95, Daughters of Liberty, of Greencastle, Pa., and Victory Council, No. 443, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MOORE of Pennsylvania: Petition of the Board of Trade of Philadelphia, for the subsidy shipping bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. MOUSER: Petition of Attica Council, No. 317, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. OLMSTED: Petitions of Wicomico Council, No. 57; Lykens, Pa., Commonwealth Council, No. 597; Camp Curtain Council, No. 629, and Golden Star Council, No. 6, Junior Order United American Mechanics, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. OVERSTREET of Indiana: Petition of the One hundred and thirteenth Regiment of Illinois Veterans' Association, for increase of pension—to the Committee on Invalid Pensions.

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

By Mr. POU: Petition of Spring Hope Council, No. 176, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. RICHARDSON of Alabama: Petition for the erection of a statue in the city of Florence, Ala., to Gen. John Coffee—to the Committee on the Library.

By Mr. ROBERTS: Petition of the Northeastern Federation of Women's Clubs, against spoliation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the Northeastern Federation of Women's Clubs, for punishing lynching by fixing capital punishment as penalty for same—to the Committee on the Judiciary.

By Mr. SHEPPARD: Paper to accompany bill for relief of C. W. Reid and Sam Daube—to the Committee on Claims.

Also, paper to accompany bill for relief of Elizabeth Wilson—to the Committee on Pensions.

By Mr. TIRRELL: Petitions of Mary C. Smith et al. and the Fitchburg Board of Trade and Merchants' Association, for removal of the tariff on art works—to the Committee on Ways and Means.

By Mr. VAN WINKLE: Papers to accompany bills for relief of Mrs. J. Ferris and Mrs. Eliza Williams—to the Committee on Invalid Pensions.

By Mr. WANGER: Petitions of Pennsburg (Pa.) Council, No. 961; Henry Seybert Council, No. 520, of Abington, Pa.; Piperville (Pa.) Council, No. 620; Hand in Hand Council, No. 50, of Quakertown, Pa., and Riegelsville (Pa.) Council, No. 810, Junior Order United American Mechanics, and Friendship Council, No. 41, Daughters of Liberty, of Eden, Pa., for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WOOD: Petition of Hiawatha Council, No. 110, Junior Order United American Mechanics, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the Philadelphia Board of Trade, against repeal of the national bankruptcy law—to the Committee on the Judiciary.

Also, petition of Trenton Musical Association, Local No. 62, American Federation of Musicians, for bill S. 529 (the shipping bill)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Philadelphia Board of Trade, for the shipping bill—to the Committee on the Merchant Marine and Fisheries.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December 7, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that when the House adjourn to-day it be to Monday next.

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

CALL OF COMMITTEES.

The SPEAKER. The Clerk will proceed with the call of committees.

Mr. LACEY (when the Committee on the Public Lands was called). Mr. Speaker, I call up the bill (H. R. 15335) for the protection of game animals, birds, and fishes in the Olympic Forest Reserve of the United States, in the State of Washington.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to designate such area in the Olympic Forest Reserve, in the State of Washington, not exceeding 750,000 acres, as should, in his opinion, be set aside for the protection of game animals, birds, and fishes therein, and as a breeding place therefor.

SEC. 2. That when such area has been designated as provided for in section 1 of this act, hunting, trapping, killing, capturing, or pursuing game animals, birds, and fish, upon the lands and within the waters of the United States, within the limits of said area, shall be unlawful, and any person violating the provisions of this act shall be deemed guilty of a misdemeanor and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding $1,000 and be imprisoned for a period not exceeding one year, in the discretion of the court.

SEC. 3. That it is the purpose of this act to protect from trespass the public lands of the United States and the game animals, birds, and fish which may be thereon, and not to interfere with the local game laws as affecting private or State lands.

Mr. LACEY. Mr. Speaker, this is a bill introduced by the gentleman from Washington [Mr. HUMPHREY] authorizing the designation of a portion of the Olympic Forest Reserve as a game preserve, in addition to its present use as a forest reserve. There is in this particular locality the only remains of a herd of elk.

Mr. PAYNE. Mr. Speaker, I make a point of order against this bill.

The SPEAKER. For what purpose does the gentleman from New York [Mr. PAYNE] rise?

Mr. PAYNE. I rise for the purpose of making a point of order that this bill can not come in under this order, that it is not properly on the House Calendar. If I had understood the bill, I could have made the point of order before. As I understand the gentleman, it proposes to change a reservation, and the point of it is to appropriate for a game reserve instead of a forest reserve. Of course, incidentally, it requires officials, game wardens, constables, and all that sort of thing, but it changes the nature of the reservation—appropriates it to a new use.

Mr. LACEY. In the first place, Mr. Speaker, the objection comes too late. In the second place, there is no appropriation of public property and there is no creation of any charge upon the Treasury. There is no provision in the bill for the payment of a game warden or anybody else. It authorizes the issuance of a proclamation declaring that a portion of this reserve may be treated as a game reserve. That is all, and nothing more. There is no appropriation either directly or indirectly involved in it. The effect of it would be to enable the Executive to preserve the remains of an elk herd, which is all that is left to-day on the Pacific coast, except a small herd that has recently been transferred at the expense of the Government from a private reserve in southern California to a forest reserve in that locality.

Mr. PAYNE. What does the gentleman say as to the change in the appropriation in public lands?

Mr. LACEY. It is not an appropriation at all. It is simply a reservation for an additional public use, not for a private one. It is not parting with the property in any way whatever, any more than it would be declared that in the District of Columbia there should be a closed season during a certain portion of the year as to game.

Mr. PAYNE. If that is correct, then why could not the Congress under this order say it should be used for an army reservation of a military post? Certainly the gentleman then would say it was obnoxious to the rule and subject to the point of order.

Mr. LACEY. The establishment of a military post of necessity, Mr. Speaker, involves an expenditure. The mere reservation of land for a public use is not an appropriation. It is just the opposite of one. It is a retention and not an appropriation of the property.

The SPEAKER. The gentleman from New York [Mr. PAYNE] makes the point of order upon this bill——

Mr. LACEY. Mr. Speaker, clause 3, Rule XXIII——

Mr. PAYNE. Mr. Speaker, I make the point of order that it should first be considered in the Committee of the Whole.

Mr. LACEY. Mr. Speaker——

The SPEAKER. The Chair will hear the gentleman from Iowa [Mr. LACEY]. The gentleman from New York [Mr. PAYNE] makes the point of order that this bill should be on the Union Calendar rather than on the House Calendar. In other words, that it should be considered in the Committee of the Whole, as the Chair understands.

Mr. LACEY. Mr. Speaker, suppose we pass a law creating a new statutory offense. It necessarily follows that for a commission of that offense arrests may be made, the grand juries

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may indict; but it does not follow at all that that involves a charge on the Treasury, and that a bill of that kind should be considered in the Committee of the Whole. This bill simply authorizes the issuance of an Executive order, which will forbid the killing of game on a certain locality of the public land. It becomes thus subject to an Executive order. It makes no additional provision or appropriation of the property. We have to-day provisions of law forbidding the cutting of timber. It does not follow that because you have a law forbidding the cutting of timber that a modification of that law or the reservation of other lands for timber purposes that there necessarily follows an appropriation or charge on the Treasury. On the contrary, it is a retention of the property belonging to the Government, and it is not an appropriation that is involved in a bill of this kind. The fact that crimes may be committed in this locality and these crimes may involve some expense indirectly in the courts, and thus involve a charge on the public Treasury, would not bring it within the meaning of the rule.

The rule under which this point of order is made is paragraph 3 of Rule XXIII:

All motions or propositions involving a tax or charge upon the people—

And this is not a tax or charge—

all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, or referring any claim to the Court of Claims, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Now, consideration of the bill has already commenced. The "gentleman from Iowa," in charge of the bill, had already begun to debate the bill when the motion was made. It is too late, in the first place; and if not too late, there is no foundation for the objection in any event.

Mr. MANN. Will the gentleman inform us what is the method by which a game reservation is preserved?

Mr. LACEY. That depends wholly and entirely upon such legislation as Congress may enact. This forbids the killing of game within a certain locality on the public domain.

Mr. MANN. You refer to it as a game preserve?

Mr. LACEY. Yes.

Mr. MANN. Is there any method by which the game reserves are to be preserved?

Mr. LACEY. The bill does not use that term. This is simply a bill "for the protection of game animals, birds, and fishes in the Olympic Forest Reserve." There is no method now provided by law which would involve any charge upon the Government except the enforcement of the criminal law. This is a bill for the protection of game in the Olympic Forest Reserve. That is all.

Mr. MANN. Is there any method provided by law outside of the criminal statutes which would require, if the bill should become law, any officer of the Government to protect the animals in this forest reserve?

Mr. LACEY. Only to the extent that to-day we have public officers to protect forest reserves and other property of the United States. It becomes their duty to enforce the laws, whatever they may be, in all the public domain of the United States. Now, if we provide against setting out fire, that, of course, necessarily would fall upon the officers now in charge to protect the public domain.

Mr. MANN. That is an unfortunate illustration, because, necessarily, that would have to go to the Union Calendar.

Mr. LACEY. Not at all. If so, then we could not pass a criminal law of any kind which would not go to the Union Calendar, because it might cause an expenditure before the grand jury for any offense that might be committed under it.

Mr. MANN. If it requires a forest reserve to be protected against fire, it would require an expenditure of money and the employment of officials. But this bill might not.

Mr. LACEY. The gentleman does not understand. Suppose that by law we prohibit the setting out of fires between the month of March and the month of June. We pass a law prohibiting the setting out of fires between these two periods. Now, to set out fires between those two periods becomes a crime, and it becomes the duty of the officer of the Government now in existence to enforce the law. Does it follow, when you have created a statutory offense, that therefore you create a charge on the Treasury? If so, all legislation hereafter must go to the Committee of the Whole if it involves any change in our criminal law or the creation of an offense.

Mr. MONDELL. Will the gentleman yield to me for a question?

Mr. LACEY. Certainly.

Mr. MONDELL. Is it not a fact that at the present time the duty of protecting the game in this region devolves upon the State officials under the State game law, and this bill creates a new class of duties and would place a new set of responsibilities upon Federal officials, and therefore involves, necessarily, an expenditure for the care of game being at this time now entirely dependent upon State officials under State laws?

Mr. LACEY. The care of game under the State game laws is, of course, enforced by the State authorities and by appropriations from the State treasury or from county treasuries, as the case may be; but merely to forbid the killing of seals during a closed season or merely to forbid the killing of game in a certain area does not involve an appropriation in any sense of the word, any more than the creation of any other offense under the laws of the United States would do so.

Mr. HEPBURN. It simply imposes certain new duties upon officials now in existence, that is all.

The SPEAKER. The Chair is prepared to rule. This bill authorizes the President to designate such area in the Olympic Forest Reservation, in the State of Washington, not exceeding 750,000 acres, as should in his opinion be set aside for the protection of game animals, birds, and fishes therein, and as a breeding place therefor.

Section 2 provides the penalty for hunting, trapping, or otherwise destroying the game upon the reservation. Section 3 declares the purpose of the act to protect from trespass the public lands of the United States, and the game animals, birds, and fishes which may be therein, and so forth. It seems clear to the Chair that the very object of this legislation is to devote that 750,000 acres of land to a use to which it is not now devoted, namely, the preservation of game.

It is not necessary, however, for the Chair to hold that the provisions in the bill, under the rules of the House, require its consideration in Committee of the Whole House as affecting the property of the Government. If the point of order had been made in apt time, the Chair would rule one way or the other; but the gentleman from Iowa says truly that after the bill was read he had taken the floor for debate and had proceeded to debate; so that the point of order, whatever might have been the opinion of the Chair in the premises, comes too late.

Mr. LACEY. Mr. Speaker, I yield either to the gentleman from Washington [Mr. HUMPHREY] or to the gentleman from Washington [Mr. CUSHMAN]. I see the gentleman from Washington [Mr. CUSHMAN] is present, and I yield to him. I will ask him to tell us something about the number of elk remaining there. I know it is a matter concerning which he has more detailed information than I have.

The SPEAKER. How much time does the gentleman yield?

Mr. LACEY. I yield to him such time as he may require.

The SPEAKER. The gentleman from Iowa yields to the gentleman from Washington.

Mr. CUSHMAN. Mr. Speaker, this bill, prepared by my colleague [Mr. HUMPHREY of Washington], seeks to create out of a portion of what is known as the Olympic Forest Reserve, in our State, a game preserve. To be exactly correct, this bill, if passed, would not create this game preserve, but its passage would authorize the President of the United States to set aside a portion of this present forest reserve as a game preserve. It goes without saying that I favor this bill, and that its passage is desired by the people of the State of Washington.

I will very briefly outline the situation in the State of Washington to which this bill applies:

In the northwestern portion of the State of Washington is a great peninsula known as the Olympic Peninsula. This peninsula is bounded on the west by the Pacific Ocean, on the north by the Straits of Juan De Fuca, and on the east by Puget Sound. This peninsula is about 75 or 80 miles in length from north to south and of about that same width from east to west. This peninsula is to a certain extent separated by natural barriers from the rest of the State. In its very center rises the great Olympic Range of snow-capped mountains. This entire peninsula is covered with a dense growth of native timber, and splendid streams run from these mountains toward the four points of the compass.

Inasmuch as this peninsula is somewhat difficult of access and rugged in contour and densely wooded, very few settlers and farmers have made their homes therein. No more ideal resort for wild game ever existed than this region affords, and it abounds in all the wild game native to that region and climate, including elk and deer, bear and cougar, grouse and pheasants, while all the numerous streams and lakes are filled with trout.

A number of years ago, in 1897, a very large portion—the central portion—of this peninsula was created into a United

States forest reserve. When first created, that forest reserve contained about 2,594,240 acres. Afterwards, in the year 1901, certain of those lands were eliminated, leaving the present area of this forest reserve 1,466,880 acres.

This bill proposes to give the President of the United States authority to set aside a portion, not exceeding about one-half, of this area as a game preserve "for the protection of game animals, birds, and fishes therein, and as a breeding place therefor." And after the President has designated such an area as a game preserve, hunting, trapping, and fishing are prohibited within that area.

The conditions that exist in this region amply justify the passage of this bill. And there is nothing new in this character of legislation. In the year 1904 the Wichita Mountain Forest Reserve, in Oklahoma, was made a game preserve for protecting the small game animals that inhabit that region.

Within the last week the President of the United States, by virtue of authority vested in him by a bill similar to the one we are now considering, set aside a portion of the Grand Canyon Forest Reserve, in Arizona, as a game preserve.

Therefore I am free to assert that the passage of this bill is justified, first, because the conditions existing in my State justify this legislation; and, second, because there is abundant precedent for the passage of this bill.

While this bill does not specifically designate this fact, it is the intention by the passage of this bill to protect the herd of wild elk that remain in that locality.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. CUSHMAN. Yes.

Mr. TAWNEY. How do you propose to protect the elk or the game in the preserve without a game warden and without policemen and inspectors and all the rest of the necessary service?

Mr. CUSHMAN. In answer to the gentleman, I will say that under the present law and the regulations of the Government there are a certain number of forest-reserve rangers and supervisors whose business it is to look after these forest reserves. In addition to the duties which they now perform they would simply have the additional duty of helping to enforce the law created by the passage of this bill for the protection of the game.

Mr. TAWNEY. How many more would be required to perform that service?

Mr. CUSHMAN. Well, I can't tell that. No man can tell. In my judgment it would be wise to have more men in the forest service in my State than are there now. But those things are details which can and will be settled by experience after this game preserve is created. The first step, necessarily, is the creation of the game preserve, and the details can and will be arranged later. In my judgment the moral effect of the passage of this bill making it unlawful to kill or take game in that locality would add immensely——

Mr. TAWNEY. But it would not be effective unless you had men there to enforce the prohibition of the law.

Mr. CUSHMAN. I do not agree entirely with that reasoning. It is not necessary to have a Government agent or a Government detective present on every foot of the public domain in order to enforce the law. The vast majority of the American people, when they have knowledge of what the law is, bow in obedience to its decrees. Now, when the fact becomes known——

Mr. TAWNEY. That is not the case when they want to kill an elk.

Mr. CUSHMAN. I do not know how it is in the gentleman's own State, but we have a very law-abiding class of people in the community in which I live; and it is, as I said, in my judgment, true that the very passing of this bill creating a game preserve there for the purpose of protecting these noble animals will, in itself, have a great moral effect.

Mr. MONDELL. Will the gentleman from Washington yield?

Mr. CUSHMAN. Certainly.

Mr. MONDELL. Are there no State game laws in the State of Washington affecting the taking or killing of elk?

Mr. CUSHMAN. Oh, yes. Just a moment or two ago I sent a page boy to the Library to bring me the Washington State laws, and the volume has just reached my desk. The last session of the Washington State legislature (act of March 13, 1905) passed a game law for our State, one section of which makes it unlawful to hunt or kill any elk within the State of Washington prior to the year 1915—that is, for about ten years after the passage of the act. And the same Washington State law also provides that after the year 1915 that elk shall only be killed in that State between the 15th day of September and the 1st day of November each year. And that no person during the season when it is lawful to kill elk shall kill more than one male elk. With the permission of the House, I will include with my remarks section 7 of the Washington State game law, which covers this elk question:

SEC. 7. That after the passage of this act and until October 1, 1915, it shall be unlawful to hunt, pursue, capture, or kill any of the elk (Cervus alces, or Cervus canadensis) within the State of Washington. After 1915 it shall be unlawful to hunt, pursue, capture, or kill any of the elk (Cervus alces, or Cervus canadensis) within the State of Washington between the 1st day of November of any year and the 15th day of September of the following year.

No person shall within the State of Washington, during the season when it is lawful to kill the same, kill more than one of the male elk (Cervus alces, or Cervus canadensis). Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $100 nor more than $500, or be imprisoned in the county jail not less than thirty days nor more than ninety days, or by both such fine and imprisonment, in the discretion of the court.

Mr. MONDELL. If the killing of elk is prohibited by law in the State of Washington, why the necessity of this Federal legislation? If the people of Washington are all law-abiding citizens, why is it necessary to pass this piece of legislation?

Mr. PAYNE. And I want to suggest to the gentleman that he has the moral effect of the State statutes to find out what the moral effect is. [Laughter.]

