to the Committee on Invalid Pensions.

By Mr. DARRAGH: A bill (H. R. 20347) granting an honorable discharge to Glenn Bennett—to the Committee on Military Affairs.

By Mr. KLINE: A bill (H. R. 20348) granting an increase of pension to Allen T. Blank—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 20349) granting a pension to Livingston S. Dennis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20350) granting a pension to Theodore F. Reighter—to the Committee on Invalid Pensions.

By Mr. MINOR: A bill (H. R. 20351) granting an increase of pension to Peter M. Simon—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 20352) granting a pension to Martha Stevens—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 20353) granting an increase of pension to Silas M. Abers—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 Mr. BARCHFELD: Petition of Mid-Continent Oil Producers' Association, against pipe-line clause of rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Medical Association, for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Pennsylvania: Petition of William Hogan, for the Littlefield original-package bill—to the Committee on the Judiciary.

Also, petition of American Medical Association, for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Mid-Continent Oil Producers' Association, against pipe-line amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Wisconsin: Petition of residents of Porto Rico, for repeal of the joint resolution of May 1, 1900, amending the Foraker Act—to the Committee on Insular Affairs.

By Mr. DRAPER: Petition of American Medical Association, for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of American Medical Association, for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Petition of the German Alliance, for furtherance of arbitration treaties, settlement of all questions between America and other countries, and special treaty between Germany and the United States—to the Committee on Foreign Affairs.

Also, petition of New Immigrants' Protective League, for commission to investigate immigration problems before enactment of new legislation thereon—to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of New Immigrants' Protective League, for better distribution of immigrants—to the Committee on Immigration and Naturalization.

Also, petition of American Medical Association, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: Petition of Executive Committee German-American arbitration conference for furtherance of treaties of arbitration—to the Committee on Foreign Affairs.

Also, petition of Mid-Continent Oil Producers Association, against pipe-line clause of rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Pennsylvania, for investigation of affairs in Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of W. B. Fraser, for the Littlefield original-package bill—to the Committee on the Judiciary.

Also, petition of American Medical Association, for Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Petition of The Western Packers' Canned Goods Association, Edinburg, Ind., for certain amendments to the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of R. J. Caldwell, against bill H. R. 47, relative to detention of live stock on cars in shipment—to the Committee on Interstate and Foreign Commerce.

Also, petition of American Medical Association, for the Heyburn pure-food and drug bill—to the Committee on Interstate and Foreign Commerce.

By Mr. ZENOR: Paper to accompany bill for relief of Zane Smith—to the Committee on Invalid Pensions.