Mr. CUSHMAN. With regard to what the gentleman has said, I undertake to say that the law which to-day prohibits the killing of game in the Yellowstone National Park and the continual fear of the enforcement of that law is a greater protection to the game of that region than the few guards that patrol that park. I also call attention to the fact that this bill makes provision not alone for the protection of the elk, but for all the game birds, animals, and fishes within the area which the President shall hereafter (by virtue of the authority of this bill) set apart for a game preserve.

Mr. MONDELL. Have not the people of Washington State expressed their views in regard to all game?

Mr. CUSHMAN. They have. We have a lengthy game law in our State covering all sorts and classes of game.

Mr. MONDELL. I do not want to interrupt the gentleman too much, but I would like to have him explain to the House why it is that it is necessary to have Federal protection of the game in the State of Washington. Whether it is because the people of Washington can not enforce their own State game laws, or because it is sought to have a different class of protection of the game by the Federal statute than the people of Washington have provided for in the State statutes?

Mr. CUSHMAN. Oh, no. The fact is that we have a very large area in the State which has been turned into a forest reserve by the United States Government, and over this tract of land the Federal Government has assumed general jurisdiction. The United States Government is in control of this tract of land and has its agents and officers present on this land. The State has not the same unlimited control over this forest-reserve land that it has over other lands in the State. Now, I admit that the State game laws do extend over this forest-reserve region at present, but the fact that the United States Government controls these lands in every other way adds to the difficulty of enforcing the State game law. It seems to me that inasmuch as the United States Government has assumed general jurisdiction and control over these lands, enforcing their own regulations in every other particular, there certainly seems to me abundant reason and excuse that a portion of that domain especially adapted for game should be made a game preserve and protected by the General Government.

Mr. MANN. Will the gentleman yield for a question?

Mr. CUSHMAN. I will yield to the gentleman from Illinois.

Mr. MANN. Does not the Washington law in reference to elk cover the Olympic Forest Reserve?

Mr. CUSHMAN. It covers the entire State of Washington, including the Olympic Forest Reserve.

Mr. MANN. Is it not in force there, and does not the Washington game law affect also the property owned by the United States Government?

Mr. CUSHMAN. It does.

Mr. MANN. You have a law forbidding the killing of elk in any part of the State for ten years?

Mr. CUSHMAN. Yes; until the year 1915.

Mr. MANN. Then what is the object of the National Government reenacting that law as to a part of the State?

Mr. CUSHMAN. It is results we are after more than the vindication of a theory. As I said before, the fact that the United States Government has a general jurisdiction over this region makes it especially appropriate that the Government should, while controling this region in all other ways, also assume control and protection of the game. Here are a million and a half of acres which the United States Government has practically taken out of the State of Washington. It is true that the land is still there in a physical sense, but no settler can

settle on it and make his home there. The settler can't own it; the State can't tax it; it don't bring a cent of revenue to the State treasury. And yet in the face of this great loss to the State men on this floor object to this bill, because they fear that its passage may in years to come cause the Government to pay out a small salary to one or two game wardens. The Government has assumed almost complete control over these lands, and that being true, I think the Government should also protect the game.

Mr. MANN. Does the gentleman think the United States ought to assume a different position with reference to elk than it does with reference to Japanese children?

Mr. CUSHMAN. The Government, if this bill passes, does not attempt to assume any particular attitude with reference to elk; it is a bill similar to other bills that have heretofore passed this House, creating a national game preserve out of a part of a forest reserve, and applying to all game therein.

Mr. MANN. If the gentleman will pardon me, you now have a State law covering this question in this locality, and you want the General Government to pass another law. Does not that interfere with the local self-government which we are hearing so much about at present on the Pacific coast?

Mr. CUSHMAN. The two laws do not interfere with each other at all. They are in harmony with each other.

Mr. MANN. Suppose we should pass a law that you could kill elk in this forest reserve, exercising the same jurisdiction. Would that interfere with local self-government?

Mr. CUSHMAN. Well, I will say to the gentleman that the Members from the State of Washington would do the best they could to see that no such bill was passed. The gentleman seems to have the skeleton of "States rights" on his mind this morning.

Mr. MANN. I suppose they would then cry out about how we were violating the rights of the States, but the principle is the same. Will the gentleman differentiate between the power of Congress to pass a law that the State wants and the power to pass a law that the State does not happen to want? What is the difference in the power?

Mr. CUSHMAN. If there is no difference in the power, there is a vast difference in the propriety. I see no impropriety in this Congress here passing a bill (which the State desires) setting aside a portion of a forest reserve over which the Government now has jurisdiction and creating it into a game preserve.

Mr. MANN. I fully agree with the gentleman; but why is it necessary for us to reenact a law that the gentleman's State has already enacted and is now enforcing?

Mr. CUSHMAN. Simply because, in my judgment, it gives additional protection to the game in that locality.

Mr. MANN. Is it not because you will not enforce the law of your State, but now appeal to the National Government, through its expenditures and through its officers, to enforce a law which your law-abiding people will not obey?

Mr. CUSHMAN. No; that is not correct.

Mr. JONES of Washington. Mr. Speaker, I merely want to suggest that there are already forest officers over this forest reservation; and if this proposed area is set aside as a national game preserve those officers will also cooperate with the officials of the State in the enforcement of such a law and the preservation of this game. This is a large mountainous area, and it is difficult to keep after the violators of the law, and if we can have the assistance of the forest officers, backed up by a national law setting it aside as a national game preserve, it will render very great assistance in the preservation of the game.

Mr. MONDELL. Will the gentleman yield?

Mr. CUSHMAN. Certainly.

Mr. MONDELL. Is it not true that as to the territory which it is herein provided shall be created into a game preserve the State game laws will cease to be operative; that they will be repealed by this legislation and will have no further force and effect by reason of the fact that the land is practically all in the ownership of the Federal Government, and by this legislation the State sovereignty and control over the game in that region will cease and the Federal authority will be set up and be established and be paramount?

Mr. CUSHMAN. Yes; that is true. But this is not a region where game is to be killed. If game were to be killed in this region and the State had one game law and the United States another game law, there might be a conflict. But this bill proposes to establish a region in which no game shall be killed. If the Government enforces that proposition and the State agrees to it, isn't all this conflict merely imaginary?

I now yield back the remainder of my time to the gentleman from Iowa [Mr. LACEY].

Mr. MANN. Mr. Speaker, will the gentleman, before he yields, tell us how many elk there are there, and tell us something about the elk and their habits.

Mr. CUSHMAN. As to the number of elk in this region, I will say I have talked with a good many people who have been through this country. They do not agree very closely as to the number, but I may say that none of them have ever fixed the number of wild elk yet remaining in this region at less than 500, and most of them have estimated a greater number. The habitat of this band of elk would be covered under the provisions of this bill. This band of elk has been in this region for a great many years, but the number has been steadily decreasing. The habits of the elk are somewhat like the deer. They go high into the hills and mountains in the summer time, when the weather is warm, and drift down into the lower altitudes in the winter time, when the weather is cold. There is one marked difference between the elk and the deer that I know from my own experience of years ago in the mountains. Deer may be hunted year after year, but will still remain in the same general locality until entirely exterminated. But the wild elk after being hunted a few times seeks a different locality or a different mountain chain. I shall, with the permission of the House, include with my remarks a short but very interesting letter on this subject which I received three years ago from the one man who is perhaps better acquainted with this region and the elk therein than any other—Mr. Horace M. Guptill, of Port Angeles, State of Washington.

Mr. MANN. What is the area of land which this bill provides may be created into a game preserve?

Mr. CUSHMAN. Not to exceed 750,000 acres. It might be any amount less than that in the discretion of the President, but it could not be more.

Mr. MANN. I understand; but that does not convey any impression to my mind about the size of it.

Mr. LACEY. The reservation contains 1,466,880 acres.

Mr. MANN. How many square miles are there, or how many townships—something of that kind.

Mr. CUSHMAN. I will say to the gentleman from Illinois that the present Olympic Forest Reserve is somewhat in the form of a rectangle, but with very irregular boundaries, and approximately it is 65 miles in length from east to west, and 57 miles in width from north to south. Now, this bill proposes to take an area somewhere about the center of this larger tract for a game preserve, and 750,000 acres would make a tract of land about 34 miles square—that is, a tract of land 34 miles north and south, by 34 miles east and west. At one time several years ago I made a map of a proposed national park or game preserve which we hoped to create in that region. I regret that I do not have that map here with me to-day. But this bill provides for a tract about 34 miles square.

Mr. MANN. Is that reservation of sufficient size to make these elk remain within it summer and winter without wandering outside to be conveniently killed?

Mr. CUSHMAN. The gentleman will remember that these elk are not by any means without protection under the laws of our State when they wander outside the limits of this reservation. As I said a while ago, it is unlawful to kill any elk within the State of Washington before the year 1915.

Mr. MANN. Evidently they are not sufficiently protected now. It would be very convenient to have a small game preserve where they can be bred at the Government expense, and then wander outside for the convenience of hunters.

Mr. CUSHMAN. That is not the object of this bill at all. It is to preserve one of the few herds of wild elk yet remaining in America.

Mr. MANN. I fully agree with the gentleman as to the merits of the bill. The only question is whether it goes far enough.

Mr. CUSHMAN. I desire to insert as a part of my remarks the letter which I mentioned as having received on this subject.

PORT ANGELES, WASH., *September 15, 1903.*

DEAR SIR: Relative to the establishment of a game preserve in the Olympic Mountains, concerning which we had a conversation during your recent visit here, I have to say:

It has been twelve years since I first went into the Olympic Mountains, and I have made frequent visits there since that time. I have examined a greater portion of the parts which would naturally be used for a game preserve, and am thoroughly acquainted with all the different streams, peaks, trend of mountain ranges, and grass lands included in this region. The Olympic Mountains are located in the Olympic peninsula, in Clallam and Jefferson counties, State of Washington, forming the most northwesterly portion of the United States. In general terms this section is heavily timbered. The central portion is mountainous, ranging from 5,000 to 7,000 feet in height. It is characterized by numerous valleys and streams, interspersed here and there by prairies and timber and bench lands covered with a heavy stand of wild grasses.

Most of the streams have their source in the region around Mount Olympus, which is located in about the central portion of the Olympic Forest Reserve. This region is the natural home of the elk, as well as the deer, bear, and the cougar, besides other smaller animals, such as

the fox, mink, and raccoon. The game birds are grouse and pheasants. The streams abound in mountain trout.

In this section are practically the only bands of wild elk in the United States. When I first visited the mountains they were very numerous, but now they are to be found only around the headwaters of the Elwha River and its tributaries, and the Solduck River, the Hoh and Queets rivers, and the Quinault River. There are now probably not more than 500 elk remaining in all this region. There having in the past been no restrictions, they have been slaughtered for the horns and teeth merely, and the carcasses left lying on the ground. In the winter when the deep snows are in the mountains the elk work down the streams toward the west coast to a lower altitude and return as the snow disappears. In my judgment the following boundaries would comprise about the proper territory for a game preserve:

Commencing at a point on the Elwha River in section 8, township 29 north, range 7 west, about 12 miles southwest of Port Angeles and running in a westerly direction, following the apex of a mountain range for about 10 miles to a point south of Lake Crescent, and in section 9, township 29 north, range 9 west; thence south about 22 miles, crossing and including the headwaters of the north and south branches of the Solduck and Hoh rivers to the south side of township 26 north, range 9 west; thence east about 24 miles, including the headwaters of the Queets River, to a point south of Mount Anderson; thence in a northerly direction, following the apex of a mountain range separating the Elwha and Dusewallips rivers, about 16 miles; thence in a northwesterly direction, following the ridge and passing south of Mount Angeles and over Hurricane Hill to the Elwha River, to a point about 2 miles south from the place of beginning.

If this territory should be regarded insufficient I see no reason why another tier of townships should not be added on the south.

The territory included in the above description is the natural haunt of the greater portion of the elk in summer and winter, and is unsuitable for settlement except a small portion in and along the Elwha River bottom to about 3 miles above the north boundary of the territory described, and so far there are only two permanent settlers in its limits. I would consider it eminently desirable to set aside territory in the Olympic Mountains to be used for the preservation and propagation of elk, and hunters rigidly excluded therefrom. If some action is not speedily taken the elk will be exterminated.

HORACE M. GUPTILL.

Hon. F. W. CUSHMAN, *Tacoma, Wash.*

I now yield back the remainder of my time to the gentleman from Iowa [Mr. LACEY].

Mr. JONES of Washington. I suggest to my colleague that there are over a thousand square miles in this.

Mr. KEIFER. Thirty townships.

Mr. LACEY. I yield five minutes to the gentleman from Washington [Mr. JONES].

Mr. JONES of Washington. Mr. Speaker, I simply want to say the people of our State are all in favor of the passage of this bill. We do not have any fears as to the conflict between the National Government and State government in this matter. The area is something over a thousand square miles, and most of the country, in fact, all of the territory, is a very mountainous region, and, as I understand it, the elk range will practically all be included in the boundaries of this forest reserve, and the fears of the gentleman from Illinois that they are apt to wander outside of that and be slaughtered I do not think have very much foundation in fact. Fifteen hundred square miles cover a pretty large territory.

Mr. SMITH of Kentucky. Is this intended to protect all the game?

Mr. JONES of Washington. It is to protect all the game—all game animals, birds, and fish, as well as the elk.

Mr. DRISCOLL. Do you know the exact number of acres in this reserve?

Mr. JONES of Washington. Something over 2,000,000.

Mr. DRISCOLL. Why did not the bill reserve it all?

Mr. JONES of Washington. A great deal of it is low land and practically beneficial only for timber purposes. It comes down to the seashore and borders on Puget Sound, so there was no necessity of reserving all of it as a game reserve. As a matter of fact, there is a strong desire on the part of a great many of our people to eliminate a portion of the lands from the forest reserve because of its agricultural character. That is all I care to say about it.

Mr. LACEY. I would like to ask the gentleman whether it is not the general desire in Washington that this reserve should be thus enlarged?

Mr. JONES of Washington. You do not mean enlarged?

Mr. LACEY. I mean the purposes enlarged from a mere forest reserve to a game reserve in addition.

Mr. JONES of Washington. Yes. At least to the extent of 750,000 acres. I stated that a moment ago.

Mr. LACEY. As far as the gentleman knows, that is the universal sentiment of his State?

Mr. JONES of Washington. As far as I know, that is the universal sentiment. In fact, a great many people are very anxious to have this done.

Mr. LACEY. The Japanese question does not enter into it.

Mr. JONES of Washington. Certainly not.

Mr. GAINES of Tennessee. In other words, there is no negro or Japanese in the wood pile.

Mr. LACEY. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, the State of Washington desires to protect its game, and the State of Washington is wise in that conclusion. The birds in the State of Tennessee, and game generally, are being better preserved, I may say, and I hope the gentleman from Iowa will listen to me now, because of the Lacey bill, and the State of Tennessee has availed herself of the patriotic, I may say, and wise provisions of that law and has enacted game laws and has vigorously enforced them, I may say, through the offices of an ex-Member of this Congress, Col. Joseph H. Acklen, formerly of Louisiana, with the result that, it seems, in every county now in Tennessee, that law having been in force in the State for the past three or four years, any man, whether from a city or from the country, can go out in the fields of Tennessee and get all the game that he wants in a short while. Before these laws they could not do so. I think the law limits the number of birds the huntsman can kill to thirty—enough for any man to shoot at for sport or kill to eat in the course of a day. Now, I think it is wise, not only as a matter of preserving the birds in the State of Washington but throughout the United States, that each and every State should avail itself of the provisions of the Lacey law and preserve not only in the State of Washington, but throughout the United States, our game birds and game animals. Now, it is very hard for the birds of Tennessee, as in the days of the Indian or any other enemy of the South, to escape the rifle of the Tennessean, and in the later days the bird gun, so it is well enough to have this game reserved or preserved, I may add, in the State of Washington, that the birds of the State of Washington may have a retreat in a Federal reserve to escape the huntsman with his shotgun and the rifleman with his rifle.

So, Mr. Speaker, in all seriousness, I hope this bill will pass, for the benefit of the State of Washington, and I hope that it may be an example to other States to ask for the same kind of law. If there is any Federal place in the State of Tennessee where a similar law can apply, I now serve notice on the gentleman from Iowa [Mr. LACEY] that I shall ask for a like law to be passed by Congress, in order that the birds of Tennessee, the birds of the air and the animals of the beautiful, silvery, grass-padded valleys of Tennessee may have a thanksgiving day, a day of vacation, when they can escape the riflemen of Tennessee as well as the bird guns. [Applause.]

Mr. LACEY. Mr. Speaker, I yield ten minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, in view of the statement that has been made that practically everyone in the State of Washington is favorable to this legislation, I regret very much that I feel it my duty to express any opposition to it, because if all the good people of Washington believe it well to surrender their State sovereignty to this extent and provide that within a large area within their State State laws shall be inoperative, possibly the balance of us should be content to let them have it as they will. I simply wish to call attention to the fact that this bill does by indirection what it would be impossible under the Constitution of the United States to do directly. It has been held by the Supreme Court, notably in the celebrated Race Horse case from the State of Wyoming, that the State is sovereign in its authority and jurisdiction over the game within its borders, and that the Federal Government can have no control whatever over the game within the borders of a State unless the State legislature shall specifically relinquish its authority and control. It has been said in opposition to that that there is a region in the country where the destruction or the taking of birds and animals is prohibited, namely, the Yellowstone Park; but the Yellowstone Park was created at a time when the territory embraced within the park was not within the boundaries of any State, and therefore Federal authority was supreme.

This bill provides, however, that upon Government lands and waters within this forest reserve the taking of game and birds shall be prohibited. Well, inasmuch as practically all of the land within this forest reserve is Government land, that amounts to a repeal of the State game statutes, and within that area no game animals, birds, or fishes can hereafter be taken; and I suppose that prohibition applies also to the bear, the mountain lions, the wolves, and the coyotes in the region, inasmuch as they are game. And under this law it will be impossible in the future, except by an act of Congress, to provide for the destruction of any of these animals which, by multiplying, as they are bound to do when protected, will prey upon the game and upon the flocks and herds of the surrounding territory.

Now, I present these observations to the House in view of the fact that an effort has been made to provide for the creation of game preserves generally throughout the country by Executive act. I am very much opposed to that legislation, and my opposition to this legislation is that it is a step in the same direc-

tion. I shall vote against it, regretting that I must do so in view of the fact that the gentlemen from the State of Washington say their people all favor it, because I do not believe it to be wise to establish within the boundaries of a sovereign State great areas where State game laws are no longer operative and over which, by Federal legislation, State sovereignty is impaired. The sensitiveness in regard to the sovereign rights of the States, which is generally in evidence here, is a curious thing, and it is remarkable how the sting of the infringement of State rights is often soothed or lessened by the hope of a liberal Federal appropriation or the assumption by the Federal Government of a duty which the State should perform. By this legislation the people of the State of Washington will be relieved from the expense of the enforcement of game laws in this region, and that expense will be laid upon the Federal Government. The result sought could be accomplished in the State of Washington, as it has been in my State, by a State statute, but in that case the State would be called upon to pay game wardens to protect the animals in the territory.

Mr. SMITH of Kentucky. Mr. Speaker, I would like to ask the gentleman a question.

Mr. MONDELL. I shall be glad to yield.

Mr. SMITH of Kentucky. Can not this bill be so amended that it would be operative until the State legislates to the contrary?

Mr. MONDELL. Well, I do not know but what that could be done, but there is no such provision in the bill. The bill sets up and establishes Federal authority and control exclusively over the game within the region described and to be set aside, and to that extent it repeals and annuls all State game statutes. And so far as that territory is concerned the State game wardens will not in the future, unless the State of Washington takes the matter to the Supreme Court and the law is held unconstitutional, as I believe it is, have any control over the taking of game and wild animals. The bears and lynx and mountain lions will there disport themselves, and from this secure shelter will descend upon the valleys surrounding the region and feed upon the flocks and herds of the good people of Washington.

Mr. PERKINS. Will the gentleman allow me to ask him a question?

Mr. MONDELL. I will be pleased to.

Mr. PERKINS. What is the authority for including those in game animals? I do not understand myself that the term "game animals," which has been frequently defined, covers any animal which is itself a beast of prey. Game animals are deer, mountain sheep, and elk—animals of that character. It does not include either bears, wolves, or mountain lions. My friend can go into this district and kill a mountain lion, if he is able to.

Mr. MONDELL. It includes all wild animals.

Mr. PERKINS. They are not game.

Mr. LACEY. Will the gentleman contend that the term "game animals" include vermin?

Mr. MONDELL. I do not know what the gentleman's definition of vermin is.

Mr. LACEY. What would be called "varmints" in Wyoming.

Mr. MONDELL. What would be called "varmints" in Iowa, I think, would be included.

Mr. GAINES of Tennessee. "Varmints" would certainly include the "red fox," the "coon," and the "'possum," or any animal that would run from a good hunting dog.

Mr. MONDELL. I think the Government authority would include them all.

Mr. GAINES of Tennessee. I want to make one or two inquiries of the gentleman on his proposition of law.

Mr. MONDELL. As I am not a lawyer, I prefer the gentleman would not ask them of me.

Mr. GAINES of Tennessee. If you are not a lawyer, you are talking like one. You are begging the question.

Mr. PERKINS. Do you mean that as a compliment?

Mr. GAINES of Tennessee. I say it respectfully; I mean that as a compliment to my friend. In this matter the gentleman rather confuses the power of Congress in these forest reserves. It is Federal property. The Federal Government has exclusive right to control it. Now, the gentleman well knows that the Federal Government can control forest reserves, and is doing it. The State governments could, if they had the power over such Federal property. These birds and ducks, while in the forest reserve, the Federal Government certainly can protect as its own property. The gentleman knows that.

Mr. MONDELL. In answer to the gentleman's inquiry, I respectfully direct him to the decision of the Supreme Court in the case of Ward against Race Horse, which I think answers the gentleman's question fully.

Mr. GAINES of Tennessee. What did they decide in that case?

Mr. MONDELL. They decided that the State game laws extended over and controlled and protected the game on the public domain as well as upon private property. And this in a case where the Federal Government had by treaty agreed with a certain tribe of Indians that they could hunt upon certain lands described in the treaty when those lands were in a Territory and hunt so long as water ran; and the Supreme Court held that as soon as the State of Wyoming was established and extended its borders over the territory described, the solemn treaty of the Government was annulled by that fact, and that the State game law extended over that territory, and the Indians did not have the right to hunt, which the treaty gave them. In other words, that the State was sovereign, and that no Federal legislation or treaty could deprive a State of that sovereignty. This law attempts to deprive the State of sovereignty in the protection of game and transfer that power to the Federal Government.

The SPEAKER. The time of the gentleman has expired.

Mr. LACEY. I yield one minute to the gentleman from Tennessee.

Mr. GAINES of Tennessee. I just want an answer to an inquiry. Of course, the State law applies in these reservations, I take it, when the Federal law does not intervene. Whenever the Federal Government undertakes to protect these birds, which are on its own land, clearly the Federal Government has that right. That is the proposition, and it can do so better than the State can.

Mr. MONDELL. The only difficulty about that proposition is that the gentleman and the Supreme Court do not agree.

Mr. GAINES of Tennessee. Oh, well, that is the case frequently, because sometimes the Supreme Court is wrong. [Laughter.] But the Supreme Court has never decided that the Federal Government did not have the right and power to take care of its birds on its own land and docks and custom-houses and other public property. It has always decided that they have, and never decided any other way.

Mr. MONDELL. But it has decided that the Federal Government owns no birds, ducks, and elks. All these creatures belong to the people.

Mr. GAINES of Tennessee. Of course they do, because they are wild, but this Government has the right to say that the gentleman from Wyoming shall not go into this reserve.

Mr. MONDELL. It has no more control over its lands than any other landowner has over his.

Mr. LACEY. Mr. Speaker, I would like, in this connection, to call the attention of the House to section 3 of the Constitution, Article I, which provides that "the Congress shall have power to make all needful rules and regulations respecting the territory of the United States." The word "territory" there has been held in an opinion by the Attorney-General to mean the public lands of the United States. When this Constitution was adopted there was no such thing as *a* "Territory," but there was *the* territory—the domain of the United States. When this question first came up in Congress a few years ago it was submitted to the Attorney-General, Mr. Knox, who, in an elaborate opinion, gave it as his view that Congress had full power to legislate on this subject as to the public domain. I ask leave in this connection, Mr. Speaker, to incorporate that opinion in my remarks.

The SPEAKER. Is there objection?

There was no objection.

The opinion is as follows:

FOREST RESERVES.

CORRESPONDENCE IN RELATION TO THE POWERS OF CONGRESS OVER FOREST RESERVES SITUATED IN THE VARIOUS STATES, PUBLISHED BY ORDER OF THE HOUSE OF REPRESENTATIVES.

HOUSE OF REPRESENTATIVES,
Washington, December 5, 1901.

MY DEAR SIR: In furtherance of my verbal inquiry in regard to your views upon the subject of forestry legislation, I wish to obtain the benefit of your views upon the constitutional powers of Congress to control the various forest reserves where they are situated in the States.

1. As to those reserves situated in the Territories, it seems to me quite clear that Congress can accept the Territorial laws or can modify or change them at pleasure, and that those reserves are clearly within the jurisdiction of the Congress.

2. As to the enactment of Federal laws to punish the setting out of fires or trespasses in cutting or injuring the timber, I would be pleased to have your views as to what constitutional limitations within the limits of the States would interfere. In view of the permanent withdrawal of these forest lands for a general national purpose, would the powers of regulation and control be greater than those which may be exercised in the preservation and management of ordinary public lands open to entry or settlement where the same are covered with timber?

The questions involve the general power of enacting statutes punishing the persons who may injure the forests as well as making and enforcing regulations for their care.

3. In these forests the wild game have opportunities to breed and find shelter.

An enlightened public sentiment, though unfortunately too tardy in its development, has finally led to the enactment of very efficient and adequate game protection in nearly all the States and Territories, which laws, if suitably enforced, would in most instances give adequate protection. But unfortunately in many localities these laws are either wholly or in part disregarded. The President in his message has asked for the enactment of laws creating game preserves in these forest reserves.

This recommendation involves the question as to the extent of Congressional power and also the choice of methods.

If Congress has no power or control over the subject within the limits of a State, it has unquestioned authority, in my judgment, to prevent interstate commerce in the dead bodies or living creatures themselves.

This control Congress has already asserted in the Federal law prohibiting transportation from one State to another of such game when killed in violation of State laws.

In the disposition of this question in the forest reserves the custodians of the forests might be directed to make complaints and enforce proceedings under the local statutes, thus supplementing the efforts of the State authorities. On the other hand, special Federal statutes might be framed, if constitutional power exists, to deal directly with the question.

Indirectly, protection might be furnished by preventing trespass of all kinds during certain seasons, and thus give incidental protection to the wild inhabitants of these national forests during certain portions of the year.

In this borderland of State and national authority I regard it as of the utmost importance that the legislative should keep in view the rights and powers of the States and that care should be exercised to avoid conflict of jurisdiction where so much depends upon having the laws backed up by a friendly local public sentiment.

I would be gratified to have the benefits of your judgment as to how far legislation on these various subjects would be within the constitutional domain of the Congress.

Very respectfully, JOHN F. LACEY.

Hon. P. C. KNOX,
Attorney-General United States.

DEPARTMENT OF JUSTICE,
Washington, D. C., January 3, 1902.

SIR: Complying with the request therefor contained in your note of December 5, 1901, I here transmit to you some of my views upon the questions there suggested. These questions are as to the power of Congress to enact laws for the protection and control of or relating to our national forest reserves when within the limits of the State, and specifically to make such reserves, to some extent, refuges for the preservation of the remnant of the game in those localities. They necessarily involve, also, substantially the same questions as applicable to the general public domain, for so far as concerns the question of Federal legislative power no difference in principle is perceived.

I quite agree with you that as to those reserves situated within a Territory of the United States this Federal legislative power is ample, and the questions are those arising when such reserves are within the limits of a State; but in order to the determination of those it may be well to refer briefly to the nature and source of this Federal power over the Territories.

As to the source of this power there has been a diversity of opinion, and the power is claimed to have arisen from that provision of the Constitution which gives Congress the "power to dispose of, and make all needful rules and regulations respecting, the territory and other property belonging to the United States;" and other sources of this power have been suggested; but, whatever its origin, the existence of this power, as the Supreme Court has several times said, is undoubted.

While, in the Dred Scott case (19 How., 393), it was held that this constitutional provision applied only to such territory as the United States then had and did not apply to that subsequently acquired by treaty or conquest, this has not been acquiesced in in later cases, several of which point to this provision as, at least, one of the sources of the power and control which Congress exercises over the various Territories. And, I think, it may be taken as now settled that this provision confers upon Congress the power stated over all the Territories.

Congress, then, having sovereignty and ample legislative control of the Territories while they are such and of the public lands therein, one important question is how far this sovereignty and right of control is surrendered to the State by its admission into the Union. And here we may look again to the Constitution, then to the acts admitting such States, and to their constitutions when admitted.

And, first, as to the Federal Constitution. Assuming, as I think we may, that the provision above referred to applies to all "territory and other property belonging to the United States," whether then already or subsequently acquired, what was the intended limit of the duration of the power thus conferred? Was it intended to continue only until the new State was admitted, and to then cease and leave Congress and the Government without any power to "dispose of" or to "make needful rules and regulations respecting" the public lands or "other property" belonging to the United States, or was it intended to continue as long as its subject-matter and its necessity continued? If the former, we must look to some other source for the power of Congress to dispose of and regulate the management of the public domain within the limits of a State. If the latter, then this provision is ample.

I do not consider here the case of military forts, posts, dockyards, etc., for which special provision is made in the Constitution, nor sites for post-offices, court-houses, etc., the question of jurisdiction over which is generally settled by convention.

When the Constitution was adopted we had but one Territory, though it is fair to suppose that others were looked upon as possible; but the one that we had was acquired under conditions which required its admission into the Union in not less than three nor more than five States, with equal sovereignty with that of the original States, and the Constitution provided for the admission of new States. Thus, with the subject of new States directly in mind, did the framers intend to give Congress power to dispose of and manage the public lands while in a Territory and to leave it without the power to do either after a State was admitted? For it could not have escaped them that to confer this power while the Territory remained such was, by the strongest implication, to deny it afterwards. Did they intend this?

In the first place—and this is quite sufficient for its construction—the provision itself imposes no limitation, either of time or of Territorial or State condition; nor does the nature of the power conferred imply any such limitation. On the contrary, the power is as broad and general as language could make it, with no limitation whatever, either expressed or implied. And the reason and necessity for the power are tenfold stronger after the admission of the State than during the existence of the Territory; and there is no rule of law or of construction which will permit us to impose a limitation which neither the instrument itself nor the nature of the power imposes or implies. And the general rule is that when a power is conferred without limitation, express or implied, it continues as long as the necessity for its exercise. And the Supreme Court has more than once said (as in Gibson *v.* Choteau, 13 Wall., 92, on p. 99) "that power is subject to no limitations."

The difficulty and misconstruction here arises chiefly from the use in this clause of the word "territory." If, instead, the expression had been that Congress should have power to dispose of and make all needful rules and regulations respecting the land and other property, there could have been no question but that this power of disposition and control continued after statehood as before. But this is exactly what the provision does mean. It does not refer to organized Territories, as to which the term "dispose of," and make "rules and regulations," and "other property" are not appropriate; but it refers to land and other property. And this is expressly held in United States *v.* Grotiot (13 Pet., 526), where it is said (p. 536):

"The term territory, as here used, is merely descriptive of the kind of property, and is equivalent to the word lands. And Congress has the same power over it as over any other property belonging to the United States, and this power is vested in Congress without limitation."

This of itself would seem to make the meaning fairly certain. Consider the situation. After a long struggle, which had long delayed the adoption of the Constitution, the people had finally settled the ownership and sovereignty of the lands outside of the States in the General Government. It was claimed that as this territory had been wrested from Great Britain by the blood and treasure of the people of all the States it should be held for their common benefit, and not for any State, and it was finally so settled and agreed and the whole territory ceded to the United States for the common benefit of all. At that time, next to State jealousy of Federal power—if second to even that—there were mutual State jealousies of the power of each other, and this was one of the causes of the dispute over the public territory, and yet it was certain and well known that on the admission of the expected new States, with their sovereignty within their borders, all of the sovereignty and control of this territory within their borders which was not in the United States would be in those States, respectively, and that that sovereignty and control which they had so long struggled to place in the United States would be passed over to these three to five States as they were admitted. This was certain to be the case, for if Congress did not have this sovereignty and control after a State was admitted, then the State did have it, and no other State could interfere.

These States might then, by unfriendly legislation or by no legislation, or both, so hamper these lands, their sale, occupancy, and control as to render them of little value except to those States and their people. It is simply incredible that this was intended. If it was not, then it was intended that this vital power of disposal and control should continue at a time when, of all others, it was most needed. While the Territory remained such the sovereignty of the United States was complete without any other grant than that contained in the cession, and this special grant of power was not at all necessary. Its chief if not its only use and purpose was that, when and after these lands passed into and under the sovereignty of a State, they should do so subject to the paramount sovereignty of the United States so far as was needful.

In framing this dual government, this imperium in imperio, in which each State was to be in many respects sovereign in the nation and the nation in many respects sovereign in each State, the separation of these sovereignties and their lines of demarcation must have received the most careful attention of those statesmen as one of the most important and difficult problems which confronted them. And, as the control and disposal of this Territory was one of the most important and burning questions of the time, and had long been such, delaying and, for a time, endangering the adoption of the Constitution, it would seem impossible that when dealing directly with this question provision was made for this control while in a Territorial state, and when it was little needed, and purposely omitted at a period when, of all others, it was most needed. We shall come nearer to the real meaning of this provision by reading it as it is so plainly written, without any limitation, either of time or Territorial or State condition.

If authority for this construction be needed it is not lacking, and in another connection I shall refer to some cases which come first to hand.

Assuming, then, as I think we must, that this constitutional provision confers upon Congress the power of disposition and control of the public lands after the admission into the Union of the States containing them, how much, if any, of this power is surrendered to the States by the acts admitting them into the Union as sovereign States? And here the general rule is certain (although questions may arise as to its application to particular cases). So far as its exercise is needful to the disposition and full control and management of these lands, Congress has always been and is incapable of diverting, alienating, or surrendering any part of it. It is uniformly held that while the title of the United States to the public lands is absolute as against every other title, yet it is held in trust for the ultimate benefit of all the people in such manner as may be prescribed by law, and this is peculiarly the case as to the only Territory we had at that time. Congress, then, being a trustee of the title, can not divert, alienate, or surrender any power necessary or proper for the disposal, protection, preservation, control, or management of its lands, nor in any way discharge itself from the duty of executing the trust confided to it.

But while this power to make all needful rules and regulations is also the power to determine what are needful, and while, therefore, this power so conferred is, in terms, absolute and unlimited, yet, notwithstanding some general statements of the Supreme Court, it may be well claimed that, after the admission of a State, there is necessarily a limit arising from other portions of the Constitution and the general powers of the State. For example, may Congress continue to legislate for this public land—some of it, perhaps, in small, isolated quantities—upon all subjects of municipal legislation, civil and criminal, and irrespective of the laws of the State upon the same subjects, as it does, for example, in the District of Columbia? Or, on the other hand, is the power of Congress within a State limited to such acts, legislative or otherwise, as are required for the disposal, protection, and control of such lands? Or is there, between these, a limit to Federal power, legislative or executive? It is not necessary to discuss here the first

of these questions, for no such general legislation is contemplated, and the other two, and also how far Federal control has been surrendered by acts admitting States into the Union, may be examined in the light of another consideration, viz, the rights incident to ownership.

Subject to the eminent domain of the State, the collection of taxes, the service of process, and other kindred superior rights the ownership of land carries with it, as incident to and a part of such ownership, the right of exclusive possession and control, which includes the right to forbid and prevent intrusion thereon for any purpose and to prevent and remove trespassers. The owner may forcibly prevent such intrusion if he can, or he may apply to the courts for relief or to recover damages. But a private individual may not himself enact laws for the protection of his property or to punish trespassers upon his lands. Is the United States in the same situation as to its lands within a State? Is it without power to itself enact laws for the disposal or management of its public lands within a State, or for their protection from fires, or the preservation of its timber or minerals thereon? This is undoubtedly the case, if the United States, as to such lands, has no other rights than those of an ordinary proprietor.

And it must be admitted that much that is said by the court in Fort Leavenworth Railroad Company *v.* Lowe (114 U. S., 525) is directly to the effect that as to lands within a State, unless jurisdiction is reserved in admitting a State, or the land is acquired by the United States with the consent of the State for military purposes, etc., as provided in the Constitution, the United States has no other rights than those of an ordinary proprietor, and that, like other lands, they are subject to the sole jurisdiction and sovereignty of the State. And it is in view of this that I discuss this question more elaborately than I otherwise would. But, if what is there said is to be considered as a denial of all legislative power of Congress over such lands, not only is it opposed to the uniform practice of the Government from the beginning, with the frequent approval of that court, and to many contrary declarations of that court, but the contrary is directly held in later cases.

But what is said in that case must be read with reference to and in the light of the case then before the court. The question in that case was that of the exclusive jurisdiction or not of the United States over that part of the reservation not used for military purposes. Upon the admission of Kansas no reservation of Federal jurisdiction was made, but later the State ceded that jurisdiction to the United States with this saving clause, viz, the right to serve civil and criminal State processes therein, and "saving further to said State the right to tax railroad, bridge, and other corporations, their franchises and property on said reservation." The State levied a tax on a railroad on this reservation, and the question of its power to do so depended upon whether the reservation was in the exclusive jurisdiction of the United States. The court held that, inasmuch as it was not purchased with the consent of the State "for the erection of forts, magazines, arsenals, dockyards, and other needful buildings," under clause 17, section 8, Article I, of the Constitution, the United States had no such exclusive jurisdiction, and that, under this saving clause, the State had power to tax the railroad property; and that the only way by which the United States could acquire this exclusive jurisdiction within a State was that provided by the Constitution, viz, by purchase with the consent of the State.

The question of concurrent jurisdiction or of Federal jurisdiction for some purposes, was not discussed nor even mentioned, for it was not involved. Nor was any allusion made to that other constitutional provision giving to Congress the power to make needful rules, etc., which certainly gave to Congress much greater power than is possessed by an ordinary proprietor. And, if the court decided that it did not do so, or did not apply to lands within a State, or decided anything else upon a question of such vast importance, it did so sub silentio by saying nothing about it. That is not the way in which that court settles questions of such importance.

From the beginning the whole policy and practice of the Government in respect of its public lands has been based upon the generally unquestioned power of Congress to legislate for their disposal, management, and protection, in both Territories and States, and with the frequent approval of the Supreme Court. It is needless to refer to these various acts of legislation as to lands in States and Territories. Their name is legion, but each and every one of these acts was the assertion and the exercise of Federal jurisdiction and sovereignty, and of a right far superior to that of any mere proprietor as to lands within a State.

This must have been either because, in the admission of the State, the jurisdiction necessary for that purpose was either expressly or impliedly reserved—the latter of which is not probable—or because the constitutional provision referred to confers that power, and this would seem a quite sufficient source of power.

In Gibson *v.* Choteau (13 Wall., 92) it is said in the syllabus that "the power of Congress in the disposal of the public domain can not be interfered with, or its exercise embarrassed by any State legislation." And on page 99, "With respect to the public domain, the Constitution vests in Congress the power of disposition and of making all needful rules and regulations. That power is subject to no limitations." Nothing could be more conclusive that this constitutional provision applies also to lands within a State, and that the legislative power thus conferred is paramount.

In Jorden *v.* Bennett (4 How., 169) it is said (p. 184):

"By the Constitution Congress is given power to dispose of and make all needful rules and regulations respecting the territory and other property of the United States, for the disposal of the public lands. Therefore, in the new States where such lands be, Congress may provide by law, and having the constitutional power to pass the law, it is supreme. So Congress may prohibit and punish trespassers on the public lands. Having the power of disposal and of protection, Congress alone can deal with the title, and no State law, whether of limitation or otherwise, can defeat such title."

This was the holding of the Supreme Court up to the time when the Fort Leavenworth case was decided, and it is not supposable that that court intended to then overrule these cases and deny this legislative power of Congress and all other powers save such as belong to an ordinary individual proprietor, while making no reference whatever to its previous holdings. That it did not so intend is manifest from the only other case which I shall cite upon this question, that of Camfield *v.* United States (167 U. S., 518), where it is said in the syllabus:

"The Government of the United States has, with respect to its own lands within the limits of a State, the rights of an ordinary proprietor to maintain its possession and to prosecute trespassers; and may legislate for their protection, though such legislation may involve the exercise of the police power."

And on pages 524 and 525 the powers of the Government, both as an individual proprietor and as a sovereign, are well stated:

"The lands in question are all within the State of Colorado. The Government has, with respect to its own lands, the rights of an ordinary proprietor to maintain its possession and to prosecute trespassers. It may deal with such lands precisely as any private individual may deal with his farming property. It may sell or withhold them from sale. It may grant them in aid of railways or other public enterprises. It may open them to preemption or homestead settlement, but it would be recreant to its duties as trustee for the people of the United States to permit any individual or private corporation to monopolize them for private gain and thereby practically drive intending settlers from the market."

And on page 525:

"The General Government doubtless has a power over its own property analogous to the police power of the several States, and the extent to which it may go in the exercise of such power is measured by the exigencies of the particular case. If it be found to be necessary for the protection of the public or of intending settlers to forbid all inclosures of public lands, the Government may do so, though the alternate sections of private lands are thereby rendered less valuable for pasturage. The inconvenience, or even damage, to the individual proprietor does not authorize an act which is in its nature a purpresture of Government lands. While we do not undertake to say that Congress has the unlimited power to legislate against nuisances within a State which it would have within a Territory, we do not think the admission of a Territory as a State deprives it of the power of legislating for the protection of the public lands, though it may thereby involve the exercise of what is ordinarily known as the police power, so long as such power is directed solely to its own protection. A different rule would place the public domain of the United States completely at the mercy of State legislation."

This, so manifestly the correct doctrine, would seem to cover and to settle the whole question and to authorize the proposition that, as to public lands within a State, the Government has all the rights of an individual proprietor, supplemented with the power to make and enforce its own laws for the assertion of those rights and for the disposal and full and complete management, control, and protection of its lands.

Among these undoubted rights is the right of absolute or partial exclusion, either at all or at special times and for any or for special purposes.

While Congress certainly may by law prohibit and punish the entry upon or use of any part of these forest reserves for the purpose of the killing, capture, or pursuit of game, this would not be sufficient. There are many persons now on these reserves by authority of law, and people are expressly authorized to go there, and it would be necessary to go further and to prohibit the killing, capture, or pursuit of game, even though the entry upon the reserve is not for that purpose. But the right to forbid intrusion for the purpose of killing game is one thing, and the right to forbid and punish the killing, per se, and without reference to any trespass on the property, is another. The first may be forbidden as a trespass and for the protection of the property; but when a person is lawfully there and not a trespasser or intruder the question is different.

But I am decidedly of opinion that Congress may forbid and punish the killing of game on these reserves, no matter that the slayer is lawfully there and is not a trespasser. If Congress may prohibit the use of these reserves for any purpose, it may for another; and while Congress permits persons to be upon and use them for various purposes, it may fix limits to such use and occupation and prescribe the purpose and objects for which they shall not be used, as for the killing, capture, or pursuit of specified kinds of game. Generally, any private owner may forbid, upon his own land, any act that he chooses, although the act may be lawful in itself; and certainly Congress, invested also with legislative power, may do the same thing, just as it may prohibit the sale of intoxicating liquors, though such sale is otherwise lawful.

After considerable attention to the whole subject, I have no hesitation in expressing my opinion that Congress has ample power to forbid and punish any and all kinds of trespass upon or injury to the forest reserves, including the trespass of entering upon or using them for the killing, capture, or pursuit of game.

The exercise of these powers would not conflict with any State authority. Most of the States have laws forbidding the killing, capture, or pursuit of different kinds of game during specified portions of the year. This makes such killing, etc., lawful at other times, but only lawful because not made unlawful. And it is lawful only when the State has power to make it lawful by either implication or direct enactment. But, except in those cases already referred to, such as eminent domain, service of process, etc., no State has power to authorize or make lawful a trespass upon private property. So that, though Congress should prohibit such killing, etc., upon its own lands at all seasons of the year, this would not conflict with any State authority or control. That the preservation of game is part of the public policy of those States and for the benefit of their own people is shown by their own legislation, and they can not complain if Congress upon its own lands goes even further in that direction than the State so long as the open season of the State law is not interfered with in any place where such law is paramount.

It has always been the policy of the Government to invite and induce the purchase and settlement of its public lands, and as the existence of game thereon and in their localities adds to the desirability of the lands and is a well-known inducement to their purchase, it may well be considered whether, for this purpose alone and without reference to the protection of the lands from trespass, Congress may not, on its own lands, prohibit the killing of such game.

Your other questions relate to the method of enforcing these Federal powers, if they exist, to the nature and kind of laws therefor. While such questions are peculiarly for Congress, yet, as you request it, I will suggest what occurs to me.

You very properly suggest the power of Congress over interstate commerce as tending indirectly to this end, by prohibiting interstate transportation of game, living or dead, or of the skins or any part thereof. There is some legislation upon that subject. I do not take the pains to examine this to see how sufficient it is; but if not already done something to the end desired may be accomplished in this way, but as a remedy this would fall far short of what is required.

You allude also to the aid and cooperation of forest rangers and those in charge for the enforcement of State laws. This would be well, and especially so in the way of securing good feeling and harmonious action between Federal and State authorities. There is a provision for that in the act of March 3, 1899 (2 Sup. Rev. Stat., 993), but it simply imposes a very general duty, and should be more specific as to what acts are required to be done.

In this connection, and with reference also to the general protection of these reserves and the other public lands from fires, cutting timber, killing game, and other depredations, I would suggest, in view of the existing law as to arrest without a warrant, whether it would not be

well to give marshals and their deputies, and the superintendents, supervisors, rangers, and other persons charged with the protection of these reserves power, on the public lands, in certain cases approaching "hot pursuit," to arrest without warrant.

Complaints come to this Department that very often the place of illegal acts is so far from the office of any magistrate, and the means of communication such, that before formal complaint can be made and an officer with a warrant sent there the offenders are beyond successful pursuit. I commend this to your consideration. No matter what laws we may have for the protection of these reserves, the public lands generally, or the game, they would be in a very great many cases wholly inefficient, owing to the impossibility, under the present law as to arrests, of their enforcement.

There are already many statutes against setting fires and trespassing upon the public lands. Perhaps these are sufficient, so far as laws go. I do not examine this; but as to the protection of game on forest reserves drastic laws for that purpose, together with better means, as above suggested, for their enforcement, are required.

I would suggest the making it an offense to enter or be upon or use any portion of a forest reserve for the purpose or with the intent to kill, capture, or pursue (certain specified kinds of) game, or to kill, capture, or pursue with intent to kill or capture such game, on any portion of such reserve, and I would do this for the whole year as to some kinds of game, at least, and make such killing, capture, or pursuit the evidence of such purpose or intent. The latter clause, as you will see, proceeds against the act itself, irrespective of any trespass upon the lands, if, indeed, such act does not necessarily involve a technical legal trespass. But this may be questionable in case, for example, when one who is properly there, kills game. I would insert it at any rate, and it will, with the other, operate as a preventive.

Respectfully,

P. C. KNOX, *Attorney-General.*

Hon. JOHN F. LACEY,
House of Representatives.

Mr. LACEY. Now I yield to the gentleman from South Dakota [Mr. BURKE] for a question.

Mr. BURKE of South Dakota. I am in favor of the bill, but I want to ask the chairman of the committee if the question was considered of providing conditions under which there might be exception to this section 2. As I understand it, if this bill becomes a law, there can be no hunting or trapping or fishing whatever within this reservation under any conditions; and what I wanted to ask the gentleman was whether or not the committee considered giving some department of the Government authority to grant the privilege under certain conditions—for instance, to fish? Fishing is permitted in the Yellowstone Park, and I do not think that any harm has come from it. This provision is pretty binding.

Mr. LACEY. The purpose of this bill was to make a perpetual closed season as to legitimate game within that much of the area, in order that it might be a breeding place from which the animals and birds might overflow into the other parts of the State of Washington, just as to-day the Yellowstone Park furnishes a great and perpetual source of supply for the adjoining States of Idaho, Montana, and Wyoming, and even Utah. In the case of the Olympic Reserve the area was cut down to 750,000 acres, because it was believed that that would be sufficient. Originally, however, this question came up at the request of the people of Washington, because of the fact that there was in that range the only remaining herd of elk in that whole region. They are importing elk into Michigan and moose into Maine, trying to restore again those animals to the woods of those States.

It was believed that while a small herd of the original elk remained in Washington it was wise, as they were already on a tract of land that was reserved absolutely from sale or settlement, to give them protection there, and while this bill primarily had that special object in view it was also made broad enough so that the grouse and other wild birds and animals of that forest could also use it as a breeding ground. Congress passed a law of like import for the Wichita Reserve in the new State of Oklahoma, to the very great delight and satisfaction of the people down there. A similar bill was passed in the last session of this Congress as to southern Utah, giving them the benefit of a like reserve in a portion of the Grand Canyon Forest Reserve. Now, we have pending upon the Calendar a bill authorizing the same action to be taken by the Executive generally in other localities. Some opposition has arisen to a general bill, and it was deemed better, perhaps, to press separate bills for such localities as really wanted this sort of legislation, and give them the benefit of it. Washington has come in and asked it, Utah has asked it, Oklahoma has asked it and got the benefit of it, and I have no doubt that other States or Territories will avail themselves of this legislative power by requesting Congress to grant them a similar reserve for game in the forest reserves, possibly in the gentleman's own State.

Mr. BURKE of South Dakota. The gentleman has not yet answered the point that I made. Suppose, in the course of time, that the game upon this reserve multiplies so that it might be advisable to transplant from that reservation certain game animals. Under this bill how could you do it?

Mr. LACEY. I do not think it could be done under this bill. It, however, could be done, I think, under the general Federal law (known as the Lacey Act), which placed the protection of game within the jurisdiction of the Secretary of Agriculture, and forbade its export when killed or taken in violation of local law. The general bill also gives to the Secretary the power that would enable him to take game within any particular game preserve and transfer the animals to another preserve. This bill does not, either by implication or in terms, attempt to repeal that law. I think there is already ample authority.

Now, that was one of the purposes in making the Wichita Reserve. It had been desired to take quail in the Territory of Oklahoma and transfer them to Maryland and other localities. It could not be done under the local law, but by having a breeding ground especially set apart in the Wichita Reserve, under the general power that the Secretary has, he might transfer quail from Wichita Reserve to Maryland or South Carolina or Tennessee, or other places, that might for the time being need the additional replenishment.

Mr. BURKE of South Dakota. Suppose an animal should become vicious or diseased and it is desirable to destroy him. Under this bill, would any person have the right to go out there and kill him? Who could authorize him to do so?

Mr. LACEY. There was no attempt to go into details. Further legislation could be enacted from time to time, in order to meet any such question as my friend from South Dakota suggests, or which might hereafter arise. The present purpose was to make the reservation.

Mr. BURKE of South Dakota. What I want to know is whether the committee had considered putting into this bill a provision that would make it possible to accomplish these things, if it ever became desirable?

Mr. LACEY. I think under the general power to make regulations in the Territories of the United States, a power vested in the Secretary of Agriculture, who has charge of this particular reserve, because it is a part of the forest reserve, under the general power given him, he would undoubtedly have the power to carry out the purposes my friend has in view.

Mr. BURKE of South Dakota. If an act is unlawful, there is no person that can make it lawful. Does not this act say that it shall be unlawful for any person to do certain things?

Mr. LACEY. Yes; but there in another provision of statute law saying that such things shall be lawful for a certain Government official. This does not interfere with that provision. He is not a "person" within the meaning of this statute; he is a Government official in charge of the reserve. Of course there is nothing in this bill that would in any way interfere with the slaughter of these animals or birds that got outside of the boundary of the reserve.

Mr. JONES of Washington. Let me suggest in that connection and in connection with the question put by the gentleman from South Dakota, that while preparing this bill my colleague considered the question whether the power should be invested in the Secretary of the Interior to give permission to people to go in and hunt. Our people at this time do not want anything of that kind.

Mr. BURKE of South Dakota. Was the question of fishing considered?

Mr. JONES of Washington. That question was considered also.

Mr. OLMSTED. Mr. Speaker, I am in favor of this bill, and I want to ask the gentleman from Iowa whether he does not think there should be a more particular designation of the birds and animals? This bill says "for the protection of game animals, birds and fishes therein." I take it that you want to protect mink, otter, muskrat, which might not come within the designation of game animals, and also you would want to protect robins, bluebirds, and all kinds of birds which might not come strictly within the designation of game birds.

Mr. LACEY. The word "game" does not apply to birds; it applies to the animals and not to the birds or fishes, according to the punctuation.

Mr. OLMSTED. I believe that the punctuation in an act does not control. Would it not be better to amend it so as to include all birds and particular animals that you wish to protect?

Mr. LACEY. It is not desirable to protect all animals, for there are wolves in this reserve.

Mr. OLMSTED. They are game.

Mr. LACEY. No; they are not; they come within the class that I called "vermin" a short time ago. They are not game animals.

Mr. OLMSTED. They are game that hunters go after.

Mr. LACEY. They kill them, but not as game.

Mr. GAINES of Tennessee. Let me interrupt the gentleman. You construe this bill that if game birds or animals escape from the reserve and get out into the State territory—that is,

beyond the limits of the reserve—anybody has a right to hunt or kill them?

Mr. LACEY. Unquestionably; the bill does not go beyond that. It only legislates for the reserve.

Mr. OLMSTED. Is the grizzly bear a game animal?

Mr. LACEY. I am inclined to think that he would be; but that would be a matter of construction.

Mr. OLMSTED. Well, the bill leaves it all open to construction. My inquiry is whether it would not be better to specify the particular animals which it is sought to protect.

Mr. LACEY. Mr. Speaker, the committee thought best not to go into the details, because there might be a question raised as to whether a particular animal ought to be protected. The general term "game animals" has been well understood, because the State itself has legislated and declared what should be regarded as game.

Mr. MONDELL. Does the gentleman understand that this applies only to what he considers game animals and that as to predatory wild animals the State law would apply?

Mr. LACEY. I think undoubtedly.

Mr. MONDELL. Then we would have a dual jurisdiction over animals in this territory—the jurisdiction of the Federal Government over game animals, birds and fishes, and the jurisdiction of the State over predatory wild animals.

Mr. LACEY. Wherever the two jurisdictions did not conflict of course they would both apply, and where they do conflict the Federal jurisdiction of course would take control, because it is in the territory of the United States.

Mr. JONES of Washington. Mr. Speaker, before debate on this bill is closed I would like to state that my colleague [Mr. HUMPHREY], who is the author of this bill and who has taken a very great interest in it, was called out of town last evening on very urgent business. He did not know this bill would come up, and I think in justice to him this statement should be made to appear. I also ask unanimous consent that he may have leave to extend his remarks in the RECORD on this bill.

The SPEAKER. The gentleman from Washington asks that his colleague, the gentleman from Washington [Mr. HUMPHREY], may have leave to extend his remarks in the RECORD on this bill. Is there objection?

There was no objection.

Mr. LACEY. Mr. Speaker, I now move the previous question on the bill to its final passage.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the previous question was ordered.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

Mr. OLMSTED. Mr. Speaker, I would like to inquire whether the bill is subject to amendment at this time.

The SPEAKER. The previous question having been ordered, it is not. The question is on the engrossment and third reading of the bill.

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

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

The SPEAKER. Is there any further business from the Committee on Public Lands? If not, the Clerk will call the next committee.

The Clerk proceeded with the call of committees.

Mr. SHERMAN (when the Committee on Indian Affairs was called). Mr. Speaker, I ask unanimous consent that the Committee on Indian Affairs be passed without prejudice.

The SPEAKER. The gentleman from New York asks unanimous consent that the Committee on Indian Affairs be passed without prejudice. Is there objection?

There was no objection.

MAKING INHABITANTS OF PORTO RICO CITIZENS OF UNITED STATES.

Mr. COOPER of Wisconsin (when the Committee on Insular Affairs was called). Mr. Speaker, I call up the bill (H. R. 17661) providing that the inhabitants of Porto Rico shall be citizens of the United States, which I send to the desk and ask to have read.

The SPEAKER. This bill which the gentleman from Wisconsin calls up seems to be on the Union Calendar and not subject to a call of committees.

Mr. COOPER of Wisconsin. Mr. Speaker, I think it does not make any appropriation. I do not understand why it should be on the Union Calendar. There is no tax upon the Government whatever. It carries no appropriation.

The SPEAKER. Has the gentleman the act on his desk which this bill seeks to amend?

Mr. COOPER of Wisconsin. Mr. Speaker, it is the organic act, known as the "Foraker Act," creating a civil government in Porto Rico. This bill seeks to amend a section of that act. I will hand to the Speaker a copy of the act.

The SPEAKER. The gentleman from Wisconsin seeks to call up the bill (H. R. 17661) reported from the Committee on Insular Affairs, with an amendment, providing that the inhabitants of Porto Rico shall be citizens of the United States. This bill is on the Union Calendar and not upon the House Calendar. Being upon the Union Calendar, it is, therefore, not within the rule. The gentleman, however, makes the point that the bill should not be upon the Union Calendar, but ought to be upon the House Calendar. The Chair, upon examination of the bill, is inclined to the opinion that the bill ought to be upon the House and not upon the Union Calendar. The bill, however, is upon the Union Calendar.

Mr. CLARK of Missouri. Mr. Speaker, if the Chair will permit, I would like at this point to inquire if that bill undertakes to confer American citizenship on all of the people in Porto Rico?

The SPEAKER. It does, apparently.

Mr. CLARK of Missouri. It seems to me that that is such a bill as ought to be considered in a full House.

The SPEAKER. That is a question for the House to determine. The Chair is dealing now only with the point that the gentleman from Wisconsin [Mr. COOPER] makes—that the bill is improperly on the Union Calendar and should be upon the House Calendar.

Mr. OLMSTED. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. OLMSTED. Whether, being upon the wrong Calendar, it can not now be put upon the right Calendar and called up under a call of committees, and can it not now be treated as on the House Calendar, where it properly belongs?

The SPEAKER. If it is on the wrong Calendar. On the point being made, under the practice of the House, it is within the power of the Chair to transfer it to the proper Calendar. The Chair sustains the point of order, and the bill is ordered to the House Calendar. Has the gentleman any other bill to call up?

Mr. COOPER of Wisconsin. Nothing more.

Mr. CLARK of Missouri. Mr. Speaker, I raise the question of consideration.

The SPEAKER. The bill is not up now.

Mr. CLARK of Missouri. All right; I withdraw the remark.

Mr. COOPER of Wisconsin. Mr. Speaker, I call up the bill H. R. 17661, reported by the Committee on Insular Affairs.

The SPEAKER. The gentleman from Missouri, as the Chair understands, objects to the consideration of the bill at this time.

Mr. CLARK of Missouri. Yes, sir.

The SPEAKER. Now, then, upon that motion it has been held that a bill must be actually on the House Calendar, and properly so also, in order to be considered in the morning hour. The idea is, as the Chair understands the ruling and the rule, that the House should have notice of what is liable to be called upon the House Calendar in the morning hour. Now, the House did not have that notice upon the Calendar when the gentleman called the bill, and the gentleman then elected to make the point of order that the bill should be upon the House Calendar and not upon the Union Calendar. In the opinion of the Chair, as the gentleman from Missouri objects, the bill is not subject to call to-day in the morning hour.

Mr. COOPER of Wisconsin. Mr. Speaker, a parliamentary inquiry. Would it be in order to make a motion that the Committee on Insular Affairs pass by this call without prejudice?

The SPEAKER. The gentleman can ask unanimous consent. The gentleman from Wisconsin asks unanimous consent—just what was the gentleman's request?

Mr. COOPER of Wisconsin. I ask unanimous consent that this bill be taken up for consideration next Monday at 2 o'clock.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the bill may be taken up next Monday at 2 o'clock.

Mr. CLARK of Missouri. I object.

The SPEAKER. To which the gentleman from Missouri objects.

Mr. COOPER of Wisconsin. Mr. Speaker, I then move that the bill be taken up next Monday at 2 o'clock.

Mr. PAYNE. Of course that is not in order.

Mr. CLARK of Missouri. That is out of order.

The SPEAKER. The point of order is made upon that motion. It seems to the Chair the motion is not in order.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask the Committee on Insular Affairs be passed upon this call without prejudice.

The SPEAKER. It requires unanimous consent.

Mr. OLMSTED. Mr. Speaker, I will ask unanimous consent that the Committee on Insular Affairs be passed without prejudice.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the Committee on Insular Affairs be passed without prejudice.

Mr. CLARK of Missouri. I object to that.

The SPEAKER. The gentleman from Missouri objects. As the gentleman has no other bill, the Chair will order the next committee to be called.

When the Committee on Education was called,

Mr. MANN. Mr. Speaker, I would like to inquire whether the call of the Committee on Education at this time does away with the passing without prejudice of the Committee on Education heretofore?

The SPEAKER. In the Chair's opinion, yes.

GOODS, ETC., MANUFACTURED BY CONVICT LABOR, ETC.

When the Committee on Labor was called,

Mr. GARDNER of New Jersey. Mr. Speaker, I ask that the Committee on Labor be passed without prejudice.

Mr. PAYNE. Mr. Speaker, I think I shall have to object to that.

The SPEAKER. To which the gentleman from New York objects.

Mr. GARDNER of New Jersey. Then, Mr. Speaker, I move the following bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 12318) to limit the effect of the regulation of interstate commerce between the several States in goods, wares, and merchandise wholly or in part manufactured by convict labor or in any prison or reformatory.

Be it enacted, etc., That all goods, wares, and mechandise manufactured wholly or in part by convict labor, or in any prison or reformatory, transported into any State or Territory or remaining therein for use, consumption, sale, or storage, shall, upon arrival and delivery in such State or Territory, be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured in such State or Territory, and shall not be exempt therefrom by reason of being introduced in original packages or otherwise.

Mr. BARTLETT. Mr. Speaker——

Mr. GARDNER of New Jersey. How much time does the gentleman from Georgia desire?

Mr. BARTLETT. I do not want any time; I want to make an inquiry of the Chair and of the gentleman. This seems to be a bill which deals altogether with matters of interstate commerce, and I understand the gentleman reports this bill from the Committee on Labor. I would like to raise the question of consideration on this bill—as to the right of the Committee on Labor to consider a matter which affects altogether interstate commerce. It is a bill drawn almost in the same words as a bill known as the Wilson bill, passed in 1890, which had reference to the transportation of manufactured spirits. This bill does not appear to have any reference to labor—simply a matter which deals altogether with interstate commerce—and I raise the point that the Committee on Labor has no jurisdiction of this bill. I raised the point of order, Mr. Speaker, that the Committee on Labor had no jurisdiction over this bill.

Mr. GAINES of Tennessee. Mr. Speaker, may I make a parliamentary inquiry here?

The SPEAKER. First permit the Chair to make a statement as to the gentleman's point of order. The gentleman at this stage makes the point of order that the Committee on Labor did not have jurisdiction of this bill, and not having jurisdiction to report, the House can not consider the same.

Mr. BARTLETT. Can not consider the same upon call of the committees from the Committee on Labor.

The SPEAKER. Upon this order?

Mr. BARTLETT. Yes, sir; that is the point.

Mr. GAINES of Tennessee. Can not the House go along and pass a bill regardless of what committee reports it? I think it can. I will answer my own question. I would like to have it from higher authority also.

The SPEAKER. The Chair will hear from the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT. We are acting on the call of committees. The Committee on Interstate and Foreign Commerce has not considered this bill. The call now rests upon the Committee on Labor. The Committee on Labor calls up a bill which it has had under consideration and which has been reported by that committee. Upon inquiry and upon the reading of the bill it is demonstrated that it has no reference whatever to the question of labor, but it deals altogether with a matter of interstate commerce—the transportation of goods between one State and another—and undertakes to deal altogether with the interstate-commerce law. In other words, but for the fact that under the interstate-commerce clause of the Constitution the Congress shall have sole power to deal with them, the States would. This bill says all shipments of goods manufactured by means of convict labor, or any other labor described in the bill, shall, when transported to channels of interstate commerce and arriving in a State, be subject to the laws of that State, as though they had not been therein conveyed by means of interstate commerce. The whole purpose of the bill is to affect interstate commerce. And I make the point of order that this committee had no right to consider the bill, and having considered it and reported it, the House ought not to consider it upon the call of this committee.

[Mr. GARDNER of New Jersey addressed the House. See Appendix.]

The SPEAKER. The Chair is prepared to rule. It is very well settled by many precedents, as expressed in the Digest in the following words:

The erroneous reference of a public bill, if it remain uncorrected, in effect gives jurisdiction to the committee receiving it.

Now, if this was an erroneous reference, the rule provided a means by which it was within the power of the House to take the bill from the committee and refer it to such other committee as they saw proper to refer it to; but the House not having taken that action, the committee having the bill, it being a public bill, and reported to the House, it seems to the Chair it is subject to the call in the morning hour. Therefore the Chair overrules the point of order.

Mr. MILLER. Mr. Speaker, I desire to make the point of order that the chairman of this committee has no right under the call of committees to call up this bill, unless he is authorized by the committee to so call it up, and I am reliably informed that he does not have the authority of the Committee on Labor to do so.

The SPEAKER. The Chair will hear the gentleman from New Jersey on the question of fact as to whether he is authorized to call up this bill.

Mr. GARDNER of New Jersey. As to the question of whether I was authorized to call up this bill, there is no mistake about it. The committee authorized it.

The SPEAKER. The gentleman from New Jersey is recognized.

[Mr. GARDNER of New Jersey addressed the House. See Appendix.]

Mr. HUNT. Mr. Speaker, this bill is not a new piece of legislation. It was presented, if I remember correctly, to the Fifty-sixth Congress and passed this House almost unanimously. It failed to pass the Senate; hence the necessity for renewing the attempt to secure this much-needed legislation. It is, as the gentleman from New York [Mr. PAYNE] observes, an attempt to curb the criminal competition of the penitentiary with the free labor of the country. It seeks to bring about a reform in that direction which of itself will aid the different States that have attempted heretofore to regulate the sale of convict-made goods and by reason of the absence of Federal legislation have been prevented from carrying out the objects intended to be accomplished. For instance, the State of New York has withdrawn its convicts from competition with the free labor of the State. Yet the State of New York is at the mercy of every other State in the Union which seeks to ship its convict-made products within the borders of that State. It only seeks, as was sought in the Wilson liquor law, to abrogate the interstate-commerce provision and to enable the States to legislate for themselves on the subject of the employment of their convicts.

This legislation appeals to the manufacturer as much as to the laborer. It is cruel to ask the free labor of this country to maintain its citizenship, its dignity, and its self-respect if it has to wait until the product of the State prison is sold before the employer can get a reasonable price for his honestly manufactured product. For that reason it has become necessary to aid the pioneers (for the States have been the pioneers) in this work of endeavoring to secure a real reform in this direction.

It will not work any injury upon any State that does not seek to avail itself of the privileges of this bill. They are at liberty to take advantage of its provisions or not as they see fit. It only seeks to arouse the patriotism of the wage-workers of this country to the fact that this country is not oblivious to their wants. It only seeks to beget a patriotic feeling that after all it is not necessary to go into combinations or cliques in order to secure reasonable and fair legislation for the people of this country. [Applause.]

It seeks to put citizenship above class or clique; it seeks to bring us a little closer to the avenues of legislation, so that we

can feel at least that we are not to be set apart and marked for discrimination. It is national legislation that we seek here that has for its object the welfare of the manufacturer as well as the uplifting of the wage-earner, and for that reason I hope this American Congress will at least do this which can not be questioned as favoring or savoring of class legislation or discrimination; that it will only do this so that if the State of Missouri or New York or any other State of this Union wants to protect its citizens from coming into competition with the products of the penitentiary, it can do so. We ask you, as representatives of this great nation, to allow the different States to exercise their police powers to that extent. [Applause.]

Mr. HEPBURN. Mr. Speaker, I would like to ask the gentleman a question.

Mr. HUNT. Certainly.

Mr. HEPBURN. What is the per cent of prison-made goods of the whole manufactures of the United States? How large an interest is this?

Mr. HUNT. In answer to the gentleman, I will state that this bill came up rather suddenly. At the last session of Congress I secured some data, and in the aggregate the percentage is not great. The exact amount I can find for the gentleman in a few minutes, and will furnish it to him before the hour expires. It is a small percentage when compared with the great business of this country, but in some particular lines of business the honest manufacturer is forced out of business altogether or is in a position where he is unable to sell his products until after the prison products have been disposed of.

Mr. HEPBURN. Can the gentleman give the House the percentage of prison-made goods that seek a market outside of the limits of the State?

Mr. GARDNER of New Jersey. About 51 per cent.

Mr. HUNT. I can only say that when the bill was introduced last winter I applied to the Labor Commissioner, and I found that there had been no statistics collected covering that question for a later date than twenty-odd years ago; but at the time of my asking the question of the Labor Commissioner he set his agents to work securing that data, all of which can be found in a speech which I delivered during the first session of the present Congress. I thank the House for its kind attention. [Applause.]

Mr. GARDNER of New Jersey. Mr. Speaker, I now yield two minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, not for the purpose of opposing the bill, but because I believe it involves a very great question of governmental policy have I determined to say a few words. I think it may be well for the House to understand just why this legislation is needed, and just what is undertaken to be accomplished by it, because it is only the forerunner of many similar bills that are going to be brought to this House in regard to other subject-matters.

Under the decision of the Supreme Court in Brown *v.* Maryland it was held that the right to import articles from a foreign country carried with it the right to sell those articles. Subsequently it was held that as to interstate commerce this was not true; that the right to import from one State into another did not carry with it the right to sell. That decision, however, was subsequently reversed by the Supreme Court in the case of Leisy *v.* Hardin, if my memory serves me right. There the Supreme Court put interstate commerce upon the same footing as foreign commerce, and held that the right to import carried with it the right to sell. In that decision the Supreme Court intimated that while the right to import carried with it the right to sell, Congress could in its discretion take away from the importation that incident, and could give the State into which the importation was made control of the subject.

Congress, acting upon that hint, did pass what was known as the "Wilson law," which applied to alcoholic liquors and provided that alcoholic liquors shipped from one State to another State should be subject to the law of the State into which they were shipped, the same as if manufactured there, all of these rulings of course applying to shipments of articles in the original package. Subsequently it was determined by the Supreme Court, in construing the Wilson Act, that it applied only after delivery of the article to the consignee and not before delivery, as had been contended by some of the advocates; and since that decision we have had pending before the Judiciary Committee in this House the proposition to give the State control over interstate shipments the moment they reach the State boundary, even before delivery.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SHERLEY. Will the gentleman yield three minutes more?

Mr. GARDNER of New Jersey. Yes.

Mr. SHERLEY. That has never yet been acquiesced in by Congress, and in my humble judgment would be an unconstitutional exercise of power if attempted, because it would then interfere with interstate shipments.

Mr. HENRY of Texas. Will the gentleman yield for a question?

Mr. SHERLEY. Yes; for a question.

Mr. HENRY of Texas. The gentleman says it is an unconstitutional measure. The gentleman will admit that the Judiciary Committee unanimously reported in favor of the Hepburn-Dolliver C. O. D. liquor bill, and that that bill passed through the House here one session of Congress by a practically unanimous vote.

Mr. SHERLEY. Oh, Mr. Speaker, I am not undertaking to convert the gentleman. He is wedded to his view of the law and is entitled to it.

Mr. HENRY of Texas. It seems as though the whole committee were wedded to that view of the law.

Mr. SHERLEY. Of course, that also may be the fact. The gentleman's voluntary statement inserted into my remarks may suit him. They certainly were not with my permission. The proposition I make here is simply this: That the power of Congress can go to the extent of giving the State control of an article as soon as it reaches the hands of the consignee and can prevent sales subsequently. Now, that is an important question not simply in regard to this matter, but in regard to many matters. There are abuses growing up all over the country, due to the selfishness of some States and their disregard of the wishes of other States. It may be that the solution of much of the trouble that now confronts the country lies in giving back to the State control over the commerce originating in another State as soon as it is delivered to the consignee, and it was only because I realized how broad the question was, how it would eventually reach out to embrace other subjects, that I take this occasion to call the attention of the House to it. The effect of this bill will not prevent the shipment into a State of convict-made goods. It will not prevent any person within a State making a contract with anyone in another State and receiving convict-made goods; but it will make these goods the moment they are delivered to that consignee subject to the general law of the State in which he resides. Personally I see no objection to the bill, but I felt that it was due the House that the Members should understand the effect of the law.

Mr. SMITH of Kentucky. I would like to ask the gentleman a question.

The SPEAKER pro tempore. Does the gentleman yield?

Mr. SHERLEY. Yes.

Mr. SMITH of Kentucky. I would like to ask my colleague his opinion as to the power of Congress to declare that a given article shall not be considered a subject of interstate commerce.

Mr. SHERLEY. In answer to the gentleman I would state that he has, by a very simple inquiry, brought up a very grave constitutional question. In my judgment the real line of distinction is this—and it has been so intimated by the Supreme Court in the Vance case and in several subsequent cases—that the right to sell on the part of the consignee articles imported into a State is an incident of interstate commerce, and being simply an incident of interstate commerce, Congress can take away that right and say that an article shall lose its interstate character at an earlier period of time than it otherwise would lose it. But there is a material distinction between an incident of interstate commerce and interstate commerce itself. You can not have interstate commerce unless the article shipped from one State is permitted to go into the other States, because it follows manifestly that there can not be any interstate character to it unless it crosses the State line; and if the State into which it is shipped is given control of it the moment it reaches the line, it can prevent it from coming into the State and can therefore destroy interstate commerce.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. SHERLEY. Will the gentleman from New Jersey yield me five minutes more?

Mr. GARDNER of New Jersey. Very well.

Mr. SHERLEY. Congress can of its own volition prohibit interstate commerce in any article, judging by the decision in the lottery cases. In the lottery cases Congress held a lottery ticket to be commerce within the sense of the commerce clause and prohibited interstate commerce in lottery tickets, but the prohibition by Congress of interstate commerce is entirely different from the prohibition by a State of interstate commerce. The one is clearly within the power of Congress and the other, in my judgment, is not. This bill goes to the utmost limit of power

in Congress to give to the States control over interstate commerce, and it affects only the article after it has reached the consignee.

Mr. BOUTELL. In other words, the gentleman thinks that by striking out the first two words in line 7 it would make this bill unconstitutional, as I understand him.

Mr. SHERLEY. I think that if they had left the bill as originally drawn it would have been unconstitutional, because then it would have said "upon arrival."

Mr. BOUTELL. If the first two words were stricken out in line 7 it would make the bill obnoxious to the point?

Mr. SHERLEY. I think this: If we undertook to make the law apply to goods before they were delivered to the consignee, the moment they got to the State line, then it would be unconstitutional, and for this further reason, it would be giving the State law extraterritorial effect. If I enter into a contract with the gentleman from Illinois, in Illinois, to ship to the State of Kentucky certain goods, that is a valid contract made in Illinois. The State of Kentucky can not by her law reach out and declare a contract valid in the State of Illinois invalid and destroy it by prohibiting the delivery of the article to me, but under an action of this kind by Congress the State of Kentucky could say the moment it was received by me in Kentucky that I should not have any further right over it than I would have if the property had originated within the State of Kentucky.

Mr. HEPBURN. Let me ask the gentleman a question so that I may understand his position. If I understand the gentleman from Kentucky, he says that it is competent for Congress to authorize the State of Iowa to extend its laws at once over the products of labor of the penitentiary of Kentucky that may as interstate commerce go into Iowa.

Mr. SHERLEY. No; the gentleman's statement is not accurate of my position. My position is this, that it is competent for Congress to give to the State of Iowa power to say that after delivery of convict-made goods of Kentucky to the citizens of Iowa they shall be subject to the law of Iowa the same as if made in Iowa.

Mr. HEPBURN. After delivery—you make the point on that? You make your point on the word "delivery?"

Mr. SHERLEY. Unquestionably. The dispute between the gentleman from Iowa and myself is simply this: The Wilson law, of which this is a copy, is constitutional. It is no longer a matter of argument. The Supreme Court so held in the Rahrer case; but when they construed that law they declined to construe it as gentlemen wanted it. The advocates of that law said it meant before as well as after delivery. The Supreme Court said no, the proper interpretation of it makes it apply only after delivery, and the Supreme Court intimated that if Congress undertook to pass a law that made it apply before delivery it would be an unconstitutional exercise of power. The gentleman's bill in amendment of the Wilson bill is an attempt to do that, and, in my judgment, is unconstitutional. I simply entered into this discussion not for the purpose of opposing the bill, because I have no opposition to it, but because it involves a very great question that in the course of time is going to affect many articles of commerce, and I felt what little research I had made on the subject might be of value to the House in considering the measure.

Mr. GARDNER of New Jersey. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. VREELAND].

Mr. VREELAND. Mr. Speaker, it has been a great many months since this bill was before the committee for consideration. It has come up suddenly to-day, and we are not as familiar with it as we were at that time. My recollection is that the bill received the unanimous report of the Committee on Labor.

Mr. HUNT. That is correct.

Mr. VREELAND. It does not always happen, Mr. Speaker, that I can support all bills brought before the Committee on Labor. It very often happens I am obliged to oppose them. This bill received the indorsement and was urged by all of the federated bodies of labor that appeared before our committee, and I am glad to be able to support it, because I believe this is a just bill and ought to be passed by this House. Now, what does this bill do? It simply provides that prison-made goods shall be put under the laws of the State into which they are shipped. The gentleman from Iowa is asking for statistics of prison-made goods. I find that they amounted during the year for which this was given, 1903–4, to something over $33,000,000. I find that 51 per cent of those prison-made goods were sold outside of the States in which they were manufactured. Now, Mr. Speaker, there is a reason why this bill is urged upon this House. Take, for instance, the State of Vermont. It maintains a shoe factory operated by prison labor. No one would advocate that convicts should be kept in idleness, but free labor has the right to urge that convict labor shall not be multiplied and reenforced by machinery and the product of their labor and machinery sent out to compete in the markets of other States with the free labor therein.

Now, we found numerous cases where States prohibited the sale within their own borders of these prison-made goods, but they were sent out, as it appears—more than half of all that were made—to be sold in the markets of other States which were unable to protect themselves.

The SPEAKER pro tempore. The time of the gentleman from New York [Mr. VREELAND] has expired.

Mr. GARDNER of New Jersey. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. HENRY].

Mr. HENRY of Texas. Mr. Speaker, permit me for a moment to reply to the able argument of the gentleman from Kentucky [Mr. SHERLEY]. On yesterday he argued in favor of State rights on the pilotage bill, and to-day we find that his position is diametrically opposite to the one he then took.

What is the proposition involved here? Simply this: That convict-made goods shall, when they arrive within the limits of one of the States of this Union, fall within the laws of that State and be subject to the jurisdiction thereof, just as if they had been manufactured there. The gentleman by his argument somewhat confuses the legal proposition involved. He discusses the Hepburn-Dolliver bill, and does not state exactly the legal doctrines involved. What is the proposition in that measure? It is this: That when intoxicating liquors are shipped from one State to another, when they arrive within the boundaries of the State to which they are shipped, shall immediately fall within the jurisdiction of the laws of that State. The verbiage of the old Wilson bill was substantially that upon arrival within the State to which they are shipped intoxicating liquors should be subject to the laws of that State, but the Supreme Court in construing the statute said that "arrival" did not mean before delivery, but confused the question of "delivery," and held the goods must be in the hands of the purchaser before becoming subject to the laws of such State. The Hepburn-Dolliver bill employs language by way of amendment that intoxicating liquors when shipped from one State to another, "before and after delivery," when they arrive within the limits of the State to which they are shipped "shall be subject to the laws of the State" into which they are shipped. And to that measure, with the amendment proposed, the Judiciary Committee has given unanimous assent, and it is now pending before this House. During a prior session of Congress this House by almost unanimous vote passed the Hepburn-Dolliver bill with such amendment. It went to the Senate, but was not passed by that body.

This measure under consideration is along the same line as that bill—that is to say, when convict-made goods go from one State to another they shall be subject to the laws of the State to which they are shipped. So far as I am concerned, I am willing to plant myself upon the broad proposition that convict-made goods shall not come in competition with the honest labor of this country in any State of the Union. [Applause.]

Mr. Speaker, that is the question involved here. There is doubt about the legal proposition. If the Supreme Court has decided anything with a striking unanimity, it is that the States of this Union, when Congress remits to them the power to control any article of commerce, shall have jurisdiction over such commerce. This bill puts convict-made goods on the same legal basis with the original-package cases and is copied in almost the identical language of the amended Hepburn-Dolliver bill. Worded as it is, founded upon a wise policy, it shall receive my most cordial support.

Mr. SMITH of Kentucky. Mr. Speaker, I would like to ask the gentleman a question.

Mr. HENRY of Texas. Yes, sir.

Mr. SMITH of Kentucky. Entertaining, as the gentleman has announced he does, the view that the Congress has the power under the Constitution to subject articles of interstate commerce, as long as they cross the State lines, to the laws of the particular State into which they are shipped, would it not improve this bill if the words "and delivered" were omitted, so that as soon as these convict-made goods cross a State line in the transit the State laws might operate upon them immediately?

Mr. HENRY of Texas. I would add that as soon as they get within the limits of the State, "before and after delivery," they shall be subject to the laws of that State. I think that would perfect the bill.

Mr. MANN. Will the gentleman yield for a question?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MANN. I am glad to see the conversion of the gentleman

from Texas [Mr. HENRY]. I understand that the gentleman had different views on the pure-food matter.

Mr. HENRY of Texas. These are in line with my views on the pure-food proposition precisely. I said the State should pass pure-food laws, and not Congress.

Mr. GARDNER of New Jersey. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, the gentleman from Kentucky [Mr. SHERLEY], who illumines almost any subject which he discusses, in the last session of Congress voted, I believe, to regulate interstate commerce, and I am glad he did. We passed a quarantine bill. I think the gentleman supported that, and I am glad he did, because both laws are good laws and were needed. We also passed the pure-food law. The States were unable to regulate the evils covered by these laws. Congress had to act. All over the country people were somewhat amazed that Congress was exercising so much power over commerce, rather curtailing State rights, and not without some degree of reason and fear, because the quarantine and food laws had not been previously covered by Congress. The States had theretofore taken charge of these matters. Now, then, I am anxious, and I believe the gentleman from Kentucky is, to give back to the State whenever we can, and as they did in the Wilson whisky law, all the powers or all the opportunity the State can possibly have to control commerce that comes within the State from any other State or Territory of the United States. It builds up the State, and without the States, as the Supreme Court said in the great Texas-White case, "without the States we would not have the United States," but, I may add, a united state. We would have one Republic without States; and we are rapidly decimating the States and making of them mere districts or spots upon the map.

Now, here is an opportunity, as it were, to give back to the States the right to say to another State, if you sell and *deliver* any convict-made goods to this State our State laws shall control them when "*delivered*." State laws shall control their sales. The State of Tennessee is working our convicts, as I believe, in coal mines. They are no longer making stockings as they did. They are no longer making shoes and ax handles and wheelbarrows and wagons and all that sort of thing. We have stopped all that, I think, and taken the convict and put him in a hole in the ground where he digs coal. In other words, we are giving the law-abiding people a better chance in Tennessee than we ever did. Now, then, gentlemen, what an outrage it would be, and what an outrage it is and has been for the State of Kentucky or the State of Indiana, or any other State—I am not saying that out of any disrespect for the State of Kentucky. I love Kentucky and love her people. My father was a Kentuckian—but what an outrage it would be for Kentucky to unload her convict-made stuff upon the people of Tennessee, upon the honest manufacturer—my son, Jones's son, Brown's son, and Smith's son—and drive him out of the manufacturing business carried on by honest labor. There should be a premium upon a man to become an honest manufacturer, and deter that which would deprive him of the encouragement that he should have. All this law does is to give to the State of Tennessee the right when a merchant in Kentucky shall ship manufactured stuff into the State for the State to take charge of that by State law, so that the honest laborer, the law-abiding citizens of Tennessee shall not be oppressed by products made by outlaws, made by bloody and disreputable convicts of the State of Kentucky, Indiana, Ohio, or any other State. I can not see how any man who wants to preserve the honor and dignity of the people of any State can raise his voice and oppose a measure that leaves each State the right to control this matter without being oppressed by a State that exports convict-made goods and ships them pellmell over the country.

Mr. GARDNER of New Jersey. I yield five minutes to the gentleman from Ohio.

Mr. GROSVENOR. Mr. Speaker, it might be well enough for us to stop and consider, not where we are going, for we all understand that, but how rapidly we are getting there. That we have practically taken from all the States of the Union all their jurisdiction and power will be conceded when we study the past history of the legislation of Congress during the last twenty-five years. Now we have come to the point where we are going along just possibly a little faster than some of us ever contemplated. The line heretofore has been usually drawn in this way: Wherever it is unpleasant to pass a law in a State looking to the police power or regulation of the communities, we call upon Congress to do that. We do not like to pass a temperance law in a community and make it a crime for an express company to deliver liquor, because that would create a sort of irritation in the body politic. So we come to Congress to do that and exercise its control.

Now, there is another line of demarcation. One is, is it profitable to get rid of an incumbrance or a duty? If so, get Congress to take charge of the hospitals and the quarantine service, because that would cost the State some money. So we will abolish the State for that purpose. But is it profitable to the State to make war on some industry, collecting tolls, and make money out of it? In that case we are handed over to the State, don't you see? We draw the line, therefore, on two lines of legislation. We give to the State all the power to make money out of its police regulations and its power to levy tribute upon other States; but whenever it is a little bit disagreeable or is going to cost money to carry that out, we hand it over to Congress.

Now, the gentleman from Tennessee [Mr. GAINES] says that State has turned its convict labor into coal mines. That is not a new thing. In the State of Georgia they raise cotton and corn and hogs and manufacture lumber by convict labor. Now, let us see how far this bill goes in the matter of the coal-mining products of the State of Tennessee.

All goods, wares, and merchandise manufactured wholly or in part by convict labor——

Mr. GARDNER of New Jersey. May I interrupt the gentleman right there?

Mr. GROSVENOR. Certainly.

Mr. GARDNER of New Jersey. Are you going to define coal as a manufactured product?

Mr. GROSVENOR. Certainly. Everybody knows it. Coal is as much a manufactured product as boots and shoes when detached from the real estate and raised to the surface as the product of labor.

Mr. PALMER. Well, it is not only that, but it is prepared for sale by being run through a breaker and otherwise prepared.

Mr. GROSVENOR. Certainly. It is prepared and manufactured into the finished product of the coal mine.

Now, the State of Tennessee mines the coal and sells it to one of its own domestic manufacturing institutions which makes pig iron. Is that pig iron manufactured in whole or in part by convict labor? No man will deny it, and that product is excluded from all the States of this Union, except the State of its manufacture; and that is absolutely true of the corn, the cotton, and whatever else is raised in the State of Georgia. Now, if this bill had limited its proposition to all goods, wares, and merchandise manufactured to the finished product in a penal institution of the State, and had provided that such product should be subjected to the provisions of this bill, it would have been sensible, and would not have gone to the absurdity that this bill has gone to at last.

[The time of Mr. GROSVENOR having expired, Mr. GARDNER of New Jersey yielded to him two minutes.]

Mr. GROSVENOR. I am perfectly willing that the bill should be passed. I shall lay no obstacle in its way, but I want to point out that it is one of those devices to rid the State of its duty and obligation. If the State of Tennessee or the State of Ohio does not want convict-made goods to be sold in that State, all it has to do is to say so in a statute and not undertake to come to this proposition. See what we are coming to next! I am not at liberty to refer to the tremendous momentum of statesmanship that is pushing a certain proposition, but it is that no product of a child's labor shall be transported on any of the railroads of this country. See what we are coming to, see where we are going to land. My proposition is that we ought bravely to walk right up to the scheme and offer a constitutional amendment wiping out all the States, and confer all police regulation of the States upon very few individuals—very few. [Laughter.]

Mr. GARDNER of New Jersey. I move the previous question on the bill and pending amendments to its passage.

Mr. SHERLEY. Before the gentleman makes that motion I should like just a couple of minutes to reply to the remarks of the gentleman from Texas [Mr. HENRY].

Mr. GARDNER of New Jersey. I will defer the motion for two minutes.

Mr. SHERLEY. Mr. Speaker, sometimes the force of a blow is shown by the recoil. Perhaps I should be flattered at the amount of disturbance a little speech of mine, made in the hope of giving the House some information, has created. The gentleman from Texas [Mr. HENRY] seems to be, by self-appointment, the custodian of the only real and true theory of States rights. Now, that is a word much abused in this life, and especially in this place. I am what is supposed to be a States-rights man, but I also try to be a lawyer, and whenever I find the law a certain way, I accept the law whether it fits my theoretical view or not, because I realize that the law is the law, and my view is not necessarily so.

I tried to show to the House, not that this bill is unconstitutional, because it is not. It is constitutional, being exactly in

line with the Wilson bill; but I tried to show that if an attempt was made to go further and to prevent the delivery of shipments from one State to another, that would be unconstitutional.

Sometimes I find myself like the distinguished gentleman from Texas [Mr. HENRY] fighting for what both of us agree to be State rights, but I always try to determine what the law is, whether it suits a theory or not; and having determined it, I follow it. Therefore I have endeavored to make plain to the House a distinction that evidently is beyond the appreciation of the gentleman. [Laughter.]

Mr. GARDNER of New Jersey. Mr. Speaker, I yield a half minute to the gentleman from North Dakota [Mr. GRONNA].

Mr. GRONNA. Mr. Speaker, I am heartily in favor of this bill. Labor is entitled to protection and fair treatment, and to place convict labor in competition with free labor is, I believe, unfair. The labor organizations are justified in asking for the protection that this bill will give them if enacted into law. They have a right to ask for legislation that is just and fair and will benefit the laboring class. To ask more is unwise. In North Dakota we have in our State constitution a provision forbidding the manufacture or sale of any intoxicating liquors. A great number of the people of our State are interested in legislation of this kind, giving the State the right to enforce the law placed upon the statute books of the State. While I know that this particular bill does not affect that special subject, I simply want to say that I am in favor of it and shall vote for the bill.

Mr. GARDNER of New Jersey. Mr. Speaker, I move the previous question on the pending amendments and on the bill to the final passage.

The SPEAKER. The gentleman moves the previous question on the bill and amendments to the final passage.

The previous question was ordered.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time.

The question being taken on the passage of the bill,

Mr. HASKINS demanded a division.

The House divided; and there were—ayes 138, noes 3.

Mr. HASKINS made the point of no quorum present, but subsequently withdrew the point.

Accordingly the bill was passed.

The title of the bill was amended to conform to the text.

On motion of Mr. GARDNER of New Jersey, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will call the next committee.

The Clerk proceeded with and completed the call of committees.

Mr. PAYNE. Mr. Speaker, I understand that the legislative appropriation bill can be reported in about ten minutes. The gentleman from Kansas [Mr. MURDOCK] expressed himself as desirous of making some remarks on the President's message. I do not see him at the present moment in the Chamber. If there is any other gentleman present who would like to discuss the President's message, I will move to go into Committee of the Whole House on the state of the Union for that purpose.

As there is no Member who seems ready to discuss it, I will ask the House to take a recess for twenty minutes in order that the appropriation bill may be reported.

The motion was agreed to; and accordingly (at 2 o'clock and 40 minutes p. m.) the House was declared in recess until 3 o'clock p. m.

AFTER THE RECESS.

The recess having expired, the House was called to order by the Speaker.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM, from the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 21574) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and with the accompanying report ordered to be printed.

Mr. BURLESON reserved all points of order on said bill.

Mr. BINGHAM. Mr. Speaker, I desire to give notice that, by direction of the Committee on Appropriations, the bill will be called up for consideration on Monday next.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 3 o'clock and 2 minutes p. m.) the House, in pursuance of its previous order, adjourned until Monday next at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, submitting a reply to the inquiry of the House as to the space to be gained by the removal and storage of certain files now in executive offices and in buildings rented for storage purposes—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting the annual report of the Surgeon-General of the Public Health and Marine-Hospital Service for the fiscal year 1906—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for purchase of two portable hospital pavilions for use at Ellis Island, New York—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for mileage to officers and contract surgeons—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, submitting a report of the treasurer of Porto Rico of the receipts and disbursements for the fiscal year ended October 31, 1906—to the Committee on Insular Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting the report of the auditor of Porto Rico of receipts and expenditures for the year ended October 31, 1906—to the Committee on Insular Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting reports of examinations and surveys for irrigation purposes—to the Committee on Irrigation of Arid Lands, and ordered to be printed, with illustrations.

A letter from the Secretary of the Interior, transmitting, with a copy of a communication from the Commissioner of Indian Affairs, a draft of a bill to authorize reservation of power and reservoir sites on Indian reservations—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a copy of a letter from the Commissioner of Indian Affairs, a draft of a bill for granting right of way for certain purposes through Indian reservations—to the Committee on Indian Affairs, 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. SAMUEL W. SMITH, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 20178) in relation to the Washington Market Company, reported the same without amendment, accompanied by a report (No. 5326); which said bill and report were referred to the House Calendar.

Mr. TAYLOR of Ohio, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 21408) to amend an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June 19, 1906, reported the same without amendment, accompanied by a report (No. 5327); 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. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10403) granting an increase of pension to James H. Odell, reported the same with amendment, accompanied by a report (No. 5210); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3226) granting an increase of pension to John E. Leahy, reported the same with amendment, accom-

panied by a report (No. 5211); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21119) granting an increase of pension to Alexander Boshea, reported the same with amendment, accompanied by a report (No. 5212); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21179) granting an increase of pension to Charles Green, reported the same with amendment, accompanied by a report (No. 5213); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21124) granting an increase of pension to William Hubbard, alias William B. Crane, reported the same with amendment, accompanied by a report (No. 5214); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20955) granting an increase of pension to Edward L. Carpenter, reported the same without amendment, accompanied by a report (No. 5215); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20896) granting an increase of pension to James F. Henninger, reported the same without amendment, accompanied by a report (No. 5216); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20726) granting an increase of pension to Mary J. Smith, reported the same without amendment, accompanied by a report (No. 5217); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20725) granting a pension to Hope Martin, reported the same without amendment, accompanied by a report (No. 5218); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20721) granting an increase of pension to James O. Pierce, reported the same with amendment, accompanied by a report (No. 5219); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21019) granting an increase of pension to Benjamin F. Fell, reported the same without amendment, accompanied by a report (No. 5220); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20964) granting an increase of pension to John Fox, reported the same with amendment, accompanied by a report (No. 5221); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20351) granting an increase of pension to Peter M. Simon, reported the same with amendment, accompanied by a report (No. 5222); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20199) granting an increase of pension to Joseph N. Cadieux, reported the same with amendment, accompanied by a report (No. 5223); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20129) granting an increase of pension to John Lemly, reported the same with amendment, accompanied by a report (No. 5224); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19703) granting an increase of pension to Seth Chase, reported the same with amendment, accompanied by a report (No. 5225); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19672) granting an increase of pension to Thomas McDermott, reported the same with amendment, accompanied by a report (No. 5226); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19482) granting an increase of pension to Sarah E. Cannell, reported the same with amendment, accompanied by a report (No. 5227); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19479) granting an increase of pension to George W. Savage, reported the same with amendment, accompanied by a report (No. 5228); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19426) granting an increase of pension to George N. Griffin, reported the same without amendment, accompanied by a report (No. 5229); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19420) granting an increase of pension to Eliza A. McKean, reported the same with amendment, accompanied by a report (No. 5230); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19661) granting an increase of pension to Jacob McWilliams, reported the same with amendment, accompanied by a report (No. 5231); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19651) granting a pension to Joseph H. Pendergast, reported the same with amendment, accompanied by a report (No. 5232); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19629) granting an increase of pension to Oliver Morton, reported the same with amendment, accompanied by a report (No. 5233); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19603) granting an increase of pension to Jacob Farner, reported the same with amendment, accompanied by a report (No. 5234); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19584) granting an increase of pension to Joseph B. Pettey, reported the same with amendment, accompanied by a report (No. 5235); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19553) granting an increase of pension to James Robertson, reported the same with amendment, accompanied by a report (No. 5236); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19490) granting a pension to Estelle I. Reed, reported the same without amendment, accompanied by a report (No. 5237); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19045) granting a pension to Mary A. Agey, reported the same with amendment, accompanied by a report (No. 5238); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18871) granting an increase of pension to Emanuel Raudabaugh, reported the same with amendment, accompanied by a report (No. 5239); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18797) granting an increase of pension to John M. Defoe, reported the same without amendment, accompanied by a report (No. 5240); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13054) granting a pension to James M. Brown, reported the same with amendment, accompanied by a report (No. 5241); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19023) granting a pension to John T. Lester, reported the same with amendment, accompanied by a report (No. 5242); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18884) granting a pension to Weymouth Hadley, reported the same with amendment, accompanied by a report (No. 5243); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R.

21185) granting an increase of pension to Mary M. Goble, reported the same without amendment, accompanied by a report (No. 5244); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5200) granting an increase of pension to John F. McBride, reported the same with amendment, accompanied by a report (No. 5245); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20431) granting an increase of pension to John Neumann, reported the same with amendment, accompanied by a report (No. 5246); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20327) granting a pension to Elizabeth A. Downie, reported the same with amendment, accompanied by a report (No. 5247); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20303) granting an increase of pension to John Crowley, reported the same with amendment, accompanied by a report (No. 5248); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20292) granting a pension to Howard William Archer, reported the same with amendment, accompanied by a report (No. 5249); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20279) granting an increase of pension to Edmund Hostetter, reported the same without amendment, accompanied by a report (No. 5250); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20272) granting an increase of pension to James L. House, reported the same with amendment, accompanied by a report (No. 5251); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20229) granting an increase of pension to John F. Wotring, reported the same with amendment, accompanied by a report (No. 5252); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20222) granting an increase of pension to Henry C. Joseph, reported the same with amendment, accompanied by a report (No. 5253); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20117) granting an increase of pension to Preston J. Michener, reported the same with amendment, accompanied by a report (No. 5254); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20090) granting a pension to Kate Wright, reported the same with amendment, accompanied by a report (No. 5255); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20085) granting an increase of pension to Robert La Fontaine, reported the same with amendment, accompanied by a report (No. 5256); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20078) granting an increase of pension to Walter M. English, reported the same with amendment, accompanied by a report (No. 5257); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20064) granting an increase of pension to William C. Arnold, reported the same with amendment, accompanied by a report (No. 5258); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20061) granting an increase of pension to Caswell York, reported the same with amendment, accompanied by a report (No. 5259); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20029) granting an increase of pension to John B. Maison, reported the same with amendment, accompanied by a report (No. 5260); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19970) granting an increase of pension to Eugene Demers, reported the same with amendment, accompanied by a report (No. 5261); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19949) granting an increase of pension to Charles Van Ostrand, reported the same with amendment, accompanied by a report (No. 5262); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19915) granting an increase of pension to Greenleaf W. Crossman, reported the same with amendment, accompanied by a report (No. 5263); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19891) granting an increase of pension to Edwin D. Bates, reported the same with amendment, accompanied by a report (No. 5264); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19885) granting an increase of pension to Frank Scherer, reported the same with amendment, accompanied by a report (No. 5265); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19872) granting an increase of pension to Richard E. Hassett, reported the same with amendment, accompanied by a report (No. 5266); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19873) granting an increase of pension to Robert Webb, reported the same with amendment, accompanied by a report (No. 5267); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19871) granting an increase of pension to John G. Kean, alias Cain, reported the same without amendment, accompanied by a report (No. 5268); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19858) granting an increase of pension to Richard E. Clapper, reported the same without amendment, accompanied by a report (No. 5269); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19807) granting an increase of pension to John W. Marean, reported the same without amendment, accompanied by a report (No. 5270); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19758) granting an increase of pension to Josefita Montano, reported the same with amendment, accompanied by a report (No. 5271); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19738) granting an increase of pension to Benjamin St. Clair, reported the same with amendment, accompanied by a report (No. 5272); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19725) granting an increase of pension to Howard V. Bennett, reported the same with amendment, accompanied by a report (No. 5273); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19708) granting an increase of pension to William A. Lefler, reported the same with amendment, accompanied by a report (No. 5274); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19412) granting an increase of pension to Jefferson K. Smith, reported the same without amendment, accompanied by a report (No. 5275); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19390) granting an increase of pension to William R. Sears, reported the same with amendment, accompanied by a report (No. 5276); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions,

to which was referred the bill of the House (H. R. 19386) granting an increase of pension to Robert Stewart, reported the same with amendment, accompanied by a report (No. 5277); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19296) granting an increase of pension to Assov Harelson, reported the same with amendment, accompanied by a report (No. 5278); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19280) granting an increase of pension to Peter J. Williamson, reported the same with amendment, accompanied by a report (No. 5279); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19281) granting an increase of pension to Mary J. Gillem, reported the same with amendment, accompanied by a report (No. 5280); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19237) granting an increase of pension to James Rout, reported the same with amendment, accompanied by a report (No. 5281); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19216) granting an increase of pension to Theophile Brodowski, reported the same with amendment, accompanied by a report (No. 5282); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19048) granting an increase of pension to Alfred Branson, reported the same without amendment, accompanied by a report (No. 5283); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5209) granting an increase of pension to Edward R. Dunbar, reported the same without amendment, accompanied by a report (No. 5284); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9403) granting a pension to Kate E. Hanna, reported the same with amendment, accompanied by a report (No. 5285); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8732) granting a pension to Ellen S. Gifford, reported the same with amendment, accompanied by a report (No. 5286); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7488) granting an increase of pension to Jacob L. Hatton, reported the same with amendment, accompanied by a report (No. 5287); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7417) granting an increase of pension to Gibson Helms, reported the same with amendment, accompanied by a report (No. 5288); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4351) granting an increase of pension to George A. Johnson, reported the same with amendment, accompanied by a report (No. 5289); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1169) granting a pension to Oliver P. Pierce, reported the same with amendment, accompanied by a report (No. 5290); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3194) granting an increase of pension to Samuel Harvey, reported the same with amendment, accompanied by a report (No. 5291); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3195) granting an increase of pension to Milton S. Collins, reported the same with amendment, accompanied by a report (No. 5292); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11322) granting an increase of pension to Luther H. Starkey, reported the same without amendment, accompanied by a report (No. 5293); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11562) granting an increase of pension to Adam Wiles, reported the same with amendment, accompanied by a report (No. 5294); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4648) granting an increase of pension to Sarah A. Dedrick, reported the same with amendment, accompanied by a report (No. 5295); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4705) granting a pension to Harriet E. Palmer, reported the same with amendment, accompanied by a report (No. 5296); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6145) granting an increase of pension to Parris J. Latham, reported the same with amendment, accompanied by a report (No. 5297); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1891) granting a pension to Simeon York, reported the same with amendment, accompanied by a report (No. 5298); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14985) granting an increase of pension to Mary Gramberg, reported the same with amendment, accompanied by a report (No. 5299); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20463) granting an increase of pension to Nicholas D. Kenny, reported the same without amendment, accompanied by a report (No. 5300); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6151) granting an increase of pension to Mark Ham, reported the same without amendment, accompanied by a report (No. 5301); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4174) granting an increase of pension to Joseph P. Garland, reported the same without amendment, accompanied by a report (No. 5302); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6521) granting a pension to Abbie J. Daniels, reported the same without amendment, accompanied by a report (No. 5303); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5081) granting a pension to Lucy Florette Nichols, reported the same without amendment, accompanied by a report (No. 5304); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6259) granting an increase of pension to Oakaley Randall, reported the same without amendment, accompanied by a report (No. 5305); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5545) granting an icrease of pension to Margaret Brannon, reported the same without amendment, accompanied by a report (No. 5306); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4235) granting an increase of pension to Daniel Sullivan, reported the same without amendment, accompanied by a report (No. 5307); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6228) granting a pension to Betsey Hattery, reported the same without amendment, accompanied by a report (No. 5308); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6339) granting an increase of pension to James Dearey, reported the same without amendment, accompanied by a report (No. 5309); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4695) granting an increase of pension to John H. Mullen, reported the same without amendment, accompanied by a report (No. 5310); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4366) granting an increase of pension to Henry B. Willhelmy, reported the same without amendment, accompanied by a report (No. 5311); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4365) granting an increase of pension to Mathew Kerwin, reported the same without amendment, accompanied by a report (No. 5312); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5042) granting an increase of pension to Josephine S. Jones, reported the same without amendment, accompanied by a report (No. 5313); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5710) granting an increase of pension to Samuel M. Daughenbaugh, reported the same without amendment, accompanied by a report (No. 5314); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 158) granting an increase of pension to John Ard Gordon, reported the same without amendment, accompanied by a report (No. 5315); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2225) granting an increase of pension to Samuel White, reported the same without amendment, accompanied by a report (No. 5316); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5994) granting an increase of pension to John Dickey, reported the same without amendment, accompanied by a report (No. 5317); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6197) granting an increase of pension to Charles E. Henry, reported the same without amendment, accompanied by a report (No. 5318); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5547) granting an increase of pension to Hillary Beyer, reported the same without amendment, accompanied by a report (No. 5319); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5637) granting an increase of pension to Margaret Himmel, reported the same without amendment, accompanied by a report (No. 5320); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6148) granting an increase of pension to James S. Whitlock, reported the same without amendment, accompanied by a report (No. 5321); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5402) granting an increase of pension to Charles M. Lyon, reported the same without amendment, accompanied by a report (No. 5322); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4345) granting an increase of pension to J. Dillon Turner, reported the same without amendment, accompanied by a report (No. 5323); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4991) granting an increase of pension to Lycurgus D. Riggs, reported the same without amendment, accompanied by a report (No. 5324); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2880) granting an increase of pension to James C. Coad, reported the same without amendment, accompanied by a report (No. 5325); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CURTIS: A bill (H. R. 21565) authorizing and directing the Secretary of War to improve the Missouri River on the Kansas side in Doniphan County, Kans., and for other purposes—to the Committee on Levees and Improvements of the Mississippi River.

By Mr. BRICK: A bill (H. R. 21566) to amend an act entitled "An act in amendment of sections 2 and 3 of an act entitled 'An act granting pensions to soldiers and sailors who are incapacitated for the performance of manuel labor, and providing for pensions to widows, minor children, and dependent parents,' approved June 27, 1890," approved May 9, 1900—to the Committee on Invalid Pensions.

By Mr. SMITH of California: A bill (H. R. 21567) extending time for making final proof in desert-land entries—to the Committee on the Public Lands.

By Mr. SOUTHWICK: A bill (H. R. 21568) to increase the compensation of all officers and employees in the service of the United States—to the Committee on Appropriations.

By Mr. DICKSON of Illinois: A bill (H. R. 21569) to provide for the erection of a public building at Centralia, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. DIXON of Montana: A bill (H. R. 21570) to provide for the erection of a public building in the city of Billings, Mont.—to the Committee on Public Buildings and Grounds.

By Mr. STAFFORD: A bill (H. R. 21571) to extend the main arm of the breakwater of the Milwaukee harbor of refuge—to the Committee on Rivers and Harbors.

By Mr. ADAMSON: A bill (H. R. 21572) to prescribe a maximum rate of 2 cents per mile for passenger fare, by any form of ticket or mileage book, on railroads engaged in interstate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. KINKAID: A bill (H. R. 21573) to amend section No. 2 of an act entitled "An act to amend the homestead laws as to certain unappropriated and unreserved lands in Nebraska," approved April 28, 1904; to restore to and confer upon certain persons the right to make entry under said act, and to amend existing law as to the sale of isolated tracts subject to entry under said act—to the Committee on the Public Lands.

By Mr. BINGHAM: A bill (H. R. 21574) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes—to the Committee of the Whole House on the state of the Union.

By Mr. DAWSON: A joint resolution (H. J. Res. 195) authorizing the Secretary of War to furnish two condemned cannon to the mayor of the town of Preston, Iowa—to the Committee on Military Affairs.

By Mr. PRINCE: A resolution (H. Res. 650) to pay R. E. Fleharty, assistant stationery clerk, by detail, a certain sum of money—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BABCOCK: A bill (H. R. 21575) granting an increase of pension to Calvin E. Morley—to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 21576) granting an increase of pension to Henry A. Van Dalsem—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 21577) granting an increase of pension to Samuel Shafer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21578) granting an increase of pension to A. J. Gashey—to the Committee on Pensions.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 21579) granting a pension to Sarah R. Harrington—to the Committee on Pensions.

By Mr. BONYNGE: A bill (H. R. 21580) granting an increase of pension to Othinel G. Hutchison—to the Committee on Pensions.

Also, a bill (H. R. 21581) granting a pension to Basil G. Grigsby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21582) granting an increase of pension to William H. Bishop—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21583) granting an increase of pension to John H. Schneider—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21584) granting an increase of pension to John B. Evans—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 21585) granting a pension to John Carrigan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21586) granting an increase of pension to Jacob Ackerman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21587) granting an increase of pension to William H. Dike—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21588) granting an increase of pension to Robert Medworth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21589) granting an increase of pension to Aaron Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21590) granting an increase of pension to Albertus Bowen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21591) granting an increase of pension to Mary A. Meehan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21592) granting an increase of pension to William W. McClintock—to the Committee on Invalid Pensions.

By Mr. DALE: A bill (H. R. 21593) to remove the charge of desertion from the military record of Michael Gilgallon—to the Committee on Military Affairs.

Also, a bill (H. R. 21594) to correct the military record of Jacob Palmer—to the Committee on Military Affairs.

By Mr. DICKSON of Illinois: A bill (H. R. 21595) to remove the charge of desertion from the record of Armstrong Hunter—to the Committee on Military Affairs.

Also, a bill (H. R. 21596) granting an increase of pension to Mary F. Shank—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21597) granting an increase of pension to J. P. Crooker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21598) granting a pension to Roy L. Jones—to the Committee on Pensions.

By Mr. EDWARDS: A bill (H. R. 21599) for the relief of Thomas J. Wells—to the Committee on Military Affairs.

Also, a bill (H. R. 21600) for the relief of John W. Hardwick—to the Committee on Military Affairs.

Also, a bill (H. R. 21601) for the relief of Pleasant G. Decker—to the Committee on Military Affairs.

Also, a bill (H. R. 21602) for the relief of Ellsworth Haggard—to the Committee on Military Affairs.

Also, a bill (H. R. 21603) granting an increase of pension to Calvin S. Mullins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21604) granting an increase of pension to William Girdler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21605) granting an increase of pension to Preston Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21606) granting an increase of pension to Felix G. Morrison—to the Committee on Pensions.

Also, a bill (H. R. 21607) granting an increase of pension to Isaac L. Hughes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21608) granting an increase of pension to Louis Green—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21609) granting an honorable discharge to Marion M. Barton—to the Committee on Military Affairs.

By Mr. FLETCHER: A bill (H. R. 21610) for the relief of Sarah B. Schaeffer—to the Committee on Claims.

Also, a bill (H. R. 21611) granting a pension to Mary Gere—to the Committee on Invalid Pensions.

By Mr. FULKERSON: A bill (H. R. 21612) granting an increase of pension to James S. Hart—to the Committee on Pensions.

Also, a bill (H. R. 21613) granting an increase of pension to George Hopkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21614) granting an increase of pension to Hiram King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21615) granting an increase of pension to David Yoder—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 21616) granting an increase of pension to John M. Andrews—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21617) granting an increase of pension to William Miller—to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 21618) granting an increase of pension to Leonidas W. Rearis—to the Committee on Invalid Pensions.

By Mr. GILHAMS: A bill (H. R. 21619) granting an increase of pension to Thomas Holt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21620) granting an increase of pension to Daniel Hanna—to the Committee on Invalid Pensions.

By Mr. GILLESPIE: A bill (H. R. 21621) granting a pension to Minerva A. Mayes—to the Committee on Pensions.

Also, a bill (H. R. 21622) granting a pension to Bessie M. Doughty—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 21623) granting an increase of pension to Alfred M. Cox—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 21624) granting an increase of pension to William H. Willey—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 21625) granting an increase of pension to George W. Smithson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21626) granting an increase of pension to Calvin Barker—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 21627) granting an increase of pension to Chauncey A. Barber—to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 21628) granting an increase of pension to James A. Brians—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21629) granting an increase of pension to David C. Damron—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 21630) granting an increase of pension to John F. Yeargin—to the Committee on Invalid Pensions.

By Mr. KLINE: A bill (H. R. 21631) granting an increase of pension to Frederick Oswald—to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 21632) for the relief of Samuel C. Hull—to the Committee on War Claims.

By Mr. LE FEVRE: A bill (H. R. 21633) granting a pension to Darius M. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21634) granting an increase of pension to Emma Sickler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21635) granting an increase of pension to Phila J. Mead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21636) granting an increase of pension to Elias Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21637) granting an increase of pension to William H. French—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 21638) granting a pension to David T. Kirby—to the Committee on Pensions.

By Mr. MACON: A bill (H. R. 21639) granting a pension to Nannie E. Hays—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 21640) granting a pension to Mary E. Hays—to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 21641) granting an increase of pension to Levi Eddy—to the Committee on Invalid Pensions.

By Mr. OTJEN: A bill (H. R. 21642) granting a pension to George Schoenfeld—to the Committee on Pensions.

By Mr. PERKINS: A bill (H. R. 21643) granting an increase of pension to Edward Ford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21644) granting an increase of pension to Sheldon Hess—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 21645) granting a pension to Sarah E. Dean—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21646) granting an increase of pension to Barnabas Traylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21647) granting an increase of pension to Julius Walker—to the Committee on Invalid Pensions.

By Mr. SAMUEL: A bill (H. R. 21648) granting an increase of pension to Michael Gaus—to the Committee on Invalid Pensions.

By Mr. SCHNEEBELI: A bill (H. R. 21649) granting an increase of pension to Milton Charles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21650) granting an increase of pension to Irwin Reich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21651) granting an increase of pension to Jacob B. Butts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21652) granting an increase of pension to Jacob E. Dreibelbies—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 21653) granting an increase of pension to Oscar Madden—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 21654) granting a pension to Caroline A. Gilmore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21655) granting an increase of pension to David A. Towle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21656) granting an increase of pension to Charles F. Chase—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 21657) granting a pension to Philipine Stelzle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21658) granting a pension to Emma Trueg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21659) granting an increase of pension to Rosa Sevin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21660) granting an increase of pension to Emma Fehr—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 21661) granting an increase of pension to Mary Kirk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21662) granting a pension to Louisa M. Tobey—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 21663) granting an increase of pension to Joseph O. Hasson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21664) granting an increase of pension to John C. Dawson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21665) granting an increase of pension to John Harbargar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21666) granting a pension to Lucia M. Adams—to the Committee on Invalid Pensions.

By Mr. TIRRELL: A bill (H. R. 21667) granting an increase of pension to John W. Towle—to the Committee on Invalid Pensions.

By Mr. WILEY of New Jersey: A bill (H. R. 21668) for the relief of Capt. Thomas Mason, United States Revenue-Cutter Service (retired)—to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of the New York State Pharmaceutical Association, for increased efficiency in the Medical Department of the Army—to the Committee on Military Affairs.

Also, petition of Friendship Council, No. 201, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BABCOCK: Paper to accompany bill for relief of Judson H. Holcomb—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: Paper to accompany bill (H. R. 19718) for relief of New Hope Baptist Church, Bartow County, Ga.—to the Committee on War Claims.

By Mr. BURLEIGH: Petition of Aroostook and Penobscot Union Pomona Grange and Morning Light Grange, No. 19, Patrons of Husbandry, against an appropriation for free-seed distribution—to the Committee on Agriculture.

By Mr. BUTLER of Pennsylvania: Paper to accompany bill for relief of James Rush—to the Committee on Invalid Pensions.

Also, a petition of Ione Council, No. 765, Junior Order United American Mechanics, Manoa, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. CALDER: Petition of posts of Grand Army of the Republic in Kings County, N. Y., for restoration of the canteen in State Home at Bath—to the Committee on Military Affairs.

By Mr. COOPER of Pennsylvania: Petitons of Dunbar Morning Star Councils, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DALE: Papers to accompany bills for relief of Michael Gillgallon and Jacob Palmer—to the Committee on Military Affairs.

By Mr. DALZELL: Petition of the One hundred and fifty-fifth Regimental Association of Pennsylvania, for awarding a medal of honor to Col. Edward J. Allen—to the Committee on Military Affairs.

Also, petitions of Tuttle Creek Council, No. 28, and Boston Council, No. 247, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Association of Army Nurses of the Civil War to place volunteer nurses of the civil war on an equality with those pensioned in 1892—to the Committee on Invalid Pensions.

By Mr. DOVENER: Paper to accompany bill for relief of Will P. Hall—to the Committee on Invalid Pensions.

By Mr. FLETCHER: Petition of the St. Paul Retail Grocers' Association, favoring repeal of the bankruptcy law—to the Committee on the Judiciary.

By Mr. FLOYD: Petition of citizens of Cotter, Ark., for an appropriation for electric power on the upper White River, in Missouri and Arkansas, in accordance with bill H. R. 21385—to the Committee on Appropriations.

By Mr. FULLER: Petition of the New York State Pharmaceutical Convention, for increased efficiency of the Medical Department of the Army—to the Committee on Military Affairs.

Also, petition of the Philadelphia Board of Trade, for bill S. 6291—to the Committee on the Merchant Marine and Fisheries.

By Mr. HILL of Connecticut: Petition of Bridgeport Council, No. 6, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HOWELL of New Jersey: Petition of citizens of Cliffwood, N. J., for the Littlefield original-package bill, etc.—to the Committee on Alcoholic Liquor Traffic.

Also, petitions of Liberty Council, Daughters of Liberty, of Perth Amboy, N. J., and Middleton Council, Junior Order United American Mechanics, for bill S. 4403—to the Committee on Immigration and Naturalization.

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

By Mr. HUFF: Petition of the Butler Board of Trade, for favorable consideration of bill H. R. 9754, relative to classification of salaries of clerks in post-offices of the first and second classes—to the Committee on the Post-Office and Post-Roads.

Also, petition of the New York State Pharmaceutical Association, for reorganization of the Medical Department of the Army—to the Committee on Military Affairs.

Also, petitions of North Belle Vernon Council, No. 78, and Council No. 168, of Armbrust, Pa., Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GARRETT: Paper to accompany bill for relief of L. W. Reavis—to the Committee on Invalid Pensions.

By Mr. GRANGER: Petition of the New York Pharmaceutical Association, for reorganization of the Medical Department of the Army—to the Committee on Military Affairs.

Also, petition of the governors of the New England States et al., for preservation of forests of the Appalachian and White Mountains—to the Committee on Agriculture.

By Mr. GROSVENOR: Petitions of Councils No. 254, of Middleport, Ohio, and No. 183, of Antiquity, Ohio, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of A. C. Roach—to the Committee on Pensions.

By Mr. WILLIAM W. KITCHIN: Paper to accompany bill for relief of Charles H. Pratt—to the Committee on Invalid Pensions.

By Mr. LAMB: Petitions of Mayflower Council, No. 41, Daughters of Liberty, of Glenallen, Va., and Grove Council, No. 40, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of the New York State Pharmaceutical Association, for increase of the efficiency of the Medical Department of the Army—to the Committee on Military Affairs.

Also, petition of the New York State Pharmaceutical Association, for the Mann patent bill—to the Committee on Patents.

By Mr. LIVINGSTON: Petition of Eureka Council, No. 7, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. McNARY: Petition of citizens of Massachusetts, for establishment of forest reserves in the East, to be known as the Appalachian and White Mountain reserves—to the Committee on Agriculture.

By Mr. OLMSTED: Petitions of Riverside Council, No. 87, and Middleton Council, Junior Order United American Mechanics; Capital City Council, of Harrisburg, Pa., and Resolute Council, Daughters of Liberty, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. OVERSTREET: Paper to accompany bill for relief of heirs of Henry Douglass—to the Committee on War Claims.

By Mr. POU: Petition of Franklinton Council, No. 120, Junior Order United American Mechanics, favoring restriction of Immigration—to the Committee on Immigration and Naturalization.

By Mr. SAMUEL: Petition of Berwick Council, No. 698, Junior Order United American Mechanics, favoring restriction of Immigration—to the Committee on Immigration and Naturalization.

By Mr. SCHNEEBELI: Petition of Sheet Metal Workers of Easton, Pa., Lodge No. 146, for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Lafayette College, Easton, Pa., against abridgment of the rights of libraries to import books in English—to the Committee on Patents.

Also, petitions of Bethlehem Council, No. 508, and Cherry Council, No. 243, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SHEPPARD: Papers to accompany bills for relief of Sarah M. Harrell and Samuel G. Smith—to the Committee on War Claims.

By Mr. SPERRY: Petitions of the governors of the several

New England States and other citizens of New England, and librarian of the free public library of New Haven, Conn., for forest reserves in the Appalachian and White Mountains—to the Committee on Agriculture.

Also, petition of the librarian of Wesleyan University library, Middletown, Conn., against section 30 of the bill H. R. 19853, relative to importation of English books—to the Committee on Patents.

By Mr. STEVENS of Minnesota: Petition of the St. Paul Retail Grocers' Association, for repeal of the bankruptcy law—to the Committee on the Judiciary.

By Mr. SULLOWAY: Petition of the librarian of the city of Manchester, against abridgment of the rights of libraries to import English books—to the Committee on Patents.

By Mr. THOMAS: Petition of Pender Council, No. 59, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. TIRRELL: Paper to accompany bill for relief of John W. Towle—to the Committee on Invalid Pensions.

By Mr. VAN WINKLE: Paper to accompany bill for relief of Elizabeth Deiterle—to the Committee on Invalid Pensions.

By Mr. WANGER: Petition of Uhlertown Council, No. 522, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

SENATE.

MONDAY, *December 10, 1906.*

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

THOMAS M. PATTERSON, a Senator from the State of Colorado, and WILLIAM J. STONE, a Senator from the State of Missouri, appeared in their seats to-day.

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

REPORT ON IRRIGATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, inclosing a letter from the Director of the Geological Survey, transmitting, pursuant to law, a report of the results of the examinations and surveys for the location and construction of irrigation works for the storage, diversion, and development of the waters of the country; which was referred to the Committee on Irrigation and Reclamation of Arid Lands, and ordered to be printed.

CAPT. DORR F. TOZIER.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, requesting that authority be granted by Congress for the acceptance by Capt. Dorr F. Tozier, United States Revenue-Cutter Service, of the sword tendered to him by the Lords Commissioners of the British Admiralty; which was referred to the Committee on Foreign Relations, and ordered to be printed.

CLAIMS OF POSTMASTERS.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, stating that, pursuant to law, he has transmitted to the Speaker of the House of Representatives a tabular statement showing in detail the claims of postmasters for reimbursement for losses of money orders and postal funds which have been acted upon by the Postmaster-General during the fiscal year ended June 30, 1906, etc.; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

ARTHUR G. FISK.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, stating that, pursuant to law, he had transmitted to the Speaker of the House of Representatives the claim of Arthur G. Fisk, postmaster at San Francisco, Cal., for credit on account of losses resulting from earthquake and fire; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

ALASKAN FUR-SEAL FISHERIES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting the report of Edwin W. Sims on the Alaskan fur-seal fisheries; which, with the accompanying paper, was referred to the Committee on Foreign Relations, and ordered to be printed.

ILLINOIS AND MISSISSIPPI CANAL.

The VICE-PRESIDENT. The Chair lays before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of June 26, 1906, a letter from the Acting Chief of Engineers, United States Army, with inclosures, concerning the facts and data in the possession of the War Department relating to the construction of miles 19 to 23 of the Illinois and Mississippi Canal (eastern section), with particular reference to any loss or damage sustained or incurred by the Globe Construction Company. The communication will be printed, and, with the accompanying papers, referred to the Committee on Commerce.

ANNUAL REPORT OF THE ATTORNEY-GENERAL.

The VICE-PRESIDENT laid before the Senate, pursuant to law, the annual report of the Attorney-General of the United States for the year 1906; which was referred to the Committee on the Judiciary, and ordered to be printed.

POWER AND RESERVOIR SITES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs, submitting a draft of a bill to authorize the Secretary of the Interior to reserve power sites and natural reservoir sites on Indian reservations when the reservation lands are open to settlement and entry; which was referred to the Committee on Indian Affairs, and ordered to be printed.

RIGHT OF WAY THROUGH INDIAN LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs, submitting a draft of a bill granting the right of way through Indian lands for mill sites, electrical plants, canals, ditches, pipes and pipe lines, etc.; which, with the accompanying paper, was referred to the Committee on Indian Affairs, and ordered to be printed.

JAPANESE IN SAN FRANCISCO PUBLIC SCHOOLS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, in response to a resolution of the 5th instant, certain information relative to all official letters, telegrams, reports, etc., in connection with the investigation of the matter of Japanese attending the public schools in San Francisco, Cal.; which, on motion of Mr. FLINT, was ordered to lie on the table, and be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of the First Baptist Church of Helena, Ark., *v.* The United States;

In the cause of Bolivar Lodge, No. 127, Free and Accepted Masons, of Stevenson, Ala., *v.* The United States;

In the cause of Adorea Honore, widow and sole heir of Emile Honore, deceased, *v.* The United States;

In the cause of Samuel Fitzhugh, administrator of Henry Fitzhugh, deceased, *v.* The United States;

In the cause of the trustees of the Presbyterian Church and Masonic Hall, of Platte City, Mo., *v.* The United States;

In the cause of Mary J. Abbott, widow of William A. Abbott, deceased, *v.* The United States;

In the cause of Henry L. Johnson, claimant, *v.* The United States;

In the cause of Margaret P. Robinson, widow of Richard M. Robinson, deceased, *v.* The United States;

In the cause of the trustees of the Methodist Episcopal Church South, of Huntsville, Ala., *v.* The United States;

In the cause of the Madison Female Institute *v.* The United States;

In the cause of John P. Bell, treasurer of State Hospital No. 1, of Fulton, Mo., *v.* The United States;

In the cause of J. W. Gardner, administrator of F. A. Roeder, deceased, *v.* The United States;

In the cause of Milton S. Johnson, assignee of Jacob Johnson, deceased, *v.* The United States;

In the cause of G. A. Le More & Co. *v.* The United States;

In the cause of the trustees of the Presbyterian Church of French Creek, W. Va., *v.* The United States;

In the cause of the trustees of the Methodist Episcopal Church, South, of St. Albans, W. Va., *v.* The United States;

In the cause of Helen A. Byington, J. E. Wyatt, J. T. Thomson, and Mollie Thomson Moore, heirs of James G. Hearst, deceased, *v.* The United States;

In the cause of William H. Ward, administrator of William H. Ward, deceased, *v.* The United States; and

In the cause of Rosa Vertner Jeffrey *v.* The United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed.