By Mr. MEYER: Paper to accompany bill for relief of Antonio Hook (previously referred to the Committee on Invalid Pensions)—to the Committee on War Claims.

By Mr. MURPHY: Paper to accompany bill for relief of David T. Johnson—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John R. McMaster—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Valentine Fraker—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of John C. Bennett—to the Committee on Military Affairs.

By Mr. PATTERSON of Tennessee: Petition of the Association of Army Nurses of the Civil War, for the Dalzell bill giving pensions to ex-Union prisoners of the civil war—to the Committee on Invalid Pensions.

By Mr. PAYNE: Paper to accompany bill for relief of William H. Hawley—to the Committee on Invalid Pensions.

By Mr. PEARRE: Paper to accompany bill for relief of Samuel C. Young—to the Committee on War Claims.

Also, petition of the Farmers' Club of Montgomery County, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. PERKINS: Petitions of the E. R. Andrews Printing Company, the Rochester Telegraph, the Rochester Herald, and the Burnett Printing Company, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. REYBURN: Petition of the Association of Army Nurses of the Civil War, for the Dalzell bill pensioning ex-Union prisoners of the civil war—to the Committee on Invalid Pensions.

By Mr. RIXEY: Petition of Robert Andrews Division, No. 317, Brotherhood of Locomotive Engineers, for enactment of the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. SCHNEEBELI: Petition of the American Academy of Medicine, favoring legislation in the interest of second-class mail matter—to the Committee on the Post-Office and Post-Roads.

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

Also, petition of Easton Council, No. 984, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the San Francisco Labor Council, against the utterances of the President on the Japanese relation to the public schools of said city and favoring exclusion of Japanese coolies on the same terms as the Chinese coolies—to the Committee on Labor.

By Mr. SCOTT: Petition of the National Bankers of Kansas, against legislation proposing to guarantee deposits of national banks—to the Committee on Banking and Currency.

By Mr. SHEPPARD: Petitions of citizens of Avery, Hooks, Arthur City, and Bagwell, Tex., and of Durant and Sulphur, Ind. T., for an appropriation for improvement of the upper Red River—to the Committee on Rivers and Harbors.

By Mr. SMITH of Texas: Petition of the Evening News, El Paso, Tex., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. STAFFORD: Petition of the Spanish War Veterans, of Waukesha County, Wis., for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. STERLING: Paper to accompany bill for relief of Thomas Banks—to the Committee on Invalid Pensions.

Also, petition of citizens of Odell, Ill., for deep waterway from the Lakes to the Gulf—to the Committee on Rivers and Harbors.

Also, paper to accompany bill for relief of Sylvanus G. Pepple—to the Committee on Invalid Pensions.

By Mr. THOMAS of Ohio: Paper to accompany bill for relief of Ira P. Morrison—to the Committee on War Claims.

By Mr. VAN WINKLE: Petition of the Franco-American Food Company, of Jersey City, N. J., for modification of the meat-inspection bill—to the Committee on Agriculture.

Also, petition of the Board of Trade of Bayonne, N. J., for improvement of the waterway between Staten Island and New Jersey—to the Committee on Rivers and Harbors.

By Mr. VREELAND: Petition of the Post, Jamestown, N. Y., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WACHTER: Petition of John A. Logan Council, No. 19, Daughters of Liberty, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. WELBORN: Petition of the Ruralist, Sedalia, Mo., against tariff on linotype machines—to the Committee on Ways and Means.

SENATE.

THURSDAY, *January 10, 1907.*

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

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

The VICE-PRESIDENT. The Journal stands approved.

ASSAY OFFICE AT SEATTLE, WASH.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Director of the Mint submitting an amended estimate of appropriation for wages of workmen, assay office at Seattle, $30,020; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the vestry of Trinity Protestant Episcopal Church on Edisto Island, South Carolina, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Edward Buford, administrator of the estate of William R. Elliston and Maggie E. Fall and Sallie Richardson, only heirs of William H. Evans, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Chamber of Commerce of Colorado Springs, Colo., praying for the enactment of legislation to provide for a reclassification and increase of salaries of postal clerks in all first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented the petition of Henry G. Crockett, of Maine, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine volunteers; which was referred to the Committee on Claims.

Mr. GALLINGER presented a petition of sundry citizens of southwest Washington, praying for the enactment of legislation prohibiting steam locomotives from emitting smoke anywhere within the confines of the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. KNOX presented a petition of the New Era Club of Western Pennsylvania, Pittsburg, Pa., praying for the enactment of legislation providing for the removal of the duty on works of art; which was referred to the Committee on Finance.

He also presented a memorial of the Copper River Railway Company, of Alaska, remonstrating against the enactment of legislation providing for the construction of a railroad, telegraph, and telephone line in the district of Alaska; which was referred to the Committee on Territories.

He also presented a petition of the Merchants' Association of New York, praying for the enactment of legislation providing for increased facilities in the United States Patent Office; which was referred to the Committee on Patents.

He also presented a petition of the Association of Army Nurses of the Civil War, Brookville, Pa., praying for the enactment of legislation providing that volunteer nurses of the civil war be placed on an equality with those pensioned under the act of 1892; which was ordered to lie on the table.

He also presented petitions of C. R. Walker, secretary Altoona Lodge, Brotherhood Locomotive Firemen and Enginemen, of Altoona; Thomas F. Durkin, secretary Lodge 544, Brotherhood Railway Trainmen, of Wilkes-Barre; Nicholas Burns, secretary Lodge 250, Brotherhood Locomotive Firemen, of Wilkes-Barre; J. H. Rockenstein, secretary Brotherhood Locomotive Firemen and Engineers, of Freedom, all of the State of Pennsylvania, praying for the passage of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

He also presented memorials of Local Division No. 156, Order of Railway Conductors, Binghamton; Local Division No. 172, Engineers of Delaware and Hudson System, Oneonta; Local Division No. 58, Brotherhood of Locomotive Engineers, Oneonta, all in the State of New York, and of Local Division No. 263, Brotherhood of Locomotive Engineers, Wilkes-Barre, Pa., remonstrating against the passage of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

He also presented memorials of sundry citizens of Williams-

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port, Oil City, Pittsburg, Sunderlinville, and Shinglehouse, and of Rev. C. S. Longacre, Pittsburg, all in the State of Pennsylvania, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a petition of the Dark Tobacco Planters' Protective Association of Tennessee, Kentucky, and Virginia, praying for the enactment of legislation providing for the removal of tax on leaf tobacco; which was referred to the Committee on Finance.

He also presented petitions of the Federation of Catholic Societies of Pennsylvania; sundry citizens of Haverford; H. W. Hayden, of Overbrook; sundry citizens of Jamestown; the Right Rev. Alexander Mackay-Smith, of Philadelphia, all in the State of Pennsylvania, praying for an investigation of the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented petitions of the State Camp of New York, Patriotic Order Sons of America, New York, N. Y.; the National Camp, Patriotic Order Sons of America, Phillipsburg, N. J., and the Pennsylvania State Camp, Patriotic Order Sons of America, Philadelphia, Pa., praying for the enactment of legislation providing for the restriction of immigration; which were referred to the Committee on Immigration.

He also presented petitions of the publisher of the Monessen News, of Monessen; the publisher of the Covington Sun, of Covington, and of the Breeze Printing Company, of Johnstonburg, all in the State of Pennsylvania, praying for the enactment of legislation providing for a modification of the Interstate Commerce Commission's ruling denying newspapers the right to exchange advertising for railroad transportation; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Chamber of Commerce, Portland, Oreg., praying for the enactment of legislation providing for an appropriation of $15,000,000 for the construction and maintenance of submarine torpedo boats to be used exclusively for the defense of the Pacific coast; which was referred to the Committee on Coast Defenses.

He also presented a memorial of the Pittsburg Ministerial Association of the Methodist Episcopal Church of Pittsburg, Pa., relative to the exclusion of Japanese from the schools of San Francisco; which was referred to the Committee on Foreign Relations.

Mr. KEAN (for Mr. WETMORE) presented the petition of J. H. Wiley and 92 other citizens of Newport, R. I., and the petition of Rev. S. W. Smith and 84 other citizens of Providence, R. I., praying for an investigation of the Brownsville incident involving soldiers of the Twenty-fifth Infantry, United States Army; which were referred to the Committee on Military Affairs.

He also (for Mr. WETMORE) presented the petition of Clara Browning, of Westerly, R. I., and the petition of Harvey Chace Perry, of Westerly, R. I., praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

Mr. DICK presented a petition of the Business Men's Association of Alliance, Ohio, and a petition of the Chamber of Commerce of Youngstown, Ohio, praying for the enactment of legislation to increase the salaries of postal clerks; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Pomona Grange, No. 62, Patrons of Husbandry, of Mount Nebo, Ohio, praying for the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Goshen Grange, No. 573, Patrons of Husbandry, of New Hampshire, Ohio, remonstrating against the enactment of legislation providing free distribution of seeds and plants; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Western College of Women, of Oxford, Ohio, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was ordered to lie on the table.

He also presented a memorial of the Labor Council, of San Francisco, Cal., remonstrating against the utterances of the President regarding the attitude of the people of that State toward the Japanese; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Western College of Women, of Oxford, Ohio, praying that an appropriation be made for a scientific investigation of the conditions of women and child workers in the United States; which was referred to the Committee on Education and Labor.

He also presented a petition of the Woman's Christian Temperance Union, of Columbus, Ohio, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of Harry C. Egbert Camp, No. 1, United Spanish War Veterans, Department of Ohio, of Cincinnati, Ohio, praying for the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a memorial of Union Grange, Patrons of Husbandry, of Thompson, Ohio, and a memorial of Typographical Union No. 474, American Federation of Labor, of Ashtabula, Ohio, remonstrating against the passage of the so-called "ship-subsidy bill;" which was ordered to lie on the table.

He also presented a petition of the Springfield Clearing House Association, of Springfield, Ohio, praying for the enactment of legislation to establish a uniform bill of lading; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Publishers' League of New York City, N. Y., praying for the enactment of legislation to remove the duty on linotype machines and the composing parts thereof; which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Toledo, Ohio, remonstrating against the attitude of France toward the Catholic Church; which was referred to the Committee on Foreign Relations.

He also presented sundry petitions of the Committees of Ex-Prisoners of War of Cincinnati and Norwalk, Ohio, praying for the enactment of legislation for the relief of ex-prisoners of the civil war; which were referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Cleveland, Ohio, praying for the enactment of legislation providing for the maintenance of the Betsy Ross House, in Philadelphia, Pa., as a memorial to the designer of our national flag; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Ohio State Dental Society, of Columbus, Ohio, praying for the enactment of legislation to increase the efficiency of the dental service of the Army; which was referred to the Committee on Military Affairs.

He also presented a petition of National Camp, Patriotic Order Sons of America, of Phillipsburg, Pa., and a petition of Pennsylvania State Camp, Patriotic Order Sons of America, of Philadelphia, Pa., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented petitions of the Cleveland Sorosis and sundry artists of Cleveland, Ohio, praying for the enactment of legislation to remove the duty on works of art; which were referred to the Committee on Finance.

He also presented the petition of John F. Bishop, of Ohio, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

Mr. DEPEW presented memorials of Local Division No. 154, of Binghamton; of Local Division No. 46, of Whitehall; of Local Division No. 56, of New York City, and of Thomas Dickson Division, No. 171, of Mechanicsville, all of the Order of Railway Conductors, and of Local Division No. 263, Brotherhood of Locomotive Engineers, of Oneonta, N. Y., and a memorial of Local Division No. 58, Brotherhood of Locomotive Engineers, of Oneonta, all in the State of New York, remonstrating against the passage of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

He also presented a petition of Sherman Lodge, No. 143, Brotherhood of Railroad Trainmen, of East Syracuse, N. Y., praying for the passage of the so-called "anti-injunction bill," and also the so-called "sixteen-hour bill;" which was referred to the Committee on the Judiciary.

He also presented a petition of Onondaga Lodge, No. 705, Brotherhood of Railroad Trainmen, of Syracuse, N. Y., praying for the passage of the so-called "sixteen-hour bill;" which was ordered to lie on the table.

Mr. LONG presented a petition of the Cherokee Indians, praying that jurisdiction be given the Court of Claims to hear and determine their right to certain lands west of the Mississippi River granted to them under certain treaties; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. SPOONER presented sundry papers to accompany the bill (S. 7643) for the promotion and retirement of Col. John B. Rodman, United States Army, retired; which were referred to the Committee on Military Affairs.

Mr. DUBOIS presented memorials of sundry citizens of Genesee, Parma, and Latah County, all in the State of Idaho, and a memorial of sundry citizens of Farmington, Wash., remonstrat-

ing against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were ordered to lie on the table.

He also presented memorials of sundry train dispatchers and of Local Division No. 209, Order of Railway Conductors, all of the Oregon Short Line Railroad Company, of Pocatello and Nampa, in the State of Idaho, and of Kemmerer, Wyo., remonstrating against the passage of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

Mr. BACON presented sundry papers to accompany the bill (S. 4822) for the relief of the estate of Wiley Franks, of Jones County, Ga.; which were referred to the Committee on Claims.

Mr. PROCTOR presented a memorial of sundry citizens of Middlebury, Vt., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. FORAKER presented a petition of Wellsville Lodge, Brotherhood of Railroad Trainmen, of Wellsville, Ohio, praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented a petition of Local Division No. 175, Brotherhood of Locomotive Engineers, of Newark, Ohio, and a petition of Forest City Lodge No. 10, Brotherhood of Locomotive Firemen and Enginemen, of Cleveland, Ohio, praying for the passage of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

He also presented sundry petitions of freight trainmen and enginemen employed on the Cincinnati division of the Pennsylvania line, of Cincinnati, Ohio; of sundry conductors of the Pennsylvania lines west of Pittsburg, Pa., and of New Castle, Pa.; of H. W. Thornton, superintendent of the Pennsylvania lines west of Pittsburg, Pa., of New Castle, Pa.; of sundry conductors, engineers, and firemen employed on the Creston division of the Chicago, Burlington and Quincy Railroad, of Creston, Iowa, and of sundry railway employees of Crestline, Alliance, and Cambridge, in the State of Ohio, praying for a modification of the so-called sixteen-hour bill; which were ordered to lie on the table.

He also presented memorials of C. W. Jarvis, of Columbus; of sundry railway employees of Lancaster; of the Commercial and Financial Chronicle of Ohio, and of Local Division No. 100, Order of Railway Conductors, of Columbus, all in the State of Ohio, remonstrating against the passage of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

Mr. LODGE presented the petition of William H. Plummer, of Massachusetts, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

Mr. McCREARY presented a petition of the Woman's Christian Temperance Union of Louisville, Ky., and a petition of sundry citizens of Madisonville, Ky., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. CULLOM. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 21574) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1906, and for other purposes, to report it with amendments, and I submit a report thereon.

I desire to give notice that to-morrow morning immediately after the routine business, I shall call up the bill for consideration.

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

Mr. LODGE, from the Committee on Military Affairs, to whom was referred the bill (H. R. 8631) for the relief of James M. Darling, reported it with an amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 7614) to amend the act entitled "An act to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes," approved July 7, 1898, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3357) granting an honorable discharge to James B. Mulford, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 7375) to correct the military record of Dennis O'Brien, asked to be discharged from its further consideration, and that it be referred to the Committee on Naval Affairs; which was agreed to.

Mr. MALLORY, from the Committee on Commerce, to whom was referred the bill (H. R. 19749) to prescribe the duties of deputy collectors of customs, reported it without amendment, and submitted a report thereon.

Mr. SIMMONS, from the Committee on Commerce, to whom was referred the bill (S. 6987) permitting the building of a dam across the Savannah River at Gregg Shoals, reported it with amendments, and submitted a report thereon.

Mr. HEYBURN, from the Committee on Manufactures, to whom was referred the amendment submitted by himself on the 8th instant, proposing to appropriate $50,000 for compensation and actual necessary traveling expenses of special agents to investigate trade conditions abroad, with the object of promoting the foreign commerce of the United States, etc., intended to be proposed by him to the legislative, etc., appropriation bill, reported it with an amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 8th instant relative to the appointment of three clerks of class 4, one of which shall act as chief clerk in the Bureau of Manufactures, intended to be proposed by him to the legislative, etc., appropriation bill, reported it with an amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

LICENSED OFFICERS OF VESSELS.

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred the bill (S. 6898) concerning licensed officers of vessels, to report it favorably without amendment, and I submit a report thereon. The committee instructed me to ask that the bill might have present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 4438 of the Revised Statutes so as to read as follows:

SEC. 4438. The boards of local inspectors shall license and classify the masters, chief mates, and second and third mates, if in charge of a watch, engineers, and pilots of all steam vessels, and the masters of sail vessels of over 700 gross tons, and all other vessels of over 100 gross tons carrying passengers for hire. It shall be unlawful to employ any person, or for any person to serve, as a master, chief mate, engineer in charge of a watch, or pilot of any steamer or as master of any sail vessel of over 700 gross tons, or of any other vessel of over 100 gross tons carrying passengers for hire, who is not licensed by the inspectors; and anyone violating this section shall be liable to a penalty of $100 for each offense.

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

LIFE-SAVING STATION AT ISLES OF SHOALS, NEW HAMPSHIRE.

Mr. GALLINGER. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 189) to establish a life-saving station at the Isles of Shoals, off Portsmouth, N. H., to report it favorably without amendment, and as it is a very brief bill, I shall ask for its present consideration.

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

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

LIGHTS ON LAKE OF THE WOODS, MINNESOTA.

Mr. NELSON. From the Committee on Commerce I report back favorably without amendment the bill (S. 953) for the establishment of lights at the mouths of Warroad and Rainy rivers, Lake of the Woods, Minnesota, and I submit a report thereon. I ask for the present consideration of the bill.

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

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

DONATION OF CANNON TO SOUTH DAKOTA.

Mr. WARNER. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 80) authorizing the Secretary of War to furnish two 3-inch wrought-iron muzzle-loading cannon, with their carriages, limbers, and accessories, to the State of South Dakota, to report it favorably without amendment, and I submit a report thereon. I was requested by the Senator from South Dakota [Mr. KITTREDGE] to ask for the immediate consideration of the joint resolution.

The Secretary read the joint resolution; and there being no objection, it was considered as in Committee of the Whole.

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

REVISION OF THE LAWS.

Mr. FULTON. I ask consent to make a report from the special joint committee appointed under House concurrent resolution No. 35, to examine, consider, and submit to Congress recommendations upon the revision and codification of laws prepared by the Statutory Revision Commission. I wish to state before presenting the report that the committee has prepared one title, and presents it in the form of a bill. I am not advised as to what the proper practice in such case is, but I assume that the bill simply goes to the Calendar. It occurred to me that it would not be proper to refer it, because it comes from the special committee and is based on the report of the Commission. I ask that the bill and report may go to the Calendar and be printed, and at an opportune moment I shall ask to have the bill made the unfinished business in order that it may be taken up and disposed of at the present session. I do not make that request at the present time.

The bill (S. 7709) to revise, codify, and amend the penal laws of the United States was read twice by its title.

BILLS INTRODUCED.

Mr. NELSON introduced a bill (S. 7678) granting an increase of pension to Joseph Kennedy; which was read twice by its title, and referred to the Committee on Pensions.

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

A bill (S. 7679) granting an increase of pension to George M. Shaffer; and

A bill (S. 7680) granting an increase of pension to John R. Boso.

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

A bill (S. 7681) for the relief of the estate of William Coker, deceased; and

A bill (S. 7682) for the relief of the estate of James Childers, deceased.

Mr. LONG introduced a bill (S. 7683) granting an increase of pension to William Wakefield; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CULBERSON introduced a bill (S. 7684) to provide and maintain for the port of Galveston, Tex., a customs boarding boat; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FRYE introduced a bill (S. 7685) granting an increase of pension to Albion W. Tebbetts; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 7686) to carry out the findings of the Court of Claims in the case of J. W. Howett, administrator of William Howett, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7687) granting an increase of pension to P. H. Henley; which was read twice by its title, and referred to the Committee on Pensions.

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

A bill (S. 7688) for the relief of the estate of John Hoey, deceased;

A bill (S. 7689) for the relief of the estate of Dr. Joseph Richard Martin, deceased;

A bill (S. 7690) for the relief of Mrs. Octave Simoneaux, administratrix of the estate of Henry Robertson, deceased;

A bill (S. 7691) for the relief of Mrs. Louisa Dornier;

A bill (S. 7692) for the relief of the estate of Leandre Campo & Co.; and

A bill (S. 7693) for the relief of Mrs. Marie Vives, executrix of the estate of Numa Vives, deceased.

Mr. BERRY introduced a bill (S. 7694) to carry out the findings of the Court of Claims in the case of Richard D. Lamb for himself and, as administrator of Ira M. Lamb, heirs of Ira M. Lamb and Caroline, his wife; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 7695) granting a pension to Mary B. Wooster; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SMOOT introduced a bill (S. 7696) granting an increase of pension to Zadok K. Judd; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. WARNER introduced a bill (S. 7697) for the relief of the estates of J. W. Gunter and W. H. Gunter, both deceased; which was read twice by its title, and referred to the Committee on Claims.

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

A bill (S. 7698) granting a pension to Fannie S. Grant; and

A bill (S. 7699) granting an increase of pension to George W. Hiler.

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

A bill (S. 7700) for the relief of the estate of William R. Poole, deceased;

A bill (S. 7701) for the relief of Mary Wellmaker;

A bill (S. 7702) for the relief of the estate of Nancy Cates, deceased;

A bill (S. 7703) for the relief of the estate of Aleck Baswell, deceased; and

A bill (S. 7704) for the relief of the estate of William B. Quinn, deceased.

Mr. BACON introduced a bill (S. 7705) to carry out the findings of the Court of Claims in the case of A. G. McDonald, administrator of Robert H. Green, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MALLORY introduced a bill (S. 7706) for the relief of Robert Broadbent, Barger Holst, James A. Dunham, Byron Dawley, Axel Rosendahl, and Will J. Elliott; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GALLINGER introduced a bill (S. 7707) to amend section 14 of the act approved July 29, 1892, entitled "An act for the preservation of the public peace and the protection of property within the District of Columbia;" which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. PROCTOR introduced a bill (S. 7708) granting an increase of pension to Susan A. Brockway; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCREARY introduced a bill (S. 7710) for the relief of J. A. Ragland; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 7711) granting a pension to James Allen; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7712) granting an increase of pension to William Coxton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LONG introduced a joint resolution (S. R. 82) providing for continuance in office of municipal officials in Indian Territory; which was read twice by its title.

The VICE-PRESIDENT. The joint resolution will be referred to the Committee on Indian Affairs, in the absence of objection.

Mr. KEAN. I think the bill ought to go to the Committee on Territories.

The VICE-PRESIDENT. Does the Senator from Kansas desire a reference to the Committee on Indian Affairs, as is indicated upon the bill?

Mr. LONG. I think that is the appropriate committee.

Mr. KEAN. I supposed that necessarily it would go to the Committee on Territories.

Mr. LONG. Very well; that reference is satisfactory.

The VICE-PRESIDENT. The bill will be referred to the Committee on Territories.

HOURS OF LABOR OF RAILROAD EMPLOYEES.

Mr. McCUMBER. I submit two amendments to the substitute proposed by the Senator from Iowa [Mr. DOLLIVER] to the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon. As the amendments are very short, I ask that they may be read and lie on the table.

The amendments were read and ordered to lie on the table, as follows:

Amend the amendment proposed by Mr. DOLLIVER as follows:

After the word "hours," on line 8, page 1, insert "except when, by accident or unexpected delay of trains scheduled to make connection with the train of which such employee is serving, he is prevented from reaching his terminal."

Strike out the word "ten," on line 11, page 1, and insert in lieu thereof the word "eight."

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ANKENY submitted an amendment proposing to appropriate $750 to reimburse John M. Hill, late register of the United States land office at Walla Walla, Wash., for money paid by him, etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Public Lands.

Mr. NELSON submitted an amendment proposing to pay to Mary Lajord, widow of Thomas Lajord, the salary due him as a messenger on the rolls of the Senate from July 1, 1906, to July 7, 1906, the date of his death, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ELIZABETH NALLY.

Mr. KEAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, out of the contingent fund of the Senate, to Elizabeth Nally, widow of Dennis Nally, late a laborer in the employ of the Senate of the United States, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expense and all other allowances.

DISMISSAL OF THREE COMPANIES OF THE TWENTY-FIFTH INFANTRY.

Mr. TILLMAN. Mr. President, I have been detained from the Chamber for a couple of days by reason of an attack of the grippe, and the resolution in regard to the Brownsville matter has gone over twice upon that account. I understand that to-day the bill which deals with the hours of labor of railroad employees has the right of way, and that to-morrow there is unanimous consent to take up and dispose of in some manner the pension bill which the Senator from North Dakota [Mr. McCUMBER] has in charge.

I therefore give notice that I will call up the resolution with regard to the Brownsville tragedy on Saturday at the conclusion of the routine morning business, and submit some remarks on it.

Mr. FORAKER. In view of the notice the Senator has given, it is hardly necessary to ask for any agreement as to the resolution to be taken up at that time for consideration, but I want at least to give notice that at that time when it is up for consideration to be discussed by the Senator from South Carolina I shall press it to final consideration and get a vote on it, if possible.

HOURS OF EMPLOYMENT OF RAILROAD EMPLOYEES.

Mr. LA FOLLETTE. I move that the Senate proceed to the consideration of the unfinished business, Senate bill 5133.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. LA FOLLETTE. Mr. President, at the close of the consideration of this bill on yesterday the Senator from New Jersey [Mr. KEAN] asked to have printed in the RECORD a document prepared by Mr. F. C. Rice, of Chicago. This document, which appears in the RECORD to-day, criticises the table prepared by the employees of the Interstate Commerce Commission and incorporated in the report of the Committee on Interstate Commerce of the House of Representatives at the last session, which reported favorably a bill relating to the same subject as the bill now before the Senate. That table was prepared and incorporated in the report of the House committee and, near the close of the last session, was used in the discussion upon the floor of the Senate. I know that I made some use of it. I think reference was made to it and quotations were made from it by the Senator from South Carolina [Mr. TILLMAN].

It seems that this Mr. Rice has, or claims to have, examined the files of the offices of the Interstate Commerce Commission containing the reports made by the railroad companies under the statute requiring such companies to make report of accidents occurring on their lines. He claims to have discovered discrepancies, and he even charges that interpolations have been made into those records for the purpose of conveying a wrong impression with respect to the hours the employees involved were at work and with respect to the causes of the accidents as set forth in the reports.

I shall ask leave to print in the RECORD without having it read at this time a reproduction of Mr. Rice's criticism, and in parallel columns quotations taken directly from the sworn reports made by the railroad companies in each case. Each case cited in the Rice pamphlet will be taken up in the order in which it was placed by Mr. Rice.

I do, however, wish to take the time of the Senate very briefly, and I feel that I ought to do it in justice to the Interstate Commerce Commission and those who were charged with the preparation of this report, which was made at the request of the Committee on Interstate Commerce of the House of Representatives, to call attention particularly to those cases in Mr. Rice's pamphlet in which he charges that interlineations have been made in the reports as furnished by the railway companies to the Interstate Commerce Commission. In Mr. Rice's criticism of the table on case No. 36 he states:

Some one seems to have inserted the words "conductor on duty twenty hours" in the company's report without their knowledge.

This, sir, of course, is a very serious charge. If any employee of the Interstate Commerce Commission has engaged in the business of doctoring these reports in order to advance legislation, he ought to be driven out of the public service.

I have here before me a photographic copy of the record to which Mr. Rice refers. This shows that in addition to the typewritten matter incorporated in the report upon the blank furnished by the Interstate Commerce Commission to the railroad company there has been written the words "conductor employed October, 1896, on duty twenty hours."

These words are written in the handwriting of the railroad official. The identity of this handwriting is proved beyond question by comparison with other reports by the same official, in which there will be no dispute as to authorship. The Commission returned the report to the general manager's office because it had not been made in full compliance with the blank sent to the railroad company, upon which the report should be made, and it was therefore returned with a request calling for a statement of the time which the conductor of this train was employed continuously in service immediately prior to the accident.

In this and every other instance where changes have been made in these reports there is on file, and was at the time Mr. Rice was given access to the reports to make up the table, copies of all the correspondence between the Interstate Commerce Commission and the various railroad companies upon whom calls had been made to complete the records in each of the cases where such records were incomplete.

I will incorporate in the RECORD the complete answer in each of these cases and will only take time to call attention to another in particular. This is among the cases concerning which charges were made by Mr. Rice with respect to the correctness of the record.

I have here a letter from the secretary of the Interstate Commerce Commission, and accompanying it the correspondence in this particular case, which shows how difficult it is in many of these cases to obtain from the railroad companies a complete statement of all the facts necessary to make a complete record, and which explains exactly how some corrections appear in the records that are on file in the Interstate Commerce Commission office. The letter is addressed to me, and is as follows:

INTERSTATE COMMERCE COMMISSION,
OFFICE OF THE SECRETARY,
Washington, January 10, 1907.

DEAR SENATOR LA FOLLETTE: Referring to case 81 of the accident report furnished you through Mr. Hannan, this is the only case to which any inaccuracy can be ascribed at all. The facts in this case are as follows:

The accident occurred October 5, 1902. The general manager of that road, under oath as required by the accident law, reported that the conductor "had been on duty two days at time of accident." On January 2, 1903, it was observed that the report had not been made in accordance with our instructions, in that the time on duty was stated in days instead of hours. Accordingly that day a letter was sent to the general manager asking him to please report in hours the length of time the conductor had been on duty. On the 20th of January the general manager advised the Commission that the superintendent had made an error in making his report.

The Commission is compelled to take the sworn statement of the reporting officer of the railroad as to any accident, and it was only after months had elapsed, and then in response to a request to change the report to show hours instead of days, that the general manager gave a different report than the first one.

Whether the report of the general manager under oath or his letter of January 20, 1903, is correct we are unable to say, and it is to be regretted in preparing the report for you the letter was overlooked, it being in different hands than the report.

Very respectfully,

E. A. MOSELEY, *Secretary.*

Hon. ROBERT M. LA FOLLETTE,
United States Senate, Washington, D. C.

Then follows the letter of the Secretary of the Interstate Commerce Commission to Mr. Nixon, as follows:

JANUARY 2, 1903.

Mr. W. C. NIXON,
General Manager Gulf, Colorado and Santa Fe Railway,
Galveston, Tex.

DEAR SIR: Referring to your report of collision at Manvel, Tex., October 5, 1902, please report *in hours* the length of time the conductor had been on duty.

Very respectfully,

——— ———, *Secretary.*

On January 20, 1903, the general manager replied to the let-

ter of the secretary of the Interstate Commerce Commission as follows:

GULF, COLORADO AND SANTA FE RAILWAY COMPANY,
OFFICE OF GENERAL MANAGER,
Galveston, Tex., January 20, 1903.

[Train accidents, October, 1902.]

Mr. EDWARD A. MOSELEY,
Secretary Interstate Commerce Commission,
Washington, D. C.

DEAR SIR: Replying to your letter of January 2, in regard to the length of time the conductor had been on duty prior to the collision at Manvel, Tex., October 5, 1902.

Beg to advise that after investigating the matter I find that the superintendent of the southern division, through error, showed the conductor as being on duty two days prior to the time of the accident, when, as a matter of fact, he had practically forty-eight hours' rest prior to going on this trip, and was on the road three hours and forty-five minutes at the time of the accident. Conductor Scott arrived Temple October 2, at 1.05 p. m.; was off duty until 2 a. m. of October 4, when he deadheaded to Galveston on a passenger train, arriving at Galveston 1 p. m. of the 5th, and departed on train 36, same date, at 4.15 p. m.

I do not think it is the desire of your Commission, when a conductor is deadheading on a passenger train, that it be shown as length of time in service, even though he was paid for the time while deadheading; for the reason that no service whatever is required of trainmen when deadheading on passenger trains, and they can get practically as much rest while deadheading as they could get at home.

Yours, truly,

W. C. NIXON, *General Manager.*

That explains, Mr. President, the correction that should be made in that particular case. For the others the statement which I have here, from which I shall quote only a little further, I will ask to have printed in the RECORD.

The VICE-PRESIDENT. In the absence of objection, permission to do so will be granted.

Mr. LA FOLLETTE. While it may be true that in this instance a mistake has occurred in the compilation of the table in the office of the Commission, that mistake is in part, at least, due to a prior mistake on the part of the railroad officials reporting the accident. The other criticisms of Mr. Rice do not appear to be so well founded even as this. In many cases his statements are in direct contradiction to the sworn reports of the railroad officials to the Commission, as will appear from the detailed comparison which I will ask to have printed in the RECORD in this connection. A few cases will illustrate:

In connection with case No. 8, the first one that Mr. Rice selects for criticism, he says: "This man had not been on duty sixteen hours." The railroad official reporting the accident says, under oath, that the employee in question "had been on duty seventeen hours previous to which he had seven hours' rest."

On case 19 Mr. Rice makes the following statement:

This case should not have been reported. The company's report states: "No one saw the accident;" so that is mere assumption as to the cause of the injury.

The proposed sixteen-hour law would have had no effect in this case. The accident was the result of a wreck which occurred before the crew had been on duty sixteen hours. The whole trouble was due to a casualty beyond the control of the company.

The company's statement, under oath to the Commission, says of the employee, who not merely sustained an "injury," but was killed: "Prior to accident he worked and rested as follows: Worked fourteen hours and fifty-five minutes, rested eight hours and thirty-five minutes; worked thirty-two hours and rested nine hours thirty-five minutes; worked twenty-two hours and thirty minutes, when killed."

On case No. 29 Mr. Rice says: "The accident really occurred from the failure of the flagman to put down torpedoes, which failure can not be attributed to long-duty hours."

The sworn report of the company states that:

The accident was the result of the conductor of No. 73, F. B. Poling, and rear brakeman of No. 73, Frank Atwood, being asleep in their caboose and not protecting their train properly. Both of these men were experienced railroaders, having been in the service of this company for three years. They had been on the road, however, thirteen hours and ten minutes on the day previous to the accident, with only four hours' rest before going out on this run, and they had been on the road eighteen hours when the accident occurred.

These examples are fairly indicative of the reliability of the statements of Mr. Rice respecting these accidents, as will appear to anyone examining and comparing his statements with the reports made under oath to the Commission by the railroads. While Mr. Rice takes up in detail only a part of the cases, he declares the whole table to be "a misrepresentation." The fact is that Mr. Rice's statement is discredited quite as much by the cases which he dodged, with the excuse that the companies had not yet reported to him concerning them, as by his garbling and distorting those cases with which he chose to deal. In nearly every one of the omitted cases the company's reports state that the men had been on duty so long that they had actually *gone to sleep* at their posts of duty. I submit the following brief extracts from the language of the sworn reports of the companies in these cases.

The first part of the table 19 cases are personal-injury cases not connected with any collision or derailment. Of these 19 cases Mr. Rice chose to deal with but 4. I will quote briefly from the exact language of the reports in some of the rest of these cases, giving only that part of the statement which is directly related to this question, being careful to represent fairly the meaning of the report.

No. 1.—Engineer, lying beside track sleeping, struck by No. 18. On duty 21 hours and 31 minutes previous to time of injury.

No. 2.—Flagman sent back to protect rear of train and fell asleep on side of track * * * step of coach in rear of train 311, south bound, struck him in back. * * * Had been on duty continuously 21 hours and 10 minutes. His own carelessness.

No. 3.—He sat down on ties at end of bridge and fell asleep and was struck by passing freight. On duty 20 hours.

No. 4.—Is supposed to have sat or laid down on track and gone to sleep and was run over. * * * He had been on duty 18 hours.

No. 5.—In backing up ran over flagman, who was sitting on the track and had fallen asleep. He was seriously injured and died the same day. This crew had been out about 25 hours when the accident occurred, but the flagman was relieved 4 or 5 hours just prior to the accident, and after taking his place again he had been awake only about 15 or 20 minutes until the accident occurred.

No. 6.—This man was run over while asleep on the track. He was on duty from 7.30 p. m. of the 17th until the afternoon of the following day, i. e., 4.15 p. m., or 20 hours and 45 minutes.

Most of these nineteen cases of personal injury are of this same kind. The employee is kept at his post of duty so long that he becomes utterly exhausted, he falls asleep on the tracks while waiting to flag a train, and is killed. There can scarcely be any question in these cases that the accident is directly due to the excessive hours on duty. The case is not altered a bit by the statement in the report of an accident to an employee who has been on duty twenty-one hours and ten minutes that it was due to "his own carelessness."

Coming now to the second part of the table, the collisions and derailments:

No. 21.—Due to engineman of engine 1068 falling asleep and failing to take signal to stop. * * * Engineman at fault. * * * He had 12 hours' rest; on duty 29 hours.

No. 22.—Accident was directly due to the fact that the engineman on extra west 8909 went to sleep just before the train reached Rendcomb Junction. At the time of accident this man had been on duty 16 hours.

No. 23.—Engineer and brakeman * * * both asleep. * * * Both had been on duty continuously for 18 hours.

No. 24.—Crew on No. 32 went in at Ripley 2.15 for No. 11 and No. 5. They overlooked No. 11, and when it passed thought it was No. 5 and pulled out. Conductor in service six years, two as conductor. Had been on duty 29 hours, with 1½ hours' sleep before going out. Engineer in service seven years as engineman. On duty 29 hours, with 5 hours' rest before going out.

No. 27.—Accident caused by failure of engineer to have train under proper control. * * * Engineer had been on duty 22 hours and 35 minutes. * * *

No. 37.—Due to entire crew, except rear brakeman, being asleep and passing switch at which they should have pulled in. Engineman and front brakeman dismissed; conductor and fireman suspended 30 days. * * * Crew had made Fairmont turn and been on duty 24 hours.

No. 40.—Accident caused by failure of brakeman to properly flag; had been on duty 34 hours. * * *

No. 41.—Brakeman threw switch for engine 773 to back through cross-over from south main track to north main track at a time when eastbound freight train, second section, No. 76, was very close, and engineer on 773 moved back and fouled north main track right in front of them, resulting in collision. Engineer claims he did not see the eastbound freight, but there was nothing to prevent his seeing them if he had looked. * * * Entire crew of engine 773 had been on continuous duty 20 hours.

No. 49.—The entire crew of extra No. 667 are at fault for this accident. * * * The engineman had been on duty fourteen hours at the time of the accident. * * * The conductor and the rest of the crew had been on duty almost continuously for seventeen hours. * * *

No. 53.—Due to flagman and conductor being asleep in cabin and not giving their train protection. Crew had been out eighteen hours up to the time of the accident.

No. 57.—The brakeman of third 74 threw main-track switch without instructions and without knowing what other trains they were to meet, and then sat down near switch and fell asleep. * * * Brakeman in question * * * had been on duty eighteen hours. * * *

No. 66.—Brakeman on second 131 did not have flag out far enough. * * * Had been on duty seventeen hours and twenty-five minutes.

No. 70.—Engineer of train 90 was responsible for this head-end collision, for pulling down main track instead of taking siding as ordered. * * * He had been on duty twenty-one hours at the time of the accident. * * *

No. 71.—Accident caused by failure of engineman of extra 1848 to have his train under control. * * * Crew of extra 1848 had been on duty twenty-six hours.

No. 72.—Engineman in charge of engine 1617 is responsible for this accident. * * * He failed to have his train under control. * * * He had been on duty 18 hours at the time of the accident. * * *

No. 76.—Concurrent negligence on the part of two brakemen. * * * One on duty 23 hours at time of accident, * * * the other on duty 11 hours at time of accident. * * *

No. 78.—Extra 1291 north stopped at Bamford and conductor and flagman were in the caboose asleep, the train therefore having no protection, and extra 3188 collided with rear end. * * * This crew was out about 21 hours. * * * The flagman asked the conductor to be relieved when out 14 hours, but he did not grant the request.

No. 84.—Parties at fault on the road 24 hours and 20 minutes. Had one intermission of 4 hours and 3 minutes; another 2 hours and 10 minutes.

No. 85.—Investigation and coroner's inquest show that Conductor Turner of train No. 81 was responsible for accident. * * * Crew had been on duty 25 hours and 30 minutes at time of accident.

The following statement shows in detail, in parallel columns, the statements made by Mr. Rice concerning these accidents for the purpose of creating sentiment adverse to this legislation side by side with the sworn statements of the companies made in the regular course under provisions of law to the Interstate Commerce Commission:

Accident reports as they appear in the Rice pamphlet and as they appear in sworn statements made to the Interstate Commerce Commission by railway managers.

CASE No. 8.

STATEMENT CONCERNING ACCIDENT AS IT APPEARS IN THE RICE PAMPHLET.

Statement of cause: "Fell asleep while sitting on track; struck by train. Hours on duty, 17."

The facts: The language of the company's report to the Commission was: "It is *supposed* that he fell asleep while sitting on the track." This man had not been on duty 16 hours. He started at 5.05 a. m., arriving at Conway yard at 12.56, a run of less than 8 hours, and then laid at Conway yard 3 hours 4 minutes. He met with the accident at 8.55 p. m., or after 4 hours 55 minutes of service. It was impossible to make the crew take 10 hours' rest at Conway yard. They would very much oppose it; there were no facilities there, and the crew would very much prefer to make the return trip and rest at home.

SWORN STATEMENT CONCERNING ACCIDENT MADE TO THE COMMISSION BY RAILROAD COMPANY.

Northwest System, at or near East Liverpool, July 24, 1903; time, dark. J. A. Reig, age 26, killed. This man got off his train, which had pulled on a siding, and sat down on the main track, and was run over by train No. 2d 376. It is supposed he fell asleep while sitting on the track. He had been in the service seven days, and had been on duty 17 hours, previous to which he had 7 hours' rest. The accident did not occur in yard limits.

CASE No. 9.

Statement of cause of accident: "Sat on track; went to sleep; struck by train. Hours on duty, 23."

The facts: Weaver, the brakeman, had made the going-out trip from Springfield to Newberg in 6 hours 35 minutes. He had 1 hour and 30 minutes for rest; his train was called for 5 p. m., he expecting to make the return trip in about 6 hours. He was delayed 2 hours, switching, at Newburg; 3 hours at Lebanon, meeting passenger trains. He was thus on duty continuously from 5 p. m. until arrival at Marshfield at 7.38 the next morning, where he was injured, 14 hours 38 minutes. At the time he was called for the return trip he had only been on duty 6 hours 35 minutes, and could then have had additional rest if he had asked for it.

Before starting he had had more than 19 hours' rest.

At or near Marshfield, Mo., July 31, 1903; time, 8.15 a. m. C. C. Weaver, brakeman, age about 28 years, fatally injured. Was with extra 757–951, and when about 1 mile east of Marshfield pulled drawhead out of car, and brakeman Weaver was sent back to flag. Went back about ¾ mile, sat down on track and went to sleep, and was struck and fatally injured by X 795 West. Died 3.10 p. m. August 1, 1903. On duty 23 hours 45 minutes after having had rest for previous 19 hours and 15 minutes.

CASE No. 10.

Statement of cause of accident: "Engineman dropped crown sheet, blowing out grates, ash pans, and connections. Hours on duty, 23."

The facts: The company's report shows that in a snowshed the engine dropped crown sheet; the fireman was in the act of putting coal in the fire box when the accident occurred. The fireman had been on duty 11 hours 25 minutes. The engineer had been on duty 11 hours 25 minutes. The only member of the crew who is claimed to have been on duty 23 hours was the *brakeman*, who had nothing whatever to do with the accident. No member of the crew who had anything to do with the accident had been on duty longer than 11 hours 25 minutes, with 15 hours' previous rest. The cause of the accident was remote from any question of hours on duty.

At or near Alvin, Wash., August 14, 1904; time, dark. J. C. Davis, engineer, age 39, in service of this company since 1897, no previous experience, injured. O. F. Strand, student fireman, age 24 (Spokane Div. emp.), injured. C. H. Cracraft, brakeman, age 35, in service of this company since May, 1901, previous experience, 15 years, injured. Extra 1108, engineer, J. C. Davis; in snowshed 3¼; engine dropped crown sheet, blowing out grates, ash pan, and connections, scalding face, neck, legs of engineer. Fireman was in act of putting coal in fire box when explosion occurred, scalding him over entire person, including face, trunk, and limbs. Brakeman Cracraft had hands and face scalded. J. C. Davis on duty 11 hours 25 minutes; rest, 15 hours 40 minutes. C. H. Cracraft on duty same period; 23 hours 45 minutes rest. Fireman on duty 11 hours 25 minutes. First trip. Equipment O. K.; carelessness on part of engineer.

CASE No. 19.

Statement of cause: "Out flagging; went to sleep on track. Hours on duty, blank."

The facts: This case should not have been reported. The company's report states: "No one saw the accident;" so that it is mere assumption as to the cause of the injury.

The proposed sixteen-hour law would have had no effect in this case; the accident was the result of a wreck, which occurred before the crew had been on duty 16 hours. The whole trouble was due to a casualty beyond the control of the company.

At or near East Germantown, Ind., March 16, 1903; time, dark. H. H. McDonal, aged 23, brakeman, in service 3 months, killed. While he was out flagging for a work train he was run over by train No. 2 and killed instantly. No one saw the accident, but No. 2 was only train that passed from time he went out until he was found dead. Prior to accident he worked and rested as follows: Worked 14 hours and 55 minutes; rested 8 hours and 35 minutes; worked 32 hours and rested 9 hours and 25 minutes; worked 22 hours and 30 minutes when killed.

CASE No. 20.

Statement of cause: "Crew falling asleep. Hours on duty, 27."

The facts: The statement made by the company to the Commission was as follows: "Had been on duty 27 hours, with four hours intervening sleep, behind a *landslide*."

Additional facts regarding this crew are given as follows: "It was a round trip, and the crew was on duty 11 hours 55 minutes, eastbound, and spent four hours of this time behind a landslide. At the terminal they had 3 hours 42 minutes further rest before making the westbound run, which occupied 10 hours 23 minutes. They made no request for further rest. Their longest continuous duty was 11 hours 55 minutes, eastbound, of which 4 hours was behind a landslide."

At or near Porters Falls, W. Va., October 20, 1905; time, dark; estimated damages, $2,000. One brakeman, age 27, collar bone broken; one brakeman, age 30, ankle sprained. Extra freight train engine No. 275, northbound, collided with rear of extra 231, northbound, destroying caboose and two cars, damaging engine 275 and eight cars. Caused by engine crew on engine 275 falling asleep. Had been on duty 27 hours, with 4 hours intervening sleep, behind a landslide.

CASE No. 25.

Statement of cause: "Running down grade too fast. Hours on duty, 18."

The facts: Collision was due entirely to the manner in which the engineer handled his train of 33 freight cars. He was running down grade at a high rate of speed and did not begin to hold up in time to pass through the station under proper control; when he found the semaphore set against him he could not get the train stopped in time to avoid collision. No claim made that hours on duty had anything to do with the excessive speed of train.

At Arenzville, Ill., January 7, 1905; time, 6.15 p. m., dark; estimated damage, $3,050. Brakeman, age 21, shoulder bruised; jumped from engine in collision. Northbound extra freight train, consisting of engine and 33 loaded cars (1,426 tons), the engine and 16 cars equipped with air brakes in working order, pulled into station at too high a rate of speed and collided with rear of freight train No. 91 standing at station, badly damaging engine and two loaded cars in the extra and 13 cars in train No. 91. Engineer at fault for running down grade too fast. Eight hand brakes were set, besides the air-brake cars. Engineer in service twelve years; on duty 18 hours, after 13 hours' rest.

CASE No. 26.

Statement of cause: "Running at high rate of speed. Hours on duty, 18¼."

The facts: The length of time on duty had no bearing on this accident. The company's report states: "The responsibility for the accident rests with the engineer of extra 203. It appears that he turned over the hill approaching Guthrie at too high rate of speed and did not start to apply air brakes at the proper time. He also wasted the air pressure by making too light applications, so that when he found that he was not going to stop before reaching the crossing, and attempted to make an emergency application, he was unable to get the proper effect from the brakes."

At or near Guthrie, Ky., January 13; time, 3.35 a. m.; estimated damage, $1,036. Injured, R. G. Graves, fireman, 22 years, contusion of hip and chest. Henderson division freight train, first No. 67, south, was pulling slowly over crossing of Memphis line division. Memphis line freight train, extra No 203, north, consisting of 12 loaded cars, 10 with air brakes in service, collided with side of Henderson division train, the engine running completely through it. Engine was considerably damaged and body of one gondola destroyed and two other cars slightly damaged. The fireman of engine 203 attempted to jump and was caught betwen cab and tender. The responsibility for the accident rests with the engineer of extra 203. It appears that he turned over the hill approaching Guthrie at too high rate of speed and did not start to apply air brakes at the proper time. He also wasted the air pressure by making two light applications, so that when he found that he was not going to stop before reaching the crossing, and attempted to make an emergency application, he was unable to get the proper effect from the brakes. He also failed to call for hand brakes when he found that the air brakes were not properly checking the speed of the train. The air brakes on the 10 cars were in good working order and had made good stops at other points on that trip, and when inspection was made after the accident no defect could be found. He had had

Accident reports as they appear in the Rice pamphlet and as they appear in sworn statements made to the Interstate Commerce Commission by railway managers—Continued.

3 months' experience as engineer and 15 years' previous experience as fireman. He had been on duty 18½ hours, with an intermediate rest of about 2 hours. This period of service followed a layover rest of 17 hours.

CASE No. 28.

Statement of cause: "Snowplow ran into rear of caboose. Hours on duty, 18."

The facts: This train was fighting snow in the dark, opening up the line of road, and it was an impossibility to relieve the crew at the end of 16 hours. In the confusion the snowplow struck the rear of a freight train standing on the main track at station.

At or near Dakota City, Nebr., February 9, 1905; time, 11.20 p. m., dark; estimated damage, $1,350. J. F. Loudy, conductor, age 40 years, killed. Freight train No. 16, north, standing on main track at station unloading freight. Snowplow extra, north, ran into their rear end, demolishing No. 16's caboose and badly damaging engine and caboose of snowplow extra. Conductor Loudy and two passengers in caboose of No. 16 injured, Loudy dying in a few hours. Engineer of snowplow extra held at fault for this accident; in our service 7 years as fireman and engineer. He had been on duty 18 hours at time of accident, fighting snow.

CASE No. 29.

Statement of cause: "Let engine run out at other end of switch and fouled main track. Hours on duty, 18."

The facts: The schedule time of this run was nine hours and thirty minutes. The train on this day met with very unusual delays; but a great part of the time was put in at stations where there was nothing for the crew to do. The accident really occurred from the failure of the flagman to put down torpedoes, which failure can not be attributed to long duty hours. There is very light traffic on this line, and it was unusual to have a wreck train to look out for, which was the kind of train that ran into them.

At or near North Berne, Ohio, December 2, 1903, 9.50 p. m.; time, dark; damage, $1,800. P. B. Poling, freight conductor, age 24, instantly killed (train No. 73). M. L. Dittmar, engineman, age 33, on wreck train, finger amputated and numerous cuts and bruises. Robert Morton, fireman (wreck train), age 26, arm sprained, jumping from engine before collision. George Siegfried, jr., car repairman, age 30, occupied seat in tool car on wreck train and had finger sprained. Wreck train extra west, engineman, M. L. Dittmar; fireman, Robert Morton; engine 1811 and ten cars ran into rear of freight train No. 73, west, caboose, and thirty cars while the latter was standing on main track—the head end of No. 73, engine 8814, and three cars was switching on siding—killing and injuring the above employees and damaging engine 1811 to the extent of about $1,200, destroying caboose of No. 73's train, valued at about $360, and damaging other cars to the extent of about $240. The damage was partly the result of fire starting from the caboose stove. The accident was the result of conductor of No. 73, P. B. Poling, and rear brakeman of No. 73, Frank Atwood, being asleep in their caboose and not protecting their train properly. Both of these men were experienced railroaders, having been in the train service of this company over three years. They had been on the road, however, thirteen hours and ten minutes on the day previous to the accident with only four hours' rest before going out on this run, and they had been on the road eighteen hours when the accident occurred.

CASE No. 30.

Statement of cause: "Engine crew of freight train forgot passenger train. Hours on duty, 19."

The facts: An extra freight train collided with a passenger train that was on time, the engine crews of the freight train forgetting passenger train. The freight train was within twenty minutes of the end of their run, and there is nothing to indicate that any member of its crew was not wide awake. Their being on duty over sixteen hours was caused by the delay in doing switching and meeting trains en route and getting a helper engine at Navarre, and this being within an hour's run of their home terminal, and there being no facilities at that point for taking care of the engine and crew, there was no way that the crew could be cut out of service at the completion of their sixteen hours' duty.

At or near Canton (yard), Ohio, March 6, 1905; time, dark; estimated damage, $3,064. G. G. Wise, freight engineman, age 40 years, killed; F. Stantz, freight engineman, age 29 years, killed; H. J. Johnson, passenger engineman, age 34 years, right ankle and right hand cut; C. Howe, passenger fireman, age 28 years, back injured; W. B. Wesner, passenger baggageman, age 28 years, back injuried. Westbound extra freight train engines 566 and 569 collided head on with east-bound passenger train No. 30 at east end of Canton yard; train 30 on time, engine crews of freight train forgetting passenger train. Both freight engines, three freight cars, and one coach badly damaged. Passenger engine and two freight cars slightly damaged. Freight train was within twenty minutes of end of their run. Engineman Wise in company's employ five years; had been on duty nineteen hours with ten hours' rest. Engineman Stantz in company's employ six years and five months; had been on duty nineteen hours with twenty hours' rest. Fireman Ellithorp, with Engineman Wise, in company's employ four years as brakeman and fireman; had been on duty nineteen hours with ten hours' rest. Fireman O'Hara, with Engineman Stantz, in company's employ four months (no other railroad experience); had been on duty nineteen hours with twenty hours' rest.

CASE No. 31.

Statement of cause: "Failed to wait prescribed time. Hours on duty, 15."

The facts: The immediate cause of this accident was the failure of the conductor to wait at Kise the prescribed time after the departure of No. 38, and for running through the dense fog at too high a rate of speed, knowing that No. 38 was only a few minutes ahead of them. The conductor who was responsible for the accident had been on duty six hours and forty minutes. This accident could not be attributed to overwork.

At or near Cherry, Ky., May 20, 1905; time, dark; estimated damage, $600. William Fultz, conductor extra 98, white, age 32, contusion of right hand and right arm and forehead bruised; Edward Walker, brakeman, train 38, white, age 25, right knee sprained; Charles Cooper, engineman, extra 98, white, age 46, left ankle wrenched and head bruised; W. M. Greene, fireman, extra 98, white, age 22, sprain and contusion of left shoulder. Extra 98, east bound, light engine, running at a speed of about 30 miles per hour, straight track, level grade, ran into rear of train 38, east bound, passenger, consisting of engine 92 and coaches 330 and 334, all air and working, which was running at a speed of about 15 miles per hour, damaging engines 92 and 98 and coaches 330 and 334. Damage to equipment, $600. Conductor and engineman of extra 98 are responsible for the accident for failure to wait at Kise the prescribed time after the departure of No. 38, and for running through the dense fog at too high rate of speed, knowing that No. 38 was but a few minutes ahead of them. Conductor in service four years, engineman in service nineteen years. Conductor had been on duty six hours and forty minutes and had four hours and eighteen minutes' rest before going on duty. Train No. 38 had a slight accident at Kise, near Cherry, just before this accident, and a crew had to be sent out from Ashland with equipment in case a transfer of passengers was necessary, in consequence of which the conductor had to be called before giving him his usual rest, account no other conductor available. Engineman had been on duty fifteen hours and twenty-five minutes, and had twelve hours' rest before going on duty. This engineman was working on yard engine at Ashland and had been on duty about twelve hours when he had to be called for this extra duty account no other engineman available. The injuries to the eighteen passengers consisted mostly of bruises, shake ups, etc.; there were no bones broken, and none of the injuries were of a serious nature.

CASE No. 32.

Statement of cause: "Head-on collision of freight and extra. Hours on duty, twenty-one."

The facts: The length of time the men had been on duty had nothing to do with the accident. It occurred in broad daylight, with a freight train pulling into the yard and the switch engine standing on the main track having hold of some cars on a spur. The flagman of the switch engine gave the engineer of the freight a stop signal, which he mistook for a signal that the track was clear. When the signal was given he had the air brakes applied, and then released them, and upon getting the second stop signal he did not have time to pump up his air to get sufficient pressure to apply the brakes to prevent the collision.

At or near North Canton (yard), Ohio, September 8, 1905; time, daylight; estimated damage, $2,300. J. Klein, engineman, age 25, right foot and ankle sprained. East bound freight train, extra engine 679, collided head on with yard engine No. 2 at Fertilizer switch at North Canton, doing damage to both engines and slight damage to five box cars. Engineman Klein and Conductor Fry, of the extra, at fault. Engineman Klein had been on duty twenty-one hours, with fourteen hours rest, and in company's employ six years as fireman and one year as engineman; no foreign experience. Conductor Fry had been on duty twenty-one hours, with twenty-four hours' rest, and in company's employ four years as brakeman and six years as conductor; four years foreign experience on Erie Railroad.

Accident reports as they appear in the Rice pamphlet and as they appear in sworn statements made to the Interstate Commerce Commission by railway managers—Continued.

CASE No. 33.

Statement of cause: "Failure to flag train. Hours on duty, fifteen."
The facts: The company's report states, "Extra stopped, *account air sticking*, and conductor and rear brakeman failed to flag the regular train following." The crew had been on duty fifteen hours, after forty-eight hours' rest.

At or near Loami, Ill., February 1, 1903; time, 12.22, night; estimated damage, $1,800. J. W. McCarthy, engineer, age 30, ankle sprained in jumping from engine. Extra freight train north on short time ahead of regular freight train No. 44, north. Extra stopped account air sticking, and conductor and rear brakeman failed to flag the regular train following. Wreck caught fire, burning caboose and one box car, and portion of one coal car; slight damage to machinery of second engine, and tank frame broken. Conductor had two years' experience as freight conductor, preceded by five years as freight brakeman; brakeman had fourteen months on this line; crew had been on duty fifteen hours, after forty-eight hours' rest.

CASE No. 34.

Statement of cause: "Overlooked open switch. Hours on duty, twenty."
The facts: Accident caused by running into open switch. The engineer was at fault for failing to notice that switch light was not burning. He had been on duty ten hours forty minutes at the time, including two hours' lay over at St. Louis, and had twenty-five hours' rest before going out. Blame also attached to the brakeman, who had requested the fireman to close the switch, and the latter agreed to do so. Both the brakeman and fireman had been on duty about ten hours from Galesburg, where they had a four-hour lay over. In order to get twenty hours for the brakeman and fireman the time going and returning, including the four-hour lay over at Galesburg must be included. They had both had forty-four hours' rest before going out.
There is nothing to show that excessive hours had anything to do with this accident.

At Beardstown, Ill., October 7, 1903; time, 12.40 a. m., dark; estimated damage, $5,100. Four injured—(1) brakeman, aged 26, left thigh slightly bruised, fell against seat in chair car; (2) mail clerk, aged 33, left shoulder slightly bruised, fell against mail rack; (3) mail clerk, aged 38, left hip slightly bruised, thrown against mail rack; (4) nose slightly bruised, thrown against seat in front. North bound passenger train, consisting of engine and six cars, all equipped with air brakes in working order, while running at a speed of about 20 miles per hour, struck an open switch and ran in on side track, colliding with cars standing on track, seriously damaging the engine, mail, baggage, four box and two tank cars. The contents of the tank car took fire, causing more loss than ordinarily would have occurred by the collision. The switch was left open by a freight-train crew, which had used track a short time previous. Brakeman of freight train should have closed switch, but requested fireman on the engine to do so, and the latter agreed to do so, but forgot it after engine had cut off and had pulled out on main track to go to roundhouse. Fireman at fault; was employed as engine wiper three years and locomotive fireman nine months. On duty twenty hours after several days lay off.

CASE No. 35.

Statement of cause: "Engineman asleep. Hours on duty, nine and three-fourths."
The facts: The report of the company to the Commission states: "Engineman Morgan, who was instantly killed, *supposed* to have been asleep."

At or near Davisville, W. Va., October 29, 1903; time, daylight; estimated damage, $7,000. Killed: Engineman, aged 27; fireman, aged 24. Injured: Brakeman, aged 22. Train 86, engine 1287, collided with second 97, damaging engine 2260 to the extent of $2,000; engine 1287 to the extent of $2,000. Damage to cars, $3,000. Accident due to negligence of crew. Engineman Morgan, who was instantly killed, supposed to have been asleep; he had only three hours' rest before leaving on this trip. Conductor Frederick suspended thirty days. Brakeman S. Proudfoot suspended fifteen days. Flagman Payne suspended thirty days. Conductor Frederick has been in the service ten years. Brakeman Proudfoot two years, Flagman Payne five years. Service records good.

CASE No. 36.

Statement of cause: "Conductor not being out on train. Hours on duty, twenty."
The facts: The general manager of the Baltimore and Ohio, of date November 27, 1906, writes: "The words 'conductor on duty twenty hours' do not appear in our report. As a matter of fact, the train crew had been on duty thirteen hours thirty-nine minutes. The hours on duty had nothing to do with the accident, which was caused by the train being parted. But for a dense fog they would have known their train was parted before they struck."
Some one seems to have inserted the words "Conductor on duey twenty hours" in the company's report without their knowledge.

At or near Burton, W. Va., October 3, 1903; time, dark; estimated damage, $284.50. One brakeman killed. First 89, engine 2268, west, broke off helper engine 1500, caboose and two cars, and collided with front portion of train, which was stopped to pull in siding for train 8. Conductor responsible for not being out on train himself and seeing that brakemen were properly instructed. Brakeman killed was caught between cars when they collided. Conductor employed October, 1896; on duty twenty hours.

CASE No. 38.

Statement of cause: "Engineman failed to have engine under control. Hours on duty, twenty."
The facts: There is nothing to indicate that this accident was caused by anybody being asleep. The statement made by the company to the Commission is that it was caused by the engineman's "failing to approach the end of double track under full control."
The letter from the general manager says: "The words 'engineman in service since April, 1900, on duty twenty hours,' do not appear in our copy of the report sent in to the Interstate Commerce Commission."
This was a round trip run.

At or near Narrows, October 13, 1903; time, daylight; estimated damage, $230; 1 brakeman injured. First 95—engine 2243 west side-wiped train of O. R. division engine 297 account switch spiked. Engineman engine 2243 X responsible, for failing to approach end of double track under full control. Brakeman slightly injured by jumping. Engineman in service since April, 1900; on duty, twenty hours.

CASE No. 39.

Statement of cause: "Carelessness of engineman. Hours on duty, seventeen."
The facts: "Engineer had been on duty five hours and twenty minutes, previous to which he received nine hours' rest."
The foregoing appears in the company's report to the Commission.

At or near Ullin, Nev.; November 30, 1903; time, dark; estimated damage, $2,600; one trainman killed. Engine on east-bound freight train 216 ran low on water and cut loose from train, running ahead to next station for water. In returning light engine collided with two light east-bound engines running extra. Fireman on 216's engine killed; three engines badly damaged. Accident was due to carelessness of train crew on 216 and engineer on head light engine. Conductor and brakemen have had five, ten, and one years' experience, and engineer five years. Train crew had been on duty seventeen hours, previous to which they had received thirteen hours' rest. Engineer had been on duty five hours and twenty minutes, previous to which he received nine hours' rest.

CASE No. 42.

Statement in table: "Misunderstanding of signals. Hours on duty, eighteen."
The facts: There was no claim that this accident occurred on account of the hours of duty. There was a dispute between the bridge watchman and the engineman, the bridge watchman claiming that he had opened the draw for a boat and had signaled the engineer to stop. The engineman claimed that he had made the stop, and had afterwards received a signal from the bridge tender to come ahead.
These facts were fully stated in the company's report to the Commission.

At or near McGirts Creek, Florida; January 13, 1904; time, dark; estimated damage, $2,000. W. P. Atkinson, engineeer, ankle sprained; Rufus Everly, fireman, face bruised. Engine 501, train No. 212, in charge of Engineman W. P. Atkinson; conductor, Livingston, ran into open draw at McGirts Creek. Engineman claims he made the usual stop, and received a signal from the bridge tender to come ahead; bridge watchman claims he opened bridge for a boat to stop and signaled 212 north bound to stop. Facts developed that the bridge light displayed were at angles, which should have warned the engineman that the bridge was turned. Experience of Engineman Atkinson, fifteen years; had been on duty eighteen hours, after ten hours' rest. Engineman Atkinson responsible. Engine and two cars submerged.

Accident reports as they appear in the Rice pamphlet and as they appear in sworn statements made to the Interstate Commerce Commission by railway managers—Continued.

CASE No. 43.

Statement in table: "Crew not taking proper precautions. Hours on duty, twenty-four."

The facts: This statement is not correct. The crew on engine No. 151 were held responsible for not keeping a lookout to see the snowplow, which was only ten car lengths ahead around the curve of the hill. This crew had only been on duty eleven hours, and had had twenty-four hours' previous rest. The other crew was on a snowplow at a time when the weather conditions were unusually severe, and it was practically impossible to keep the snowplow crew within the sixteen hours. It was the duty of the brakeman to look after the rear of the train; and he had had eight hours' rest before leaving Traverse City, so that he had been on duty only ten hours at the time of the accident.

No one in any way responsible for the accident had been on duty more than eleven hours.

At or near Kopje, Mich.; January 24, 1904; time, 11.10 a. m. (daylight); estimated damage, $585; one brakeman slightly hurt about face; one brakeman cut over right eye, not serious. Freight train No. 55, north bound, engine 151, running as second 55, ran into rear end of snowplow extra north, engine 164 running as first 55. First 55 left White Cloud at 10 a. m., second 55 at 10.25 a. m. First 55 lost time account of engine leaking, and second 55 came up with them 1 mile north of Kopje, at a point where train could not be seen more than ten car lengths ahead account of curve around hill, and as train crew on first 55 had not taken the precaution to throw off any signals, and as the crew on engine 151 (second 55) were not keeping sharp lookout at that point, they did not see train in time to stop. The speed of second 55 at time of the accident was probably 20 to 30 miles per hour They had fourteen cars in train, all loads; ten of them were air cars, air coupled up. Crew were disciplined. On No. 55 first: Engineer, three years in service, on duty 24 hours; previous rest, 24 hours; brakeman, 5 years' service, twenty-four hours on duty, seven hours' rest; brakemen, one month in service, twenty-four hours on duty, twenty-four hours' rest. On second No. 55: Engineer twelve years in service, eleven hours on duty, twenty-five hours' previous rest; fireman, three months in service, eleven hours on duty, thirteen hours' rest; brakeman, ten days in service, eleven hours on duty, thirteen hours' previous rest.

CASE No. 44.

Statement in table: "Engineman disobeyed orders. Hours on duty, fifteen."

The facts: This accident was caused by disobedience of orders, having no relation to length of hours.

At or near Diaz, Ark.; January 26, 1904; time, 11.05 p. m., dark; estimated damage, $2,050; nine passengers injured, one killed; engineer, age 48, injury to shoulder, elbow, and leg; fireman, age 39, injury to left leg and side; passenger train, east, one engine damaged, four cars destroyed, one coach damaged, and one sleeper slightly damaged; damage to equipment, $1,950; damage to track, $100. Accident caused by engineer coming out on main line without orders. Had been in service of the company since 1886, and had ten hours and five minutes' rest prior to going on duty, and had been on duty fifteen hours and forty minutes.

CASE No. 46.

Statement of cause: "Engineman; train getting away. Hours on duty, 17."

The facts: The report of this accident, made by the company to the Commission, is as follows: "The evidence shows that the train had been stopped at Wilsons on account of trouble with brake rigging on eighth car from the engine. They took brake head off brake beam and cut air out. The train made a very smooth run until reaching Hitchcock's tunnel, where it was noticed that it commenced to run at an excessive speed. Brakemen doubled and applied hand brakes on all cars, and in so doing broke brake chains, rendering 3 additional brakes inoperative."

The entire crew were very wide awake and alert; and the accident was caused solely by trouble with the brake appliances.

At or near Everetts Tunnel, W. Va., February 17, 1904; time, daylight; estimated damage, $4,905. Fireman F. Eagan, age 22 years, killed; engineman, age 35 years, injured. Extra east, engine 1817, train consisted of 20 loaded cars; 16 air brakes, 2 inoperative account of broken brake heads; derailed engine and 20 cars in curve just west of Everetts Tunnel. Evidence shows train had been stopped at Wilsons on account of trouble with brake rigging on eighth car from engine, and they took brake head off brake beam and cut air out. The train made a very smooth run until reaching Hitchcock's tunnel, where it was noticed that it commenced to run at an excessive speed. Brakemen doubled and applied hand brakes on all cars, and in so doing broke brake chains, rendering 3 additional brakes inoperative. The only reason that can be assigned for train getting away is that engineman, 12 years' experience, knowing he was on short time ahead of passenger train permitted engine to run at an excessive speed before taking up speed of train, and then he could not control it. Train was in charge of conductor, 15 years' experience; 1 brakeman, 8 years of experience; 1 brakeman, 3 years, and 1 brakeman, 14 months. Engineman had had 4 hours' rest and had been on duty 17 hours prior to accident. Engineman had leg broken and generally bruised up by jumping from engine.

CASE No. 47.

Statement of cause: "Conductor failed to give signal. Hours on duty, 15; hours of rest, 25."

The facts: The train backed into an open switch; and the conductor, engineer, and brakemen were held jointly responsible for the accident. The hours of service had absolutely nothing to do with the accident. The conductor, Devaney, and the brakeman, Miller, who were primarily responsible, had not been on duty to exceed *6 hours* at the time of the accident.

At or near Pennock (Yard), Minn., February 11, 1904; time, dark; estimated damage, $14,500. C. B. Wilson, brakeman, age 22, slight bruise on head. Has had 1 year and 1 month's experience as brakeman with this company; no experience with other roads. At time of accident had been on duty 14 hours and 58 minutes, with previous rest of 25 hours. J. W. Williams, porter, age 25, back hurt. Has had 6 months' experience with this company; no experience with other roads. Had been on duty 5 hours at time of accident. West bound passenger train, No. 3, ran by Pennock Station, which is a flag stop for that train. On account of having 2 passengers for that point and conductor failing to give engineer signal until station had been passed train stopped about one-quarter of a mile west and backed up to station to let off passengers. The train backed into an open switch and collided with rear end of eastbound freight train, No. 256. W. H. Hill, W. J. Heffner, and C. J. Hanscomb, passengers in caboose, received injuries resulting in death; A. J. Sathney, another passenger in caboose, was seriously injured. Trainmen on train No. 3, shown above, also received slight injuries. The stove in caboose 0118, set fire, entirely consuming caboose 0118, sleeping car 937, and G. N. box car 21466; value estimated at $14,450; track damaged to extent of $50. Conductor J. P. Devaney, Engineer G. P. Irvin, and Brakeman C. B. Wilson, on train No. 256 are held jointly responsible for accident.

CASE No. 48.

Statement of cause: "Disobeyed signals. Hours on duty, 48, 47½ hours."

The facts: This was a wrecking crew. There had been serious freshets just previous to this accident, and the train in question had been handling a pile driver and carpenter force in repairing washouts. At the time of the accident they were returning to Olean, where they would have discontinued work. They were only technically on duty 47½ hours. While waiting for the carpenters to do their repair work the train crew had frequent and extended intervals of several hours at a stretch when they secured sleep and rest. It was an impossibility to relieve this crew and put another in their place while they were on this duty because of these washouts, the result of spring freshets, and we were obliged to adopt the most available means for resuming the operation of the road. No one was claiming to be overworked at the time of the accident. It was a question of veracity. The operator who gave the signal claimed that it was "red," while the train crew claimed that it was "white."

The report of the company to the Commission states: "Investigation indicates that operator was at fault for the accident, but responsibility could not be definitely placed." If so, the train crew were not responsible; and in any event their hours of service were not a contributing cause.

Three-fourths of a mile north of Portage, N. Y., March 9, 1904; time, 6.33 a. m.; dark; estimated damage, $1,800. Fireman, age 22, killed. Fireman, age 24, seriously injured. Conductor, age 40, slightly injured. Engineman, age 46, seriously injured. Engineman, age 40, seriously injured. Four brakemen, ages 34, 28, 26, and 22, slightly injured. Extra work train 6249 south was returning to Olean from Mount Morris, and they received orders at Delaware, Lackawanna and Western Junction to meet extra 6255 north at Rossburg, but were detained several hours at West Nunda, meeting other trains, and in order not to delay extra 6255 order was placed at Deep Cut for extra 6249 to meet extra 6255 at Lewis. Extra 6249 failed to get this order at Deep Cut and collided with extra 6255, causing damage to both engines, track, and 6 cars to extent mentioned, killing fireman and injuring 8 trainmen. Crew of extra train 6249 claim that signal was in their favor when they passed Deep Cut, but operator claims that signal was set against them, and his statement is corroborated by an extra laborer who was at work near telegraph office. When extra 6249 passed, operator seized a red flag and tried to attract their attention, but was unable to do so. Engineman and conductor of extra 6249 exceeded speed limit, which is restricted to 8 miles per hour at this point. Investigation indicates that operator was at fault for the accident, but responsibility could not be definitely placed. Engine and train crews of extra 6249 had been out

Accident reports as they appear in the Rice pamphlet and as they appear in sworn statements made to the Interstate Commerce Commission by railway managers—Continued.

of Olean for nearly 48 hours, but had some opportunity to rest. Engineman and fireman of engine 6249 had been on duty for 47½ hours, but were able to rest by first one handling the engine and then the other, when they were doing repair work; operator has had 1 month 19 days' experience. Conductor sustained contusions of body. Engineman of extra 6249 sustained fractured clavicle and scapula, scalp wound, and general contusions of body. Engineman of extra 6255 sustained fracture of 3 ribs on right side and severe contusion of right shoulder and arm. Fireman of extra 6255 sustained burns and contusions of body, lower limbs being crushed and scalded. Died 8 hours after accident. Fireman of extra 6249 had left shoulder dislocated. Brakemen of extra 6249 sustained burn of right hand and body badly bruised and severe scalp wound and contusions of entire body, respectively. Brakeman of extra 6255 sustained general contusions of body, latter also having left shoulder dislocated. These injuries were sustained by reason of men being thrown about when collision occurred, with the exception of dead fireman, who was caught between his engine and tender by wreckage.

CASE No. 51.

Statement of cause: "Did not keep lookout. Hours on duty, 17½."

The facts: This train had just reached its destination. The Pennsylvania Company were at that time (1903) constructing second main track over this division, and the freight trains were unusually and unavoidably slow on this account. The long hours could not have been prevented, as the company was doing everything possible and spending large sums of money to provide two tracks in order to prevent just such delay. This accident was in no way due to long hours. If the fireman had been on his seat box as they pulled from one yard track to another, he would have seen the engine ahead in time to notify the engineman.

At or near Chicago, Ill., August 13, 1903; estimated damage, $125. One yard engineman, age 60, legs, back, and hands scalded. Extra engine 7307 backing two cabin cars south collided with extra light engine 7140, south bound. Damage as follows: Engines, $122; track, $3.37; total, $125.37. Engineman of engine 7307 held at fault for not keeping a lookout and also for not seeing that his fireman was on engine seat box, which would undoubtedly have prevented accident. Experience, five years. Had been on duty about seventeen hours thirty minutes, and had just reached destination. Eighteen hours' rest before going on duty. Steam pipe was broken, which caused injury to the engineman.

CASE No. 54.

Statement of cause: "Flagman failed to get back proper distance. Hours on duty, 17½."

The facts: This was a round-trip run from Nashville to Hollow Rock Junction and return. Hollow Rock Junction was a very unhealthy place, and the men much preferred to return to Nashville. The trip could ordinarily be made within the sixteen hours. The accident was primarily caused by the engineman on No. 59 failing to keep proper lookout for an extra ahead. He had been on duty eleven and one-half hours, prior to which he had ninety-four and one-half hours' rest. The hours of duty had nothing to do with this accident. The engineman knew that the extra was right ahead, from the fact that he had seen them only 8 miles from the point of collision. They failed to approach the station under proper control.

At or near White Bluff, Tenn., October 2, 1904; time, dark; estimated damage, $5,000. One freight passenger killed; three trainmen injured—engineman, age 33; fireman, age 22; brakeman, age 34. No. 59 ran into rear of extra, east bound. Five cars and caboose destroyed account wreckage catching fire. One engine and one car badly damaged; one car slightly damaged. Extra was slowing down to enter siding to meet an opposing train; flagman failed to get back the required distance, and engineman on No. 59 failed to keep proper lookout for extra ahead. Engineman had been employed in that capacity four and three-fourths years and had been on duty eleven and one-half hours, prior to which he had had ninety-four and one-half hours' rest. Flagman had been employed in that capacity ten years, and had been on duty seventeen and one-half hours, with one hour intermission, and had eighteen and one-half hours' rest prior to starting on this trip. Injuries to engineman, fireman, and brakeman, slight sprains as result of jumping from engine.

CASE No. 55.

Statement in table: "Not properly equipped with flagging signals. Hours on duty, 18."

The facts: The report of the company to the Commission states: "The conductor, engineer, and flagman on freight train were responsible for this accident, on account of not seeing that they were properly equipped with flagging signals; and the flagman had not been properly instructed how to use the same."

At or near Swifton, Ark., November 22, 1904; estimated damage, $30,350; time, 5.57 a. m.; dark. Ten passengers injured. Fireman, age 36, killed; engineer, age 44, right arm broken; brakeman, age ——, right hand injured; porter, age 50, injury to chest. Freight train north and passenger. One baggage car and three coaches destroyed; engine damaged; one sleeper damaged; seven cars had bodies destroyed; six cars slightly damaged; damage to equipment, $30,050; damage to track, $300. Conductor, engineer, and flagman on freight train were responsible for accident account not seeing they were properly equipped with flagging signals, and flagman properly instructed how to use same. Conductor had been in service of the company two years; had been on duty eighteen hours and had eight hours' rest prior to going on duty; engineer had been in service of company five years and had five years' experience on other roads; had been on duty eighteen hours and had eight hours' rest prior to going on duty; flagman had been on duty eighteen hours and had eight hours' rest prior to going on duty; had been in service of the company one month; four years' experience on other roads.

CASE No. 56.

Statement of cause: "Running at too high rate of speed; foggy weather. Hours on duty, 17."

The facts: The record shows that these men had been on duty sixteen hours and two minutes. At the time of the accident they were only 3 miles from their terminal station. The length of time on duty had no bearing on the accident, which was due to high rate of speed under a caution signal in a dense fog.

The accident happened at the nearest point where a train could have been sidetracked at the expiration of sixteen hours.

The train was on the road so long on account of the cold weather, which delayed both it and the trains it met along the road.

At or near Isleta, Ohio, December 15, 1904; time, 5.50 a. m.; dark; estimated damage, $210. Four trainmen injured. Accident where T. W. V. and O. engine No. 7352, eastward, ran into the rear of T. W. V. and O. engine No. 7391. Accident at Isleta, Ohio, where extra eastward T. W. V. and O. engine 7352 (with caboose attached) ran into the rear of extra eastward T. W. V. and O. engine 7391 (with caboose attached). The responsibilty of the accident was placed with the engineman of engine 7352 on account of running at too high a rate of speed under a "green block." The weather was extremely foggy, and when engine 7352 sighted engine 7391 they were running at too high a rate of speed to get stopped before colliding with the other engine. The engineman and fireman of engine 7352 are employed by the T. W. V. and O. division, and they stated that they had been on duty for seventeen (17) hours prior to the time of the accident, and that they had been allowed twelve hours' rest before going on duty. The engineman is a man of some experience, having served in the capacity of engineman on the T. W. V. and O. division for the past six years. The following is a list of the casualties: J. C. Cosgrove, engineman, 25 years, right shoulder and leg injured, also kneecap broken and left thumb dislocated. W. A. Perrine, conductor, 30 years, legs bruised and ankle sprained. W. D. Miller, brakeman, 25 years, right hand lacerated, right side of face and head bruised. A. R. Perkins, extra conductor, 29 years, left middle finger bruised and right leg lacerated. These men all reside at Toledo, Ohio.

CASE No. 58.

Statement of cause: "Engineman not seeing flagman in time on account of smoke. Hours on duty, 20."

The facts: The length of time the crew had been on duty was not responsible for the accident. All the members of the crew were awake and alert, and the flagman had gone back and given the proper signal, but it was obscured by the smoke from the engine. There was no reason for anyone to think that the signal could not be seen. The accident resulted solely from the obscurity thus caused, and not from any negligence whatever.

At or near Onward, Ind., October 6, 1901; time, dark; estimated damage, $5,365.40. Elbert Greeley, conductor, age 35, instantly killed; T. P. Brosius, brakeman, age 27, instantly killed; S. A. Galbraith, brakeman, age 28, instantly killed. These three men were deadheading on second section No. 79. J. W. Hutchins, fireman, age 25, instantly killed; F. W. Patterson, engineman, age 29, body and limbs badly bruised. Freight trains, second and third sections No. 79, westbound; third section ran into rear of second section. Three trainmen deadheading home in their cabin car, which was attached behind second

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The report made by the company to the Interstate Commerce Commission shows this clearly. The flagman who gave the signal was a member of the crew of a switch engine which on Sunday had been sent to Logansport for repairs and was returning. The condition of the engine delayed the train, and the collision occurred while they were stopping on the main track to blow up steam. The other train involved was a work train also en route to Logansport to remain over Sunday for repairs.

section No. 79's cabin car, and fireman of engine attached to third section No. 79 were instantly killed. Two cabin and three side-dump cars in second section No. 79 and six refrigerator cars in third section No. 79 destroyed, and six other freight cars in third section No. 79 more or less damaged. This accident due to second section of No. 79 having to stop on main track to blow up steam and engineman on third section not seeing flagman in time to get stopped. The flagman on second section No. 79 went back to flag as soon as he could, but only got back about seventeen car lengths. It was a clear night and the flagman believed the following train would have no difficulty in seeing his signal in sufficient time to get stopped, as the headlight could be plainly seen. Between the flagman and the approaching train there was a strip of woodland, and it was thought the smoke from the engines on the leading train hung over the tracks between the trees just high enough to obscure the view of the engineman on third section on account of the higher position he occupied, while the flagman, as well as the balance of the crew on second section, could plainly see the headlight approaching and had no reason to think the signal could not be seen. The engineman on the third section saw the markers of the second section as he was leaving Bunker Hill, several miles east of where the accident occurred, but lost sight of them on account of the grades, and when he reached a point where he could again have seen them his view was obscured by the smoke, as described above. The flagman on second section No. 79 has had 2 years 9 months' experience as brakeman, and had been on duty about 20 hours, less 2 hours' intermission, and had 14 hours' rest before this. The engineman on third section No. 79 has had 8 years' experience as fireman and engineman, had been on duty about 22 hours, less 3 hours' intermission, and had 29 hours' rest before starting on this trip.

CASE No. 59.

Statement of cause: "Engineman of freight pulled out ahead of passenger train. Hours on duty, 17."

The facts: This man had 20 hours' rest before starting to work. He was on a turn run, and there was no opportunity for him to take rest until arrival at Logansport. The men very much prefer returning to their home terminal rather than to lay over at Bernice, where there was no opportunity to take proper rest. This occurred in 1901.

There is nothing to show that the accident was caused by excessive hours.

At or near Ripley, Ind., September 16, 1901; time, dark; estimated damage, $2,500. Four passengers injured, to wit: Fanny Dacosta, right forearm sprained, injury slight; William Sherridan, cut near right eye, injury slight; Dollie Earell, complained of having head bumped, injury slight; Francis Emmett, complained of having head bumped, injury slight. Freight train extra, engine 71, east, and passenger train 6, east bound. Passenger train ran into side of freight train, damaging passenger cars to extent of $165; freight cars, $1,945, and passenger engine No. 275; total, $2,500. Accident due to engineman of extra freight starting to pull out of siding ahead of passenger train, account of forgetting that train was on road. This man has had 12 years' experience as engineman, had been on duty 17 hours, but had 20 hours' rest before starting to work.

CASE No. 60.

Statement of cause: "Improper flagging. Hours on duty, 16."

The facts: The accident was caused by the failure of the brakeman to place torpedoes on the track. He stated that he did not consider the use of torpedoes necessary. He had been on duty a little over 16 hours, but no claim was made that the accident was caused by excessive hours.

At or near Marion, Mont., July 6, 1901; time, daylight; estimated damage, $8,000. Two firemen, 1 conductor, and 1 engineer injured. Fireman L. Eaton, head slightly cut, age 26; Fireman I. H. Eller, collar bone broken, 33 years; Conductor V. M. Hill, ankle sprained, age 45 years; Engineer P. J. Nolan, ankle sprained, age 38 years. Extra freight east No. 722 stopped to replace a broken knuckle. Meanwhile helper engine No. 725 came up and called in the flagman before the train and its helper could start. Freight train No. 10, following them, ran into their rear, badly damaging 2 engines, 22 cars, and 1 caboose. There was no damage incurred by fire. The accident was due to improper flagging. The brakeman directly responsible for it stated that he did not consider the use of torpedoes necessary. This man had been on duty from 5.30 p. m. of the day previous until the time the accident occurred, 10 a. m. He was a man of 18 years' railroad experience.

CASE No. 61.

Statement of cause: "Disobeyed rule respecting open switch. Hours on duty, 20."

The facts: A work train was standing on track in gravel pit, and switch leading from main line was left open. An express train dashed through the switch, resulting in a collision. The responsibility rested with the switchman, who failed to follow the rule of the company: "Whoever opens a switch shall remain at it until it is closed, unless relieved by some other competent employee."

There is not a word of evidence to show how long the man who left the switch open had been on duty. The record simply shows that the *engineman*, who apparently had had nothing to do with the switch being left open, had been on duty about 20 hours; but there is nothing to indicate any connection between this and the accident.

At or near Springfield, N. H., July 25, 1901; time, daylight; estimated damage, $1,640. One trainman killed, 3 injured. George H. Corliss, engineman, killed; Robert M. Simmons, fireman, slightly injured; George Sawyer, engineman, ankle sprained; Frank Holbrook, fireman, leg bruised. Work train No. 552 was standing on track in gravel pit, and switch leading from main line was left open. An express passenger train, No. 21, north bound, dashed through the switch, resulting in a serious collision. Engines of both trains were badly damaged, together with a baggage car, caboose car, and a flat car.

Responsibility for this accident rests with the engineman who was killed, the switchman, and telegraph operator. Had they observed the rule which reads, "Whoever opens a switch shall remain at it until it is closed unless relieved by some other competent employee," the accident would not have occurred. Engineman Corliss had been on duty continuously about 20 hours.

CASE No. 62.

Statement of cause: "Engineman responsible, not keeping proper lookout. Hours on duty, 22."

The facts: This accident occurred in daylight; nothing to show that the engineer was asleep. He simply failed to approach the station with his engine under proper control. Instead of being on continuous duty for 22 hours, the report of the company shows that he had 5 hours of rest within that period. This rest period may have come at such time that he had only 8 hours of continuous service.

At or near Norwich, N. Dak., June 22, 1902; time, dark; estimated damage, $400. E. J. Jennings, of Fargo, passenger, killed; A. H. Eckhart, passenger, contusion of back and legs, not serious; F. Martin, conductor, slight injuries to head; age, 25 years. While freight train 153, west bound, was standing at Norwich station for the purpose of unloading freight, light engine No. 311 ran into rear of same, damaging caboose and one car. There were two passengers in caboose; one was fatally injured and died shortly afterwards; the other was slightly injured. The conductor was also slightly injured. Engineer of light engine responsible for not keeping proper lookout ahead and has been discharged. Had been on duty 22 hours, with 5 hours' rest during that length of time. Has been an engineer since 1892. Rules require all trains to approach all stations under control, and responsibility of accident rests mainly with following train. Damage to engine, $50; damage to equipment, $350.

CASE No. 63.

Statement of cause: "Approaching station at too high rate of speed to stop after seeing signal. Hours on duty, 17."

The facts: There is nothing to indicate that the accident was due to overwork on the part of the engineer. It was simply a case of error of judgment in the use of air brakes. The statement made by the company to the Commission was as follows: "No. 14 arrived just south of station and was slowing up to take siding. No. 15 approached the station at too high a rate of speed to stop after seeing red signal, although the operator had placed a torpedo on the track about 800 feet from the station and signaled the engineer to stop. The train

At or near Molino, Fla., June 10, 1902; estimated damage, $2,632. No one killed or injured. Butting collision between freight train No. 13, south, consisting of 14 loaded cars (6 with air brakes in service), and freight train No. 14, north, consisting of 6 loads and 1 empty (6 with air brakes in service). A train order had been given, to be delivered to No. 15 at Molino, making a meeting point between Nos. 14 and 15. No. 14 arrived just south of station and was slowing up to take siding. No. 15 approached the station at too high a rate of speed to stop after seeing red signal, although the operator had placed a torpedo on the track about 800 feet from the station and signaled

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ran past the station and collided with No. 14, which was almost stopped.

the engineer to stop. The train ran past the station and collided with No. 14, which was almost stopped. Both engines damaged, bodies of 1 gondola and two box cars destroyed, 1 gondola and 1 hopper car slightly damaged. Engineer of No. 15 was at fault for approaching train-order office with train not under control. He has had 4 years' experience as engineer. He had been on duty 17 hours and 45 minutes after a lay off of 3 days.

CASE No. 64.

Statement of cause: "Not protected by flag. Hours on duty, 15."

The facts: There was no connection between the number of hours of labor and the cause of the accident. The freight train (an extra) stopped at the water tank with its caboose standing on a steel trestle 40 feet high. It was a short distance ahead of the regular passenger, and the brakeman evidently figured that his train would not be there to exceed two minutes, so that he would not be taking any chances in not flagging the passenger. When the passenger train came around the curve where they could see the caboose the brakeman was standing on the rear platform with his lantern in hand. He was afraid to leave the caboose for fear the passenger train would catch him on the trestle. He was wide awake and fully aware of what was [illegible] on, but could do nothing. The passenger train came up and s[illegible] the caboose and killed him.

At or near Wild Horse, Colo., February 2, 1902; time, 5.25 a. m.; moonlight; estimated damage, $1,000. Owen McCarthy, brakeman, age 35, killed. Employed by this company in such capacity one year. Previous record, 9 years' experience in like position. Freight train, extra, west on main line to take water; passenger train west No. 3 ran into rear end freight train, which was not protected by flag. Brakeman McCarthy, supposed to have flagged passenger train, was in caboose when collision occurred; killed instantaneously. Freight train crew on duty 15 hours; intermission 11 hours elapsed for rest between service. No fire caused by collision.

CASE No. 65.

Statement in table: "Carelessness of engineman. Hours on duty, 18."

The facts: This crew left Brainerd at 3.15 p. m., and arrived at Spur (75 miles) at 9.05 p. m., 5 hours 50 minutes. They left Spur for Brainerd at 9.50 p. m., expecting to make the return trip inside of six hours. They were delayed 3 hours meeting an extra, which was delayed on account of another train doubling a hill. There were no hotel accommodations whatever at Spur; all trainmen and enginemen preferred to make the double, Brainerd to Spur and return, instead of laying over at Spur. This crew had 40 hours' rest before making the trip.

At or near Hackensack, Minn., February 2, 1902; daylight; estimated damage, $3,500. None killed or injured. While extra south engine 7 was doubling out of siding, extra south engine 8, doubling into Hackensack, collided with rear of extra 7's train, ditching engine 8. One U. P. log flat car totally destroyed; 7 log flats considerably damaged. Cause, carelessness of engineer engine 8. Engineer engine 8 employed as fireman on M. and I. May 28, 1901, to June 15, 1901, and as engineer June 15, 1901, to February 2, 1902, and was engineer on other roads. He was on duty 18¾ hours when wreck occurred and had had 40 hours' rest previous to this trip.

CASE No. 67.

Statement of cause: "Disobeyed rule 99 in not properly protecting train. Hours on duty, 22."

The facts: This is entirely erroneous. The report made by the company states that the service was not continuous; "there was an interval of 5 hours 17 minutes for rest;" that is, the run was from Hagerstown to Rutherford, 12 hours 42 minutes, then 5 hours 17 minutes rest at Rutherford; then a run of 4 hours 36 minutes from Rutherford to Lurgan, where the accident occurred.

The Moseley statement simply adds together these three periods, taking no note of the intervening rest period.

At or near Lurgan, Pa., November 9, 1901; time, 3.05 a. m.; dark; estimated damage, $500. George Bowerd, age 24, brakeman, killed. Extra freight, westbound, ran into rear of extra Western Maryland freight at Lurgan, damaging the cabin car, which took fire from the cabin car stove, causing the destruction of the cabin and one box car. The flagman, George Bowerd, was caught in the wreckage, sustaining injuries which caused his death. Flagman Bowerd was on duty 22 hours and 35 minutes with an interval of 5 hours and 17 minutes for rest. He has been in service since December 29, 1900. Rule 99 violated.

CASE No. 68.

Statement of cause: "Conductor and brakeman at fault in moving train before track was clear. Hours on duty, 15."

The facts: There is no evidence in this case of long hours or overwork; the crew had two days' rest before starting. The accident was entirely due to lack of judgment. The trainmen tried to save perhaps thirty seconds of time by pulling up close to lead; they pulled ahead farther than intended, with the result that train was cornered by switch engine.

At or near Helena, Mont., December 1, 1902; time, 7.10 p. m.; estimated damage, $500. No personal injuries. Cars of extra west 17 cornered in yard. The train set back in yard about fifteen car lengths from the lead. Conductor gave instructions to have the train pull up close to the lead, and while doing so the train was cornered by cars being switched with switch engine. Train should not have moved until they had clear track to go. Conductor and brakeman at fault. Conductor ten years' experience; brakeman eleven years' experience as switchman and brakeman. Had been on duty 15 hours with 2 hours intermission. Damage to engine and three cars.

CASE No. 69.

Statement of cause: "Brakeman failed to go to far end of cars to see that they had cleared. Hours on duty, 18."

The facts: There is nothing to show that failure to take proper precautions was due to excessive hours of work. This crew had been on wrecking duty, clearing up a wreck.

The company's report to the Commission gives the following explanation of the cause of the accident: "Wrecker crew had placed eight cars on siding, striking cars which were standing on that track, and causing them to foul main track. Conductor instructed brakeman to go to other end of cars and see that they were in to clear properly. The brakeman reported that they were. This brakeman is responsible for failure to go to far end of cars and see that they were cleared." This law should not apply to wrecking crews.

At or near Boyles, Ala., December 22, 1902; time, 4.25 a. m.; estimated damage, $883. Injured: F. A. Woods, engineer, 45 years, bruises and abrasions of head, face, legs, and back; C. Harris, fireman, 32 years, bruises of shoulder, elbow, and side; Bob Green, brakeman, 27 years, slight bruises of elbow and shoulder. Freight train No. 73, south, consisting of seventeen loaded cars (all with air brakes in service) was running about 15 miles per hour and collided with side of freight cars which had been pushed out of siding so as to foul main track. Engine of No. 73 was considerably damaged. One box car destroyed and two cars slightly damaged. Engineer, fireman, and front brakeman of No. 73 were injured. Wrecker crew had placed eight cars on siding, striking cars which were standing on that track, and causing them to foul main track. Conductor instructed brakeman to go to other end of cars and see that they were in to clear properly. The brakeman reported that they were. This brakeman is responsible for failing to go to far end of cars and see that they cleared. He had had three years' experience. The conductor was also negligent in failing to see that brakeman carried out his instructions and failing to assure himself that the cars cleared. He has had six years' experience, four years as rear-end flagman, but only about ten days as conductor. These men had been on duty about 18 hours after 10 hours' rest. They had been on emergency duty with wrecker.

CASE No. 73.

Statement in table: "Flagman not far enough out to protect his train; discharged. Hours on duty, 16."

The facts: This crew was called at 1.30 p. m., November 27, after 46 hours previous rest. The accident occurred at 5 a. m., November 28, so that he had been on duty less than 14 hours.

At or near Portland, Mich., November 28, 1902; time, 5 a. m.; dark; estimated damage, $700. Injured: Fireman John Dunning, about 25 years old, arm and shoulder bruised jumping off engine. Flagman freight train No. 66 was not out far enough to protect his train and extra engine No. 80 ran into rear of train No. 56 (freight). Brakeman returned to way car of train No. 56 after having been sent out to protect by conductor. Brakeman given 60 demerits and discharged. In service one year. On duty 16 hours; off duty previous 24 hours.

CASE No. 74.

Statement of cause: "From not being properly protected. Hours on duty, 23."

The facts: This accident was caused by an extra train starting out without proper orders. A dense fog prevailed at the time. They stopped at Watts Siding to do some switching, and they had just got head car cut off when second No. 3 collided with their rear. The freight crew had only made a run of 95 miles, and pulled out notwithstanding attention was called to signals by whistle and acknowledged by the engineer.

At or near Watts Siding, Minn., November 1, 1902; time, 7.12 a. m.; daylight; estimated damage, $4,000. Killed: Charles Goff, conductor; J. C. Congdon, brakeman. Injured: J. W. Ryan, brakeman, lacerated wound of scalp; Martin Degnan, engineer, hand scratched. Passengers injured: A. M. McKinnan, hand bruised; R. S. Blachley, hand bruised; Andrew Hagan, left leg bruised; Alex. Gagner, bruise below left eye; Mary C. Adams, right knee bruised; John Senn, finger scratched. Injuries to passengers very slight. Rear-end collision between extra west 426 and second No. 3 west. Accident happened on main line, was

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There is nothing to indicate that any employee was not awake and alert.

caused by extra 426 west pulling out of Glyndon between first and second sections of train No. 3 without orders; a dense fog prevailed at the time. They stopped at Watts Siding to do switching without proper protection and they had just got head car cut off when second No. 3 collided with their rear. Conductor Goff and Engineer Geene, of extra west 426, responsible for accident. Had been on duty 23 hours. Had had 36 hours' rest before starting. Both old experienced men. Damage to No. 3's engine; seven cars damaged; four box cars burned after the collision.

CASE No. 77.

Statement of cause: "Conductor failed to set switch for siding; brakeman also failed to make proper effort to stop train. Hours on duty, 19."

The facts: An extra engine was putting train away in siding, and Devlin, conductor, failed to set switch for mountain siding. The train backed down on a grade crossing, resulting in a collision. All the train men were wide awake and on the ground, and the failure of the conductor to set switch properly was due to an oversight, which might have occurred under any circumstances.

There is nothing to show any connection between the accident and the hours on duty.

At or near Penn Haven Junction, Pa., November 30, 1902; time, 7.30 p. m., dark; estimated damage, $1,100. No one killed or injured. Extra engine, 604 east, was putting train away in siding, and William C. Devlin, conductor, failed to set switch for mountain siding; also failed to have his brakemen properly distributed on the train, resulting in train backing down on grade crossing and Central Railroad of New Jersey 460 colliding with the same. The investigation also showed that James J. Neary and Frank Henritzy, brakemen, failed to make proper effort to stop the train. These men had been on duty 19 hours 30 minutes, after having had 11 hours 30 minutes rest. William C. Devlin had had 13 years' experience; James J. Neary, 3 years, and Frank Henritzy, 8 years' experience.

CASE No. 79.

Statement of cause: "Brakeman failed to turn switch; train ran in on siding. Hours on duty, 19."

The facts: Rear-end collision, caused by brakeman failing to turn switch, throwing the train in on side track and striking the rear of freight train. He had not been on continuous duty for 19 hours. He had left Galesburg and gone to Quincy, a trip of 8 hours. At Quincy he had 3 hours 20 minutes rest, and, returning, had been on duty about 7½ hours when the accident occurred.

There is no reason for saying that this failure to properly turn the switch was caused by excessive hours of labor. He had had two days' rest before going on this trip.

At Saluda, Ill., July 25, 1902; time, 7.50 p. m., dark; estimated damage, $1,000. Slight injuries to five passengers. Brakeman, aged 43, head and right hand cut. North-bound freight train No. 68, consisting of engine and 48 cars (1,390 tons) pulled in on side track to allow passenger train No. 12 to pass. Brakeman was stationed at switch, and when the passenger approached switch he signaled train ahead; when too close to avoid it, the engineer of the passenger train (which consisted of engine and two coaches, all equipped with air brakes in working order) noticed the brakeman had failed to turn the switch, and train ran in on the siding, striking rear of freight train, badly damaging way car and engine. The brakeman injured was in the way car; passengers all slightly injured. The brakeman at fault; in service 12 years; on duty 19 hours after 36 hours' rest.

CASE No. 80.

Statement in table: "Crew went to sleep. Hours on duty, 24."

The facts: This is an incorrect statement. The crew went on duty at 10 p. m. September 4, after 11 hours' rest. They arrived at St. Joseph at 9.30 p. m. and remained there until 6.30 a. m. September 5—that is, they had 9 hours for rest and sleep. They left St. Joseph at 6.30 a. m., and the accident occurred at 2.20 p. m.; so that they had actually been on duty 7 hours 50 minutes.

The reason given for the formal statement in the company's report—"On duty, 24 hours," without any reference to the 9 hours of rest—was: "Being under orders, they were allowed full time, and were thus reported as having been on duty."

At or near New Richmond, Mich., September 5, 1902; time, 2.20 p. m., daylight; estimated damage, $390. No one injured or killed. Extra freight, south No. 174, collided with second section No. 57 north, engine No. 213. Second section No. 57 had orders to meet extra No. 174 at New Richmond and took siding at that place. They then received another order to also meet extra No. 233 south at same place. Train crew and engine crew No. 57 (second section) went to sleep and were awakened by whistle of engine No. 233. They supposed both extras had passed and started with train and collided with extra No. 174. Train crew of second section No. 57 had been on duty about 24 hours at time of accident. No personal injuries.

CASE No. 81.

Statement of cause: "Disobeyed rule 17, train taking siding not being in the clear. Hours of duty, two days."

The facts: This is an entire mistake, the result of a mere error in transmitting the report. As a matter of fact these trainmen had only been on this run 3 hours 45 minutes at the time of the accident and had ample rest prior to going on the trip. This is all fully explained in a letter written by the general manager, W. C. Nixon, to Mr. Moseley, of date January 20, 1903; but, notwithstanding the explanation, the table contains the statement that the *conductor* had been on duty 48 hours.

Whatever negligence there was, was on the part of the *engineer*.

At or near Manvel, Tex., October 5, 1902; time, 8 p. m., dark; estimated damage, $2,300. Injuries: C. Hawkins, engineer, foot sprained; M. J. Scott, conductor, head injured; J. Ginn, brakeman, slightly injured. Train 36 north bound and train extra south 684. Freight train ran into side of freight train on switch; engine 214 damaged $250. Six box cars destroyed and three box cars badly damaged. Both trains were all air and last inspected on date of accident. Accident caused by disregard of rule 17, train taking siding and not being in the clear and still having headlight exposed; should have warned train 36 to approach meeting point under control. Extra south was going into siding when struck by No. 36. M. J. Scott, conductor, no experience on other roads as conductor; one month on this road as conductor; had been on duty two days at time of accident. C. Hawkins, engineer, 12 years' experience as fireman and two months as engineer on this road; no experience on other roads. He had over ten hours' rest before going on this trip. On duty 3 hours 45 minutes at time of accident.

CASE No. 82.

Statement of cause: "Engineman at fault; in going back struck cars. Hours on duty, 20."

The facts: The train stalled and then doubled, and in going back for the rear end of the train the engineer struck the cars. There is nothing to show that the hours on duty had anything to do with the accident. The length of the division is 130 miles, and an average of 10 miles per hour would consume only 13 hours. In this case there was an unusual number of delays, largely caused by the train having parted and by being held to meet passenger trains.

If this crew had been tied up at the end of 16 hours, it would probably have been at a point where they could neither sleep nor get meals, and by the time they got to the terminal they would have lost more time and have been less fit to go out again than if they had been allowed to go through, even if it should take more than 16 hours.

At or near Culmerville, Pa., October 30, 1902; time, dark; estimated damage, $350. No injuries. Train, third section 33 south, stalled and doubled and in going back for rear end of train struck cars so as to cause above damage. Engineer at fault. Six years' experience as engineer. On duty 20 hours, continuous trip.

CASE No. 83.

Statement of cause: "Work train fouled main track without due protection. Rule: 'An inferior train must keep out of the way of a superior train.' Hours on duty, more than 15."

The facts: This accident occurred in 1902, to a work train engine, which had been in the shop at Fort Wayne over Sunday for washing out, etc. They had a rest in their bunk car, and went on their regular Monday's duty on the work train from Plymouth at 7 o'clock in the morning. The accident occurred at 5.35 p. m. Monday; 10 hours 35 minutes on duty. Excessive hours had nothing at all to do with the accident. The engineman simply overran the clearance point of the switch leading from the siding to the main track, in the dark.

At or near Plymouth, Ind., October 20, 1902; time, dark; estimated damage, $500. No injuries. Train No. 8 east bound and extra work train engine No. 313 east bound. Damage, two engines, $487.43; track, $5.54. Cause: Work train fouled main track without due protection, resulting in a "side swipe." Parties at fault in service 15 and 22 years, respectively. Engineman on duty more than 15 hours, with less than 7 hours' rest. Rule: "An inferior train must keep out of the way of a superior train."

CASE No. 86.

Statement of cause: "Engineman at fault for not stopping when semaphore was against him, and not having train under control. Hours on duty, 19."

The facts: The number of hours on duty had nothing to do with the accident. "Engineer Burns frankly admitted that when approaching crossing he saw an N. P. train passing over same, and that he also saw that semaphore signal was set against him, but thinking that tower man would give him the crossing in time to avoid necessity of stopping his train he allowed train to drift until too late to stop before going off track at derail."

At or near State Line, Wis., October 21, 1902; time, dark; estimated damage, $2,200. No injuries. East bound extra freight train No. 1146 had engine and nine cars derailed at State Line derail switch. Signal set against train but failed to stop. Estimated damage to equipment, $2,100, and to track, $100. Engineer J. P. Burns responsible for accident for not stopping when semaphore was against him and also for not having his train under control. He has been taken out of the service. Has been engineer with this company three years three months; no previous experience as engineer. Was on duty 19 hours.

Mr. LA FOLLETTE. Mr. President, before referring to the provisions of this bill and the criticisms which have been made of its terms, I wish to have read the telegrams and letters which I send to the Secretary's desk.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

PEORIA, ILL., *January 9-10, 1907.*

R. M. LA FOLLETTE, *United States Senate, Washington, D. C.:*

I am opposed to penalizing employees for working over hours, as advocated by Senators GALLINGER and FORAKER.

JOHN J. HANNAHAN,
Grand Master Brotherhood of Locomotive Firemen and Engineers.

CLEVELAND, OHIO, *January 9-10, 1907.*

Hon. R. M. LA FOLLETTE, *United States Senate, Washington, D. C.:*

The Brotherhood of Railway Trainmen is decidedly opposed to the propositon to penalize employees for working in excess of hours to be designated by Congressional enactment. The amendments to that end are objectionable in every sense and simply intended to embarrass the employee and put up to him the enforcement of the law; the penalty clearly belongs to the employer who compels him to violate it.

P. H. MORRISEY,
Grand Master Brotherhood of Railroad Trainmen.

LACROSSE, WIS., *January 9, 1907.*

Mr. R. M. LA FOLLETTE, *Washington, D. C.:*

Please use every effort to pass Senate bill 5133 and amendments in favor of railroad employees.

W. J. BARBER,
Secretary Brotherhood Railroad Trainmen.

CHICAGO, ILL., *January 10, 1907.*

ROBT. LA FOLLETTE, *United States Senate, Washington, D. C.:*

The general grievance committee Brotherhood of Railway Trainmen, representing 3,000 members on the Chicago and Northwestern system, heartily indorse the proposed legislation relative to restriction of service hours for men in train and yard service.

A. F. WHITNEY, *Chairman.*

ORDER OF RAILWAY CONDUCTORS OF AMERICA,
INDIANAPOLIS DIVISION 103,
Indianapolis, Ind., January 7, 1907.

H. R. FULLER, *206 Delaware avenue NE., Washington, D. C.*

DEAR SIR: This afternoon a number of conductors, engineers, firemen, and brakemen were called before the staff officers of the Pennsylvania lines in Indianapolis, as employees in train service, to talk over the proposed La Follette bill now pending before this session of Congress pertaining to the limit of hours on duty and after that time requiring ten hours' rest. I can not give you the number of the bill, but I ask that you give me two or three copies of this original bill and give me your personal opinion and feelings regarding this bill. Give me all the advice pertaining to this measure, as I feel that it is one of the old tricks of the railroad officials, of their undermining way of trapping the many employees. Before I left this body of men I am glad to say that no steps will be taken until I hear from you in regard to this matter.

Very truly, yours in P. F.

INTERNATIONAL BROTHERHOOD OF LOCOMOTIVE ENGINEERS,
Basalt, Colo., December 8, 1906.

H. R. FULLER, *Legislative Representative B. of L. E., Washington, D. C.*

DEAR SIR AND BROTHER: The general superintendent of the Colorado Midland Railroad has issued a circular asking the men to endeavor to defeat the La Follette bill against working railway men more than sixteen hours at a time without rest. This bill comes up for consideration in the Senate January 10, we understand. The men here are all in favor of a law along this line being passed. The members of this division, however, desire that I find out from you whether this is the bill which you are endeavoring to have passed in our behalf. Thanking you advance for an early reply, I am yours, fraternally.

BROTHERHOOD OF LOCOMOTIVE ENGINEERS,
GENERAL BOARD OF ADJUSTMENT,
Lima, Ohio, December 9, 1906.

Mr. H. R. FULLER, *United States Legislative Representative, 206 Delaware avenue NE., Washington, D. C.*

DEAR SIR: I would thank you, if it is not too much trouble, if you will send me a copy of the sixteen-hour Federal law, now pending action of the House, and has passed the Lower House, and comes up January 10, 1907, for final action. My superintendent has headed a remonstrance against its passage and has handed the chairman of each order a copy and asked them to get names of all trainmen to remonstrate, setting forth that such a law would be injurious to the employees and a reduction in pay. Now, I haven't read the bill, but I think it is a move in the right direction. Its passage and enforcement will cause the companies to get their trains over the roads in less time, and no crew should be kept on an engine longer than fifteen consecutive hours, and this law, I think, if passed will help us out and Lima Division No. 120, Brotherhood of Locomotive Engineers, insists on its passage; also, all engineers on the Lake Erie and Western system—864 miles of road and 290 engineers, of which I am general chairman, and any information concerning this law you can furnish me with I will thank you for.

Thanking you for the many past favors shown us,

I beg to remain, respectfully and fraternally yours.

BROTHERHOOD OF LOCOMOTIVE ENGINEERS,
FLOUR CITY DIVISION, NO. 494,
Minneapolis, Minn., December 19, 1906.

H. R. FULLER, *Washington, D. C.*

DEAR SIR AND BROTHER: Just received yours of the 16th in answer to my telegram regarding Senate bill 5133, and I will say that the information in it will clear up a lot of false statements regarding this bill. All that I knew or heard about it came from our railroad officers, so you may know which side was shown up. Will be pleased to receive further information and instructions when the proper time comes, but give us all the time possible, as it takes time to get these things before the men.

Fraternally and truly.

Mr. LA FOLLETTE. Mr. President, such criticism as has been urged respecting this bill, and particularly that made by the Senator from Colorado [Mr. PATTERSON] yesterday in his remarks, is made because there is no provision in the bill to prohibit men who may have been in service less than sixteen consecutive hours again going on duty without having a sufficient rest, thus, by working two or more periods of less than sixteen hours each, interrupted by only short intervals of rest, virtually defeating the purpose of the measure.

I think the criticism of the Senator from Colorado is a just one. Provision should be made to meet that criticism. It seems to me this can be done easily; and, if no one else offers such an amendment, I shall offer one which I believe will meet that objection.

However, I find on an examination of all the statutes of the different States that have enactments upon this subject that in every single instance the language used in these statutes with respect to this feature is precisely the language of this bill. It is manifestly apparent that whoever drafted the substitute provision reported by the committee for the bill which I introduced had before him the provisions of the different State enactments upon this subject.

Arizona provides in exactly this language against any railway employee who is concerned in the moving of trains from being employed more than sixteen consecutive hours, but it makes no provision for men who have been employed fifteen and a half hours.

The same is true of the Arkansas statute, which prohibits the working of those having to do with the operation of trains for more than sixteen hours in succession. The same is true of the Colorado statute, the language of that statute being as follows:

Act of 1901.

SECTION 1. No company operating a railroad in whole or in part within this State shall permit or require any conductor, engineer, fireman, brakeman, telegraph operator, or any trainman who has worked in his respective capacity for sixteen consecutive hours, except in case of casualty, to again go on duty or perform any work until he has had at least ten hours' rest.

The language of that statute is almost identical with the second section of the bill now under consideration.

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

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

Mr. LA FOLLETTE. Certainly.

Mr. DANIEL. The Senator from Wisconsin has made a great study of this question, and it occurs to me to ask the Senator, as we are going on at this time, whether he does not think we could limit the hours to twelve instead of sixteen?

Mr. LA FOLLETTE. I will say to the Senator from Virginia that such a provision would impose in many cases uncalled-for hardship upon the railroad companies and upon the employees as well. I believe by a very slight amendment to the bill under consideration provision can be made for exigencies which may arise where the service is cumulative and overruns the time limit for which men should be expected reasonably to be on duty, or where the service is consecutive in its nature and is for a somewhat shorter period than the sixteen hours mentioned in the bill.

Mr. DANIEL. If the Senator from Wisconsin will permit, I asked him the question because I have traveled on a train within the week past where I was informed by the men they had been in continuous service for fifty-three hours. With respect to cases in which the employees are allowed to be on trains for the time extended, emergency cases, such as those to which the Senator is now directing his attention, I will ask does not the Senator think it would be well to provide that for such extra service the employees should have additional compensation? I call his attention to that, as he is now preparing his amendment.

Mr. LA FOLLETTE. It has been suggested, Mr. President—and I think the suggestion a good one—that if there could be imposed upon the railroad companies a requirement for extra pay, in excess of the regular pay, for the time men are compelled to work beyond a reasonable limit, it would be a most

wholesome and effective provision against the overworking of men to their detriment and their danger and the great danger of the service.

Mr. CARTER. Mr. President——

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

Mr. LA FOLLETTE. Certainly.

Mr. CARTER. Mr. President, the hour of 3 o'clock has been fixed, as I understand, by unanimous consent for a vote on the bill and all the amendments then pending. I desire to call the attention of the Senator from Wisconsin to the fact that there are probably twenty or more amendments to be disposed of, and that, inasmuch as no debate will be permitted after the voting begins, it would seem quite wise to make some provision for debate on the amendments presented before 3 o'clock or pending now. I should like, therefore, to inquire if it would inconvenience the Senator should I make request for unanimous consent that we take up the amendments for debate under the five-minute rule at 1.15 o'clock, thus leaving an hour and three-quarters only for debate on twenty-odd amendments? I do not wish to interfere with the Senator's remarks, except to suggest the expediency and almost necessity of some such provision if the amendments individually are to receive any consideration at all.

Mr. LA FOLLETTE. Mr. President, I will say, in reply to the suggestion of the Senator from Montana, that I understood the same request to be made yesterday and the ruling to be made substantially that no variation of the unanimous-consent agreement which had been entered upon the record could be made. If I remember rightly, the Senator from Massachusetts [Mr. LODGE] submitted such a query to the President, and there was such a ruling. I may be wrong about it.

The VICE-PRESIDENT. The Chair did not so rule. On the contrary, the Chair ruled that, in his opinion, the unanimous-consent agreement could be modified by unanimous consent.

Mr. LA FOLLETTE. Then I misunderstood the ruling of the Chair.

Mr. CARTER. Mr. President, even in the absence of the rule suggested by the Chair I understand it to be a fact that no modification of the unanimous-consent agreement would obtain should the Senate agree to regulate the time for speeches prior to 3 o'clock. For instance, such agreement would in no wise operate to affect the unanimous-consent agreement any more than would the agreement frequently arranged for the interposition of the Brownsville debate interfere with the vote at 3 o'clock this afternoon. In other words, I think the Senate has complete control of its time and the disposition of the time up to 3 o'clock, but at that time the unanimous-consent agreement becomes imperatively operative under the usual usage of the Senate.

Mr. PATTERSON. Mr. President——

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

Mr. CARTER. If the Senator from Colorado will permit me for one moment I will conclude. In the light of the holding of the Chair on the subject, I renew my suggestion to the Senator as to the propriety of taking up the amendments under the five-minute rule in the very near future, because we have but very little time remaining.

Mr. LA FOLLETTE. Mr. President, I have from time to time yielded the floor with the expectation that possibly some who had proposed amendments to the bill would have something to offer in support of their amendments. This bill has been the unfinished business during this entire session. At any time after 2 o'clock on any day any Senator who was interested in discussing or debating this bill, or who desired to say anything in support of any amendment offered to it, could readily have had the floor and the opportunity to do so.

Mr. PATTERSON. Mr. President——

Mr. LA FOLLETTE. If the Senator will pardon me just a moment, I have observed that in all the debate which took place yesterday upon this bill—I will say nothing about my own participation in it—outside of the time when I occupied the floor, the debate was rather in criticism of the bill than in discussing any of the proposed and pending amendments. I have not felt called upon to say anything about these amendments until those who have proposed them and who are in favor of them advance reasons for their being adopted. I am unable to recall a single instance in which any Senator who had offered an amendment has taken the floor, either yesterday or to-day, to advance any reasons for the amendment offered.

I do not desire, Mr. President, to occupy the floor to the exclusion of anyone who desires to discuss proposed amendments. I shall have opportunity probably before 3 o'clock to say something, if I desire, in reply to what may be put forward concerning any of these amendments. I will yield the floor at this time to any Senator who rises to discuss any pending amendment.

Mr. CARTER. I again ask that we proceed to consider the bill and amendments under the five-minute rule.

Mr. BEVERIDGE. I call the Senator's attention to the fact that the Senator from Wisconsin [Mr. LA FOLLETTE] just this moment declined to agree to that request. I understood the Senator from Wisconsin to say, after having given the reasons why he could not agree to it, that even while he was on the floor he would yield to any Senator who wanted to say anything in behalf of any amendment.

Mr. PATTERSON. Mr. President——

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

Mr. CARTER. I will withhold the request for unanimous consent for the time being, if the Senator from Colorado desires to speak.

Mr. PATTERSON. Mr. President, I am in hearty accord with the Senator from Montana [Mr. CARTER], except that his request for unanimous consent does not go far enough. I believe, in order that the bill may be perfected intelligently, that the request for unanimous consent should include the voting upon amendments as they are offered and discussed. Unless that is done when 3 o'clock arrives there will be a mass of amendments offered, and there will be no opportunity for Senators who have not been following the discussion to understand the relations of the amendments to the bill and the effect of adopting or rejecting the amendments.

I submit, Mr. President, that there is nothing in the way of the unanimous-consent agreement going to the extent that I suggest. The language of the unanimous-consent agreement, as found on the Calendar, is as follows:

> It is agreed by unanimous consent that on Thursday, January 10, 1907, at 3 o'clock p. m., the Senate will vote, without further debate, upon the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

It says nothing whatever about amendments. So that I take it that until 3 o'clock we would have the right, under the unanimous-consent agreement, to perfect the bill by amending it, so that at 3 o'clock the vote may be taken upon the amended bill. I therefore suggest to the Senator from Montana to amend his request for unanimous consent so that it will include the proposition that the amendments shall be voted upon.

Mr. BEVERIDGE. After discussion.

Mr. PATTERSON. After discussion under the five-minute rule.

Mr. CARTER. Mr. President, I fear that the suggestion of the Senator would involve a violation of the existing unanimous-consent agreement. If the Senator will refer to the Calendar, upon which a statement of the unanimous-consent agreement appears, he will find it to read:

> It is agreed by unanimous consent that on Thursday, January 10, 1907, at 3 o'clock p. m., the Senate will vote, without further debate, upon the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon, together with all amendments pending or to be offered.

Under that unanimous-consent agreement the question arises whether we can begin by unanimous consent to vote upon and dispose of amendments prior to 3 o'clock. I doubt if that can be done without invading the unanimous-consent agreement. I would be perfectly willing to extend the request so as to include time for brief debate when an amendment is offered.

I recall an occasion during the last session of Congress, while we were operating under a similar unanimous-consent agreement, when Senators were estopped from the slightest explanation of either the necessity for or the effect of a proposed amendment at the time it was about to be voted upon. The embarrassment arising from that situation all Senators felt at the time. I believe there should be some slight opportunity for the Senator offering an amendment to explain its effect at the moment for at least five minutes. The debate might be limited to an explanation of the Senator proposing the amendment, so that it would not extend indefinitely five minutes for each Senator in the Chamber, as the general rule would permit.

Now, if it is agreeable to Senators, I should be glad to modify the request for unanimous consent so as to put it in this form: That at twenty minutes after 1 o'clock we proceed to debate the bill and the amendments under the five-minute rule until 3 o'clock and that the unanimous-consent agreement heretofore given be modified so that the Senator proposing an amendment may be permitted five minutes' time when it is about to be voted upon in which to explain its effect on the bill as it then stands.

Mr. BEVERIDGE. I think that both the Senator from Montana and the Senator from Colorado are correct, except I do not think the Senator from Montana is correct in supposing that

we can not modify a unanimous-consent agreement by another unanimous-consent agreement. The Chair having just a moment ago ruled upon the subject, that of course any unanimous-consent agreement can be modified by another unanimous-consent agreement, it would be entirely competent for us to agree by unanimous consent to begin voting earlier, so far as that is concerned—that is, if everybody consented. But if we debate this question of unanimous consent very much longer, we shall have consumed golden moments which we need for the discussion of the amendments.

I will make a suggestion to the Senator, which I think he can get unanimous consent for, that beginning at half past 1 we take up the amendments as Senators may offer them, and debate them under what you may call the ten-minute rule, because there is no five-minute rule or ten-minute rule except as we make it——

Mr. PATTERSON. Under the five-minute rule.

Mr. BEVERIDGE. No; the ten-minute rule, because some of the amendments can not be intelligently discussed in five minutes, while, on the contrary, the great number of them will not require much discussion. And after the conclusion of the debate on each amendment, we vote upon that amendment, as suggested by the Senator from Colorado, and that we continue in that order until all amendments are disposed of, and that at that time we vote upon the bill without further debate.

Mr. TILLMAN. To-day?

Mr. BEVERIDGE. Certainly; to-day.

Mr. CARTER. That would modify the existing unanimous-consent agreement.

Mr. BEVERIDGE. Certainly; and it is competent for us to do that.

Mr. CARTER. I am perfectly agreeable to that.

Mr. BEVERIDGE. I think that unanimous-consent agreement can be had; I do not know.

Mr. FRYE. Mr. President, it does not occur to me that unanimous consent can now be given that votes may be taken upon the amendments as they are discussed, because the original unanimous-consent agreement was a notice to all Senators that there would be no voting until 3 o'clock, and then it would be upon the bill and the pending amendments and the amendments then offered. So that those Senators who are absent from the Senate are entitled to the advantage of that unanimous-consent agreement.

Mr. BEVERIDGE. Of course I instantly see the force of that suggestion, but I had understood the Chair to hold only a moment ago that any unanimous-consent agreement might, of course, be modified by unanimous consent.

The VICE-PRESIDENT. That is the opinion of the Chair. The considerations advanced by the Senator from Maine would, in the opinion of the Chair, warrant objection by any Senator to a subsequent modification of a unanimous-consent agreement by unanimous consent; but they do not affect the question of power.

Mr. BEVERIDGE. That would amount, then, merely to a question, as a practical matter, whether the consideration suggested by the Senator from Maine is weighty enough in the mind of any Senator to cause him to object to the request for unanimous consent. I think the unanimous-consent agreement which I have suggested can be secured, if it is competent.

Mr. LODGE. Mr. President, it seems to me the point made by the Senator from Maine [Mr. FRYE] is one that is perfectly unanswerable. We make an agreement to begin to vote on a bill and amendments at 3 o'clock. That is notice to the Senate that there will be no voting before that time. There may be many Senators desirous of voting on this bill who are not present. It seems to me an obvious violation of the unanimous-consent agreement to begin to vote before 3 o'clock. If an objection is necessary, I shall most assuredly make it.

The VICE-PRESIDENT. Objection is made.

Mr. BEVERIDGE. In view of the fact that the Senator from Massachusetts has suggested that he will make objection, it is not necessary to ask for a formal ruling of the Chair. I therefore ask for this modification of the unanimous-consent agreement, because the considerations advanced by the Senator from Colorado and the Senator from Montana are unanswerable. We can not vote upon the amendments intelligently unless we hear them discussed immediately before they are voted on. I ask for this modification of the unanimous-consent agreement—that beginning at 3 o'clock we shall first take up the amendments in the order in which they may be offered by Senators, and that then we shall debate each one of those amendments under the five-minute rule and vote on each one separately after the debate upon each shall have been concluded. I ask for that modification of the unanimous-consent agreement—beginning at 3 o'clock. That answers the objection made by the Senator from Maine.

I call attention, further, to the fact that without this modification there would be not more than two or three Senators, who have been giving very special attention to this bill, who could possibly vote understandingly on hardly any of the amendments. I ask for that unanimous-consent agreement.

The VICE-PRESIDENT. The Senator from Indiana asks that the unanimous-consent agreement be modified so that beginning with 3 o'clock——

Mr. BEVERIDGE. Yes.

The VICE-PRESIDENT. The amendments offered and to be offered to the pending bill be taken up and debated under the five-minute rule, and at the conclusion of the debate the amendments be voted upon.

Mr. BEVERIDGE. Each amendment; that is right.

The VICE-PRESIDENT. Each amendment.

Mr. GALLINGER. I desire to ask the Senator from Indiana what he means by each amendment being debated under the five-minute rule?

Mr. BEVERIDGE. I mean this: As each Senator offers his amendment any Senator will be entitled to discuss the amendment for five minutes, until every Senator who desires to do so shall have discussed it, and at the end of the discussion, no Senator being permitted to speak more than once, the amendment be voted upon.

Mr. GALLINGER. That is a sufficient answer. There are about forty amendments.

Mr. BEVERIDGE. Yes.

Mr. GALLINGER. And each amendment is to be debated under the five-minute rule at the pleasure of the Senate?

Mr. BEVERIDGE. Yes.

Mr. GALLINGER. It is obvious that under such an arrangement we would stay here all night, to say the least, and I object.

Mr. BEVERIDGE. Before the Senator from New Hampshire objects, I should like to have the opportunity of trying to persuade the Senator by an observation or two. Of course, if it is hopeless to try to persuade the Senator, I will not attempt it.

But I offer this suggestion: While there are some forty or forty-one or forty-two amendments, it is perfectly obvious that the majority of them will not be debated at all, and upon those that are debated not more than three or four Senators would speak. But even if what the Senator from New Hampshire states is true, that we might stay here until a late hour at night——

Mr. GALLINGER. All night.

Mr. BEVERIDGE. This bill is of more importance than the convenience of Senators; but if the Senator objects, that settles it.

Mr GALLINGER. I will say that if any modification of the unanimous-consent agreement should be reached the modification ought to be to recommit the bill to the committee. That is what ought to be done. It is manifestly in such shape now that if we directly vote upon it or amuse ourselves by five-minute speeches on it we will have a bill that nobody will be satisfied with when we come to vote on it. That is my sincere conviction.

Mr. BEVERIDGE. May I ask the Senator from New Hampshire whether, if the Senator from Massachusetts, on reconsideration, were willing to withdraw his objection to the first unanimous-consent request (I mean as modified by the Senator from Montana—that is to say, that at half past 1 or at any other time we take up the amendments and discuss them and vote on them), he would agree to it?

Mr. GALLINGER. The Senator from Massachusetts can answer for himself.

Mr. LODGE. I do not put my objection on any special ground about the time to be consumed or even on the point I made before as to the notice given to Senators. Unanimous-consent agreements in the Senate must be observed. If they are not, they will come to an end. If it is to be supposed that unanimous-consent agreements are to be modified, we shall soon find it impossible to get a unanimous-consent agreement. I think nothing is more important than the rigidity with which the Senate preserves unanimous-consent agreements. It is absolutely necessary to the transaction and conclusion of business. I do not think we ought to undertake to modify a unanimous-consent agreement if it can possibly be avoided, and I certainly do not think we ought to modify it in such a way as to bring on a vote before the time set. That, it seems to me, is in absolute violation of the agreement.

Mr. BEVERIDGE. I wish to say in answer, taking just a moment, because I do not propose to occupy more of the time of the Senate, that I recognize the very great weight of what the Senator from Massachusetts has said; and if that rule is going to be maintained until it shall become a law of procedure in the Senate, it might as well be understood by all of us that hereafter

when we make a unanimous-consent agreement about voting it must be understood that that agreement is not going to be changed by any subsequent agreement.

Mr. FRYE. It never has been.

Mr BEVERIDGE. It is well for all of us to understand that hereafter a unanimous-consent agreement becomes a law of the body. I recognize the great weight of what the Senator from Massachusetts has said.

Mr. TELLER. Mr. President, I have never known a unanimous-consent agreement to be changed in the slightest degree. It seems to me the moment we commence changing, that moment the custom is practically of no value whatever.

It is quite obvious that this bill is not in proper condition to become a law. Nobody knows what it will be when we shall have passed upon the amendments. It is very doubtful whether, after we have got through amending it, it will be such a bill as we ought to pass. It is an important bill. I want to vote for the principle. I want, in some way, if possible, to compel the railroad companies to not overwork their men, and at the same time I do not want to do anything that will interfere with the proper discharge of the duties which the railroad companies owe to the public. I supposed I would be able to vote for this bill, but I misunderstood the present condition of the bill. I may be able to vote for it when the amendments shall have been disposed of. I may conclude that I ought to vote against the bill. I desire to say that if I do, I am going to vote against it because it is not a bill suitable, in my judgment, to carry out the purpose intended by the bill.

Mr. President, this bill ought to have been taken up and there ought to have been no unanimous consent in connection with it that no vote should be taken upon any amendment prior to 3 o'clock. The unanimous-consent agreement ought to have been confined to the perfected bill. We ought to have had an opportunity before that time to vote on the amendments. Such ought to have been the agreement, but it is not the agreement. The agreement should have been submitted in that way—that we might vote on the amendments as they came up and at 3 o'clock make final disposition of the bill. There is no trouble about the rule if it is properly applied.

I have said this merely because it looks to me as if I shall have to vote against the bill as it now stands. I desire the public to know, and I want the RECORD to show that, so far as voting against the bill is concerned, I do not vote against it because I am opposed to the principle, but because I do not believe the bill has had proper consideration in order to carry out the purpose which, on its face, it purports to intend.

Mr. TILLMAN. Mr. President, I was called out of the Chamber a moment ago when an effort was being made to arrive at some workable rule here. It appears to me a very absurd idea, which I caught as I came in, that the Senate can not modify a unanimous-consent agreement.

Mr. BEVERIDGE. It can.

Mr. TILLMAN. It can?

Mr. BEVERIDGE. There is no question about it.

Mr. TILLMAN. Unless we can change a foolish custom or habit or rule, if we have agreed to one, we had better quit business. We will not be doing business in a decent or proper manner if the Senator proposing an amendment to an important measure is deprived of the opportunity to explain what he wants to do, and other Senators are deprived of the opportunity of showing where the amendment is wrong, and we are thus denied the opportunity to vote intelligently. Otherwise we will kill all these amendments, some of them good and some of them bad, without any intelligent understanding of what we are doing or why we are doing it.

I can not conceive that any Senator here will object to our now taking up the amendments and proceeding to their disposition, of course calling the roll of the Senate, so as to give every Senator notice to be on hand to vote on the amendments if he desires.

Mr. BEVERIDGE. But the Senator from New Hampshire [Mr. GALLINGER] objected to that very request.

Mr. TILLMAN. He did?

Mr. BEVERIDGE. Yes.

Mr. CULLOM. Mr. President——

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

Mr. TILLMAN. Certainly.

Mr. CULLOM. I simply wish to inquire if the Senator from South Carolina thinks there is any rule against discussing the amendments which have been offered?

Mr. TILLMAN. But why not vote on an amendment when it shall have been discussed?

Mr. CULLOM. Because the unanimous-consent agreement does not allow it. That is the only reason.

Mr. TILLMAN. The Senate can change the unanimous-consent agreement if it sees fit.

Mr. CULLOM. Let Senators proceed to discuss the bill and amendments, and the time will come when we will vote on them.

Mr. BEVERIDGE. With the permission of the Chair, I call the Senator's attention to the fact that precise request was made, and objection was interposed by the Senator from New Hampshire.

Mr. CULLOM. Mr. President——

Mr. BEVERIDGE. There is no question of the power of the Senate to change it, as a matter of power, but as the Chair has put it, it is not a question of power. The power exists. It is a question whether the considerations presented by the Senator from New Hampshire and the Senator from Massachusetts have, in the mind of any Senator, sufficient weight to cause him to make an objection. In this instance it did with two Senators—the Senator from New Hampshire and the Senator from Massachusetts. There is where we stand.

Mr. TILLMAN. In other words, we have made a foolish agreement, and two Senators object to changing it.

Mr. CULLOM. There is no objection on the part of anybody to a Senator discussing these amendments if he wants to make a speech on them, and we will vote on them when the time comes.

Mr. TELLER. Mr. President, this is an agreement which is binding merely on the honor of the Senate. If I choose at 3 o'clock to take the floor on this bill and speak for three hours there can be no complaint, except that I have violated an old and ancient custom here. I could not be brought before the Senate and accused of any official impropriety. But in the many years I have been here I have never known anybody to violate a unanimous-consent agreement, although I have known Senators to come on the floor and say, "If I had been present the agreement would not have been made; but having been made, I will stand by it." I have heard Senators say they did not think the construction put upon an agreement by the Chair was correct, and yet I have never known a Senator to refuse to adhere to the ruling. The moment you begin to modify these agreements there will be an end to them. If we make an improper agreement, there is always a way to get out of it. You can defeat the bill. You can vote against the bill. You can reconsider it and reinstate it. There is a way in which it can be done if it becomes absolutely necessary.

Mr. President, this bill is not going to become a law at the present session of Congress. Everybody knows that. It is not now in proper form, in my judgment, and I doubt whether in the hour and a half that we have left before we must vote there will be opportunity to debate it sufficiently and intelligently enough to put it in form. The friend of the bill is the one who always asks unanimous consent to make it the order of business and to fix a time for a vote. If the friends of the bill are not sufficiently alert to want to complete and perfect the bill before voting, they are the people who ought to take the responsibility of it. Had I been present and had my attention been called to the request, I should have insisted that we should be allowed to vote on the various amendments before the hour fixed for the general vote. That is the orderly and proper way. That is what ought to have been done and can always be done, and it saves any question such as now arises.

Mr. BRANDEGEE. Mr. President, is there any request for unanimous consent pending?

The VICE-PRESIDENT. No request is pending.

Mr. BRANDEGEE. Would it be in order at 3 o'clock, when, under the unanimous-consent agreement, we are to proceed to vote, when every Senator who agreed to the previous unanimous-consent arrangement has had an opportunity to be present, to modify the unanimous-consent agreement so that debate may be permitted?

Mr. BEVERIDGE. I wish to say to the Senator from Connecticut that that is precisely the request which has already been made and which was objected to.

Mr. BRANDEGEE. I did not make the request. I asked the Chair if it would be in order to make the request at 3 o'clock.

The VICE-PRESIDENT. In the opinion of the Chair, it would be the duty of the Chair to submit such a request to the judgment of the Senate. The Chair is of the opinion that the Senate possesses the power to modify by unanimous consent a unanimous-consent agreement. It is merely a question of policy whether or not the Senate will modify its unanimous-consent agreement.

Mr. BRANDEGEE. Then, I will——

Mr. KEAN. Mr. President——

Mr. BRANDEGEE. I believe I have the floor, Mr. President.

The VICE-PRESIDENT. The Senator from Connecticut has the floor.

Mr. BRANDEGEE. Mr. President, referring to the amendment I proposed last evening, on page 2 there is a provision—

That any such common carrier, or any of its officers or agents, knowingly violating any of the provisions of this act, or any employee who by any false representation or concealment of fact procures himself to be employed in violation of the provisions of this act, is hereby declared to be guilty of a misdemeanor.

That was put in the bill on the theory that if the laboring over a certain number of hours was to be a misdemeanor, both the employer and the laborer ought to be subject to the same or similar penalties. But on looking over the bill, which is modeled largely upon the bill that the committee reported, it seems to me that the theory of the bill is that it is a bill to prevent common carriers from employing their help more than a certain number of hours, and that the provision which puts a penalty upon the employee is not properly in the bill or according to the theory of the bill. Therefore I desire to modify my amendment by striking out the language stricken out with pen and ink in the copy which I send to the desk.

The VICE-PRESIDENT. The Senator from Connecticut proposes a modification of his amendment, which will be stated.

The SECRETARY. On page 2 of the amendment offered by the Senator from Connecticut, in line 18, after the word "act," it is proposed to strike out—

or any employee who by any false representation or concealment of fact procures himself to be employed in violation of the provisions of this act.

Mr. BEVERIDGE. Mr. President, I think the valuable time that has been taken up in the discussion of the proposition to modify the unanimous-consent agreement has, after all, been very well spent, because it is now brought to our attention that from custom it has become a practical law that when a unanimous-consent agreement to vote has once been made it can not thereafter be modified.

That being true, I wish to give notice that, so far as I am concerned, when I am present in the Senate Chamber hereafter I shall object to any proposed unanimous-consent agreement for the modification of a unanimous-consent agreement, so that hereafter when a unanimous-consent agreement is asked it can be fixed in proper terms.

I wish to call attention to the fact that there is nothing whatever right now to prevent any Senator who has an amendment to this bill from speaking to his amendment immediately.

Mr. GALLINGER. Of course not.

Mr. McCUMBER. I move that the Senate proceed to the consideration of the amendments to this bill, allowing each Senator to speak not more than five minutes upon any amendment, and no vote to be taken upon any amendment until after 3 o'clock.

Mr. BEVERIDGE. That is plainly out of order. It is a violation of the unanimous-consent agreement.

Mr. TELLER and others. No; it is not.

Mr. BEVERIDGE. It is.

Mr. McCUMBER. I insist that it does not modify the unanimous-consent agreement. The unanimous-consent agreement is that we shall proceed at 3 o'clock to vote upon the amendments and upon the bill.

Mr. BEVERIDGE. That is right.

Mr. McCUMBER. The motion now is that we divide the time, on the basis of five minutes, allowing each Senator five minutes to discuss any amendment that may be offered up until 3 o'clock.

Mr. BEVERIDGE. That is an admirable motion.

Mr. McCUMBER. So as to give every Senator an opportunity at least to explain any amendment he may offer.

Mr. BEVERIDGE. I understand the Senator from North Dakota. I think it is an admirable motion.

The VICE-PRESIDENT. Will the Senator from North Dakota please restate his motion?

Mr. McCUMBER. Before making the motion, I am going to ask for unanimous consent. I ask unanimous consent that the Senate proceed to the consideration of the amendments to this bill, allowing each Senator to debate an amendment not longer than five minutes, no vote to be taken upon any amendment until after 3 o'clock.

Mr. BEVERIDGE. Precisely that request was made by the Senator from Montana [Mr. CARTER] half an hour ago, and it was objected to.

The VICE-PRESIDENT. The Senator from North Dakota asks unanimous consent that the Senate proceed to the consideration of the amendments to the pending bill, the debate thereon to proceed under the five-minute rule, and that no vote upon any amendment be taken until after 3 o'clock.

Mr. SPOONER. The latter part of that is covered by the unanimous-consent agreement. It could not be changed by motion. I suggest to the Senator that he omit the latter part of his motion.

Mr. BEVERIDGE. The Senator is asking unanimous consent; he is not making a motion.

Mr. SPOONER. I understand, but he is asking that we proceed under the five-minute rule, and that no vote be taken on the amendments until 3 o'clock. The latter part of it is covered by the unanimous-consent agreement.

Mr. BEVERIDGE. I am in favor of it, but that is precisely the request made by the Senator from Montana.

Mr. CARTER. My request was that we proceed under the five-minute rule until 3 o'clock.

Mr. BEVERIDGE. That was the request, and it was objected to.

The VICE-PRESIDENT. Is there objection to the request of the Senator from North Dakota? The Chair hears none.

Mr. LA FOLLETTE. I wish to ask the Senator from North Dakota to modify his motion in this respect, that the time be divided between those who are in favor of a given amendment and those who are opposed to it.

Mr. McCUMBER. I do not see how it would be possible to divide the time, because I suppose there may be many amendments to which there will be no objection, and there may be other amendments where all the remarks will be on one side, in opposition to the amendment, very few supporting it. I think we will get the matter——

Mr. LA FOLLETTE. There will be no disposition on either side to occupy time if there is no occasion for it. But where a large number of amendments have been proposed to a bill and have been pending for weeks, and no debate had in favor of those amendments until we draw on to the time of voting on the bill—within an hour and a half of the time when we are to vote upon it—if those who are in favor of the various amendments which have been offered choose to occupy all the time they can do so, to the exclusion of speeches in opposition to an amendment.

Mr. McCUMBER. I do not think any Senator or any number of Senators would abuse the privilege of the five-minute rule. I think they would all have an interest in the amendment and would confine their arguments so that the time would be practically divided among all the amendments. I do not think there is any occasion for fear in that respect. I hope the Senate will agree to the request.

Mr. BEVERIDGE. I should like to ask the Senator a question. Does he not think that, after all, the amendments might receive their better proportion of attention, according to their importance, by any Senator rising now and speaking on his amendment without the agreement for which the Senator asks?

Mr. McCUMBER. Any Senator can take up the whole time now.

Mr. BEVERIDGE. I will not object to the Senator's request. I was very much in favor of it in the first place and was surprised when it was objected to. But I do not think any Senator would take up the full time or half the time or a sixteenth of the time.

Mr. McCUMBER. If he took up a half of it or a quarter of it it would destroy the opportunity to discuss fully the amendments.

Mr. BEVERIDGE. There are forty amendments, as the Senator from New Hampshire pointed out, and if each Senator debated for five minutes the discussion could not be concluded within the next hour and a quarter.

The VICE-PRESIDENT. Is there objection to the request of the Senator from North Dakota? The Chair hears none, and it is so ordered.

Mr. GALLINGER. Mr. President, I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from New Hampshire rises to a parliamentary inquiry. He will state it.

Mr. GALLINGER. The unanimous-consent agreement is "that on Thursday, January 10, 1907, at 3 o'clock p. m., the Senate will vote, without further debate, upon the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon, together with all amendments pending or to be offered."

I desire to ask the Chair whether it would be competent, under that agreement, at the proper time to make a motion to recommit the bill?

I will venture to make one observation merely, if the Chair will pardon me.

Mr. President, it seems to me—although I anticipate the ruling—that a motion to recommit is a vote upon the bill and the amendments; that it is a disposition of them for the time being. But I await the opinion of the Chair.

Mr. NELSON. Mr. President, I rise to a point of order.

The VICE-PRESIDENT. The Senator from Minnesota will state his point of order.

Mr. NELSON. This is resorting to a practice, which has prevailed in the House of Representatives for a long time, of asking what are called "parliamentary questions." I do not think that practice has ever prevailed in the Senate, nor ought we to attempt to have any such practice. The Presiding Officer of the Senate ought not to be required to rule on a question in advance of the time when it legitimately comes up for decision. I do not think we ought to institute a practice of this kind, requiring the President of the Senate to pronounce an opinion on what for the time being is purely an academic question and not a practical question for immediate decision.

Mr. GALLINGER. It is not purely an academic question; it is a legislative question, a question of procedure. The decision of the Chair on this question might decide my action in other directions. I submit to the Senator from Minnesota that he has not been as diligent in this matter as he usually is if he does not recall a great many instances in which parliamentary inquiries have been directed to the Chair and courteously answered.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado rise to the question raised by the Senator from New Hampshire?

Mr. PATTERSON. Yes. I was going to suggest that I know of no more complete repudiation of the unanimous-consent rule than would be the submission of a motion to recommit, when by a vote of the majority of the Senate it would be utterly impossible to vote at the time fixed for voting. By uanimous consent we were to commence voting at 3 o'clock on the bill and amendments.

Mr. CULLOM. Which we will do.

Mr. PATTERSON. Every argument that I have heard by those who object to any amendment of the unanimous-consent agreement which was adopted has been that it would be like invading the holy of holies to change the unanimous-consent rule, even to the extent of the dotting of an i or the crossing of a t. Under those circumstances, it seems to me that no motion would be in order that would take from the Senate the right to proceed under the rule which was adopted. I therefore suggest to the Chair that such a motion should not be entertained.

Mr. NELSON. I wish only to say that in the shape in which this question stands the Presiding Officer could not well rule on the question now, because the bill comes to a vote at 3 o'clock by unanimous consent. That is the status of the bill. We have agreed to vote upon the bill and pending amendments at 3 o'clock under the unanimous-consent arrangement. If at that time a motion is made to recommit, it would be subject to the ordinary parliamentary rule, and it would be for the Chair to say whether it was a departure from the unanimous-consent agreement or whether it was in the scope of it.

The VICE-PRESIDENT. The Chair is clearly of the opinion that a motion to recommit under the circumstances suggested by the Senator from New Hampshire would be a violation of the terms of the unanimous-consent agreement already made. The agreement is that "at 3 o'clock p. m. the Senate will vote upon the bill, together with all amendments pending or to be offered." This clearly contemplates a final disposition of the measure. Obviously a recommittal would be inconsistent with such final disposition.

Mr. CARTER. Mr. President, I present an amendment which will be noted, as I send a memorandum of it to the desk.

In line 1, page 4, I move to strike out the word "consecutive" before the word "hours," and after the word "hours" to insert the words, "during a period of twenty-six consecutive hours;" and in line 4, page 4, after the word "duty," to insert the words "who has been in service sixteen hours during twenty-six consecutive hours;" so that the bill as thus amended would read:

That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train to remain on duty more than sixteen hours during a period of twenty-six consecutive hours, except when by casualty occurring after such employee has started on his trip he is prevented from reaching his terminal; or to require or permit any such employee to go on duty who has been in service sixteen hours during twenty-six consecutive hours without having had at least ten hours for rest.

Mr. President, I think the amendment cures the defect in the bill made apparent by the lucid argument of the Senator from Colorado [Mr. PATTERSON] yesterday afternoon. The bill as presented and as we were urged to pass it at the last session would, according to reasonable construction, regardless of what any State law may be, have permitted the employment of men for substantially thirty-odd consecutive hours. This amendment will require ten hours of rest during every twenty-six consecutive hours, and I think in that it responds to the desire and intent of those favoring this legislation.

As suggested by the Senator from Colorado yesterday, under the bill as it stood the man who had worked sixteen consecutive hours would become entitled to ten hours' rest, and the company would be obligated to see that he obtained it; but if he had worked fifteen and a half hours he would not be entitled to any rest at the expiration of that time, but could again be sent out upon a trip and continued for fifteen and a half hours longer, or fifteen hours and fifty-nine minutes doubled in each period of service, if you wish to make it apply to the uttermost extreme.

I think there is not within this Chamber, nor was there in the Chamber during the last session, a single Senator who did not feel that a law should be passed limiting the hours of consecutive employment by persons engaged in the movement of railway trains. There is not a Senator in this Chamber who did not feel that it was and is now, if you please, the duty of Congress to do whatsoever it may in a constitutional manner to lessen the great and deplorable loss of life of passengers and railway operatives connected with the operation of trains. But, Mr. President, in making the provision I think it was and now is the commendable desire of all to guard this legislation in such a manner that it will accomplish the purpose intended to be accomplished without needlessly and ruthlessly interfering with the stupendous business operations of the country.

We were seriously chided during the last session for desiring some time to look the bill over. It was reported here on the 9th of June. There was no motion made to take it up until the 26th of June. We adjourned on the 30th day of June in conformity with the provisions of a concurrent resolution. Thus we had four days, and all Senators will clearly recall the busy time during the last days of the session. The great appropriation bills, imperatively requiring disposition, had to be disposed of during those four days.

Now, Mr. President, in perfect good faith, in common with other Senators on this floor, I objected to the consideration of this bill in the limited time then at our disposal. I objected because the bill required careful consideration, and, moreover, because in the nature of things it was known that whatsoever the Senate might hastily do, the bill could not become a law during that session of Congress. The discovery within the brief period of the present debate that the bill was fatally defective, the admission that the Senator advocating its passage had not written it and did not know what it contained, seems to be quite sufficient to justify those who objected to its hasty consideration during the closing hours of the last session of Congress.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. CARTER. I have only one word more. I am in favor of the bill, but it must be perfected before I can vote for it—that is, made as near perfect as fair consideration and proper amendments can make it.

Mr. HANSBROUGH. Mr. President, I expect to vote for this bill. I shall do so, however, with some doubt as to whether it will accomplish the purpose for which it is intended. I entertain this doubt in consequence of some inquiries which I made during last summer and fall of the men who operate railroad trains. I did not find any great amount of enthusiasm among the train men with whom I talked in behalf of the bill as it stood at that time. I did find, however, a strong desire on the part of some of the older engineers and conductors with whom I talked in favor of a provision in the bill which would make unlawful the movement of trains containing tonnage in excess of the registered capacity of the engines hauling such trains. It may not be generally known that all locomotives are registered as to their capacity in point of power by their makers.

It seemed to me to be such a valuable suggestion that I have formulated and offered an amendment, and at the proper time I shall ask the Senate to vote upon it. I offered the amendment yesterday and Senators will find it in print. When the time comes to offer it to the bill, however, I shall propose some modifications. With the permission of the Senate, I will read the amendment as I shall propose it then:

SEC. —. That it shall be unlawful for any interstate railway to move any train or trains carrying commodities entering into interstate commerce containing tonnage in excess of the registered capacity of the engine or engines attached thereto. Any officer, agent, or employee of any such railway who violates the provisions of this section shall be deemed guilty of a misdemeanor and be punished by a fine of not exceeding $1,000 for each offense.

Mr. President, the men with whom I conferred on this question told me that if they were allowed to proceed with their trains without having those trains overloaded they would be able to reach their destination without delay and on schedule time. For instance, a man starts from an initial point with a train.

When he gets out two or three stations he is ordered to attach five, ten, or twenty additional cars, and thus he acquires a greater amount of tonnage than the engine he is in charge of can haul. So he is delayed, and getting behind time he is forced to get upon a side track in order to let some other train go by, and so a large number of freight trains passing over the line are thus delayed, to the detriment of the traffic of the entire road.

The engineers and conductors with whom I talked tell me that if we limit the tonnage of the train to the capacity of the engine one-half of the difficulties which are arising to-day, and out of which questions of car shortage and coal supply come, will be avoided.

So, Mr. President, I think the adoption of this amendment will go further toward accomplishing the purpose of the friends of the bill, and I am one of them, than the bill itself. I believe it is a very essential amendment and should be adopted.

Mr. BRANDEGEE. Mr. President, the amendment that I offered last night is proposed as a substitute for the bill, and I should like to have it read at the desk.

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

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

That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train to remain in service more than sixteen consecutive hours, except when on account of an emergency, which by reasonable care on the part of such carrier, its officers or agents, could not have been avoided, he is prevented from reaching his terminal; or, except in such emergency, to require or permit any such employee, having been in service as aforesaid, to go again into service without having had at least ten hours for rest.

That it shall be unlawful for any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train by which such commerce is conducted, or to require or permit any employee engaged in or connected with the movement of any train by which such commerce is affected, to remain in service more than sixteen consecutive hours, except when on account of an emergency, which by reasonable care on the part of such common carrier, its officers or agents, could not have been avoided, he is prevented from reaching his terminal; or, except in such emergency, to require or permit any such employee, having been in service as aforesaid, to go again into service without having had at least ten hours for rest.

SEC. 2. That any such common carrier, or any of its officers or agents, knowingly violating any of the provisions of this act, is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be liable to a penalty of not more than $1,000 for each and every such violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred, but no such suit shall be brought after the expiration of one year from the date of such violation; and it shall also be the duty of the Interstate Commerce Commission to fully investigate all cases of the violation of this act and to lodge with the proper district attorneys information of any such violations as may come to its knowledge.

SEC. 3. That the provisions of this act shall not apply to employers operating wreck or relief trains.

Mr. BRANDEGEE. The proposed amendment follows the form of the bill as reported by the committee, and, as one of the members of the committee who reported the bill, I desire to say that I do not in any way wish to interfere with the passage of a proper bill upon this subject. On the contrary, I desire to assist in every possible way to that end.

But the bill as reported by the committee, as stated by the chairman [Mr. DOLLIVER] yesterday, was not considered very exhaustively nor at great length. Nor were there any witnesses before the committee, but simply the statement that a similar bill has been reported favorably by the House committee and the representations of the gentlemen who appeared in behalf of the brotherhood of trainmen. The bill became so encumbered with the various amendments printed in it that I thought it would be wise to make a clean, new draft of a bill, so that it might be considered as a whole and be coherent.

I like the provision in the amendment that I have offered, on the first page and in the first section, which defines what kind of an exception may justify a railroad company in employing a man sometimes over the sixteen hours. The exception, as there defined, is that "on account of an emergency, which by reasonable care on the part of such carrier" could not have been avoided.

The reason why I like that in preference to the language of the bill as reported by the committee, which simply used the words "casualty occurring after the train had started," is that, in my judgment, the word "casualty" is not as susceptible of a concise, well-known, legal meaning as the words "reasonable care." I believe that the reasonable care required on the part of the carrier has been repeatedly defined by the courts in the case of passenger transportation to be the highest degree of care, and it would be so considered by the courts in a case where the company were claiming that it was a proper kind of emergency to exempt them from the operations of the law and the Government official was claiming that it was not.

Secondly, I do not like the provision in the committeee bill, or at least the proposed amendment of the committee, authorizing the Interstate Commerce Commission to employ whatever number of inspectors it has a mind to employ and incur whatever expense it has a mind to incur in the enforcement of the law. I believe if it is the duty of the Commission to enforce the provisions of the act where complaint is made to them, every railroad employee will be an informer against the company in case of any violation of the law.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. McCUMBER. Mr. President, I desire to call the attention of the Senator from Wisconsin [Mr. LA FOLLETTE] and the Senator from Iowa [Mr. DOLLIVER], one of whom introduced the original bill and the other of whom, from the same committee, introduced a substitute. It seems to me that the substitute more nearly meets the requirement without injury to the traffic of the country than any amendments which have been proposed to the original bill.

Mr. BEVERIDGE. Which substitute does the Senator speak of?

Mr. McCUMBER. The substitute of the Senator from Iowa [Mr. DOLLIVER]. But I desire to call the attention of both Senators to a condition which, I think, their bill or substitute does not fully meet. I have here prepared a section of about 200 miles of railway on one line running through my State. It is a transcontinental line. There are just an even twelve feeders running from the line, about 15 to 18 miles apart, to the Canadian border. Each one of those is from 50 to 80 miles in length and each one of those lines has one passenger train daily. The crew either start at the end of the line, go down to the connecting point and return the same day, or they start at the connecting point, go to the end of the line and return the same day. This gives daily one passenger service.

Now, as this is a through line, every one of those trains is run with the idea of making connections both with the eastern and the western lines; and inasmuch as the run is only from 40 to 80 miles, usually there is but little time taken in the actual run, but considerable time is necessary sometimes to wait for the eastern train or for the western train. Even under ordinary conditions they must wait a few hours. So the actual services under ordinary conditions requires but four or five or six or eight hours of run daily, and there is but one crew to make the run back and forth.

Now, Mr. President, we will say that we start at one of these points at the end with a crew which should leave at 6 o'clock and return at 6 o'clock in the evening. They get down to the connection and they must wait five hours, possibly, for a train coming from the east to make connections, and then they go back again. That would take them seventeen hours, or an hour more than the regular time, and they would have to leave again in seven hours. If they got in at 11 o'clock and left at 6, they would leave in seven hours instead of having eight or ten hours' delay, and yet the time has actually been put in.

Take the conditions of the roads at the present time. There are blizzards almost every day. But outside of that, these trains coming East and West have to meet other trains at St. Paul and other large cities, and make connection with the mail trains.

There are hundreds of causes for delay irrespective of casualty. For instance, waiting for a train to which you are to connect which is itself behind is not a casualty. Necessarily the crews will have to either stop running their train when they get back at the end and wait twenty-four hours, keeping the people, who will not know whether they will get back or not, waiting in the several depots twenty-four hours to ascertain whether or not they can go on to their destination.

The amendment which I have prepared simply adds after the word "hours," in line 8 of the substitute, these words:

Except, when by accident or unexpected delay of trains scheduled to make connection with the train on which such employee is serving, he is prevented from reaching his terminal.

That would cover a dozen cases and cases that are occurring almost daily.

Mr. BEVERIDGE. Mr. President——

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

Mr. McCUMBER. Certainly.

Mr. BEVERIDGE. Can the Senator suggest where, if the substitute be not adopted, he would put that same amendment into the bill?

Mr. McCUMBER. At the proper place. I do not know where it is. I will try to find it.

Mr. BEVERIDGE. I am for the amendment

The VICE-PRESIDENT. The time of the Senator from North Dakota has expired.

Mr. FORAKER. Mr. President, I want only a moment. I have numerous letters, telegrams, and petitions in respect to the pending bill which I have been trying to find an opportunity to present. There is not time now to have them read, but I send them to the desk in order that they may be filed as petitions with respect to this matter.

The petitions and memorials were ordered to lie on the table, as follows:

Petitions of Joppa Lodge, Brotherhood of Railroad Trainmen, of Toledo; of Local Division, Brotherhood of Railroad Trainmen, of Painesville, and of Lake Shore Lodge, No. 84, Brotherhood of Railroad Trainmen, of Ashtabula, all in the State of Ohio, praying for the passage of the so-called "sixteen-hour bill."

Memorials of sundry citizens of Cambridge, Crestline, Columbus, Lancaster, Cleveland, Alliance, of Local Division, No. 218, Order of Railway Conductors, of Dennison, all in the State of Ohio; of the assistant general manager of the Missouri, Kansas and Texas Railway Company, of St. Louis, Mo., and of sundry conductors, engineers, firemen, and brakemen employed on the Pittsburg division of the southwest system of the Pennsylvania lines west of Pittsburg, all of Pittsburg, Pa., remonstrating against the passage of the so-called "sixteen-hour bill."

Mr. FORAKER. Now, having the floor, I want to give notice that I shall not offer the amendment which I gave notice at the last session I would offer at the proper time. It is the amendment to be found near the top of page 6 of the bill as printed with the amendments, the one which provides that if an employee should by false representations procure himself to be employed longer than sixteen consecutive hours he should be liable to a penalty. Since I gave that notice I have investigated the matter, and I have come to the conclusion as a result of it that the system of keeping an account of the employment of men is such upon all properly managed railroads that there is no danger of any such imposition as that; and therefore I shall not offer the amendment. I give this notice so that if any other Senator wants to offer it he may do it.

Mr. DOLLIVER. Mr. President, in common with other Senators I am extremely anxious that this bill should pass, but not less anxious that it should be perfected and the defects in it which are pointed out corrected by appropriate amendment.

I desire to say that I recognize fully the force of the suggestions made yesterday by the distinguished Senator from Colorado [Mr. PATTERSON] in respect to the phraseology in which those excessive hours of labor are prohibited, both in the bill which was reported from the committee and in the substitute which I suggested the possibility of my offering upon the floor of the Senate. It is obviously, whether it be a practical question or not, within a reasonable interpretation of the language of the bill possible to figure out that instead of prohibiting excessive hours of labor the language may be so construed as literally to authorize it. So I desire the Senate to understand that I fully appreciate the force of the suggestion made by the Senator from Montana [Mr. CARTER] modifying the phraseology as he suggested in the amendment which, I believe, he offered, and that so far as I am concerned, and I think so far as the committee is concerned, it is our desire that this language be changed as suggested by the Senator from Montana, or in some other way to fully meet the lucid criticism of the phraseology contained in the remarks made yesterday by the Senator from Colorado.

Mr. LA FOLLETTE. Mr. President, I offer, and ask to have read at this time, what I shall propose as a substitute to the bill now under consideration.

The VICE-PRESIDENT. In the absence of objection the Secretary will read the substitute now proposed by the Senator from Wisconsin.

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

That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, or any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train to remain on duty more than sixteen consecutive hours, except when by casualty occurring after such employee has started on his trip, or by unknown casualty occurring before he started on his trip, he is prevented from reaching his terminal; or to require or permit any such employee who has been on duty sixteen consecutive hours to go on duty without having had at least ten hours for rest; or to require or permit any such employee who has been on duty sixteen hours in the aggregate in any twenty-four hour period to continue on duty or to go on duty without having had at least eight hours for rest within such twenty-four hour period.

SEC. 2. That any such common carrier or any of its officers or agents violating any of the provisions of this act is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be liable to a penalty of $1,000 for each and every violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred; and it shall also be the duty of the Interstate Commerce Commission to fully investigate all cases of the violation of this act and to lodge with the proper district attorneys information of such violations as may come to its knowledge.

That to enable the Commission to execute and enforce the provisions of this act it shall have the power to employ such inspectors or other persons as may be necessary. To enforce the provisions of this act the Commission and its agents or employees thereunto duly authorized by order of said Commission shall have the power to administer oaths, interrogate witnesses, take testimony, and require the production of books and papers. The Commission may also order depositions taken before any officer in any State or Territory of the United States or the District of Columbia qualified by law to take the same.

The provisions of this act shall not apply to relief or wreck trains.

Mr. DANIEL. Mr. President, I offer an amendment to come in at the end of the first section of the proposed amendment.

Mr. PILES. I ask that the first section of the proposed substitute may be again read.

The VICE-PRESIDENT. The Senator from Washington asks that the first section of the proposed substitute of the Senator from Wisconsin [Mr. LA FOLLETTE] be again read.

Mr. BEVERIDGE. I suggest, if it is not disagreeable to anyone, that the entire substitute be again read. Though I listened attentively, I could not hear it all.

The VICE-PRESIDENT. The Senator from Indiana requests the rereading of the entire substitute offered by the Senator from Wisconsin. If there is no objection, it will be again read.

The Secretary again read the proposed substitute of Mr. LA FOLLETTE.

Mr. DANIEL. Mr. President, I now ask to have read the amendment which I offer, to come in at the end of the first section of the proposed substitute.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. At the end of the first section of Mr. LA FOLLETTE's substitute it is proposed to insert the following words:

The extra time served by any employee on account of an emergency, as heretofore provided, shall be paid for by the carrier in addition to the compensation of the employee for regular service. The rate of compensation for extra service shall, in proportion to the time consumed thereby, be not less than the compensation for regular service.

Mr. DANIEL. Mr. President, I think that this is a wise provision for two reasons. The first is that it is just to the employee. When he has performed to the last degree the legitimate, legal service for which he was employed, and when by an emergency he has been constrained into an additional service, it is but right and just to him that he should receive additional compensation therefor. Second, to have the carrier understand that, in the event of casualties or emergencies such as are provided for in this act, it will entail upon him additional expense, and that he would have to pay the bill of labor rendered necessary thereby, is a wholesome and expedient regulation to keep him always notified and upon warning to prevent the occasion for such casualties or emergencies.

Mr. BACON. Mr. President, I desire to present at this time an amendment, which I shall offer at the proper time and which I ask may now be read. Then I shall have a few words to say in reference to it. I intend to offer the amendment to which ever one of these measures may be finally agreed upon by the Senate, whether it be the original bill or the substitute.

The VICE-PRESIDENT. The amendment proposed by the Senator from Georgia will be stated.

The SECRETARY. It is proposed to insert at the proper place the following:

Provided, That the provisions of this act shall not apply to any railroad company the railroad of which lies wholly within the limits of one State.

Mr. BACON. Mr. President, conceding the importance of the end sought to be accomplished—and no one is more fully in accord with the desire to accomplish the end than I am—to wit, the prevention of the employment of operatives upon railroads for lengths of time which may be either burdensome to themselves or unsafe to the public—conceding that, at the same time I am strongly of the opinion that this legislation can not be constitutionally applied to a railroad which lies wholly within the limits of a State. I can not, of course, go into the constitutional argument at this time. I simply desire to say that I think not only that it is the particular province of each State to determine these matters for itself in the case of a road that lies within its own borders, but that each State is entirely competent to do so. Speaking for my own State, I am satisfied that the legislature of the State will apply the proper remedy whenever it is shown that there is a necessity for remedy in the operation of trains upon railroads which lie altogether within the State; and I am not willing that this province of the State of Georgia should be invaded and taken away by national legis-

lation. I do not think that there is any power in the General Government to do so.

For that reason I most earnestly favor the adoption of this amendment. I trust the Senate will agree with me that provision may be incorporated in such bill as may be finally agreed upon by the Senate.

Now, Mr. President, without elaborating that, I avail myself of the opportunity, in the few minutes that are left to me, to say that I think this bill is before the Senate in an extremely unsatisfactory and unfortunate position. The Senate, Mr. President, has committees for the purpose of perfecting legislation in order that the Senate may act advisedly, largely influenced by the judgment of the committee. How stands this measure before the Senate? The committee reports the bill before us, which is itself absolutely plastered with amendments, upon which we are called to act. The committee, however, may not be responsible for that, because it can not prevent other Senators from offering amendments.

But that is not the serious condition to which I want to call the attention of the Senate. Since this bill has been reported to the Senate, during the last hour of its consideration and just before we are called upon to determine the question of its passage, we have presented to us by three members of the committee—and the three members who are the active representatives of the committee before the Senate—three separate substitutes, one by the Senator from Iowa [Mr. DOLLIVER], one by the Senator from Connecticut [Mr. BRANDEGEE], and one by the Senator from Wisconsin [Mr. LA FOLLETTE], each of them a separate substantive proposition. We are called upon to decide now which one of these we will adopt.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. CULBERSON. Mr. President, I sympathize with the general purpose of this bill, and, so far as I may be able, I intend to support the principle it involves. I want to call attention, however, to a provision in section 1 of the proposed substitute offered by the Senator from Wisconsin [Mr. LA FOLLETTE]. After the language affecting the Territories and the District of Columbia it is provided:

> Or any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents—

Following, then, with the prohibition or the requirement—

> to require or permit any employee engaged in or connected with the movement of any train to remain on duty, etc.

Now, Mr. President, take, for instance, the State of Texas. There is not, I venture to say, a railroad in that State, the termini of which lie wholly within the limits of the State, but is engaged to a degree in interstate commerce; yet the provisions of the substitute offered by the Senator from Wisconsin propose to regulate the hours of labor of employees not alone in connection with interstate shipments of freight or the transportation of passengers from Texas out of it into other States or Territories or foreign countries, but it prohibits a railway company from requiring or permitting any employee "engaged in or connected with the movement of any train" to labor longer than the specified time. So that, as clear as the English language can make it, this provision undertakes to regulate the movement of trains wholly within the limits of a State, whereas the authority of Congress is limited to the regulation of interstate transportation of passengers and freight or transportation into foreign countries. Unless the Senator from Wisconsin will accept such an amendment as is proposed by the Senator from Georgia [Mr. BACON], some of us, although we sympathize with the general purpose which he has in view—reaching the safety of passengers as well as employees engaged in interstate commerce—it will be difficult for us to support such a measure.

Mr. TILLMAN. Mr. President, will the Senator allow me to ask him a question?

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

Mr. CULBERSON. Yes.

Mr. TILLMAN. Would not the passage by Congress of an act that undertook to regulate commerce entirely within the limits of a State be unconstitutional, and would not the Supreme Court so declare?

Mr. CULBERSON. I think so. I am very sure, Mr. President, it would, but it would endanger——

Mr. TILLMAN. Therefore, the passage of such a law here would be an absurdity upon our part.

Mr. CULBERSON. I think so; but it would endanger the validity of the entire bill.

Mr. TILLMAN. We would simply be making asses of ourselves. [Laughter.]

Mr. CULBERSON. Mr. President, to make myself more plainly understood, if I can, I want to repeat that there is scarcely an intrastate railroad in the United States but what is also engaged in interstate commerce. We may regulate the movement of interstate freight on those roads, but our power stops there. We can no more regulate the movement of intrastate freight by local companies than we can regulate the movement of intrastate freight by Federal corporations, such as the Texas and Pacific Railway Company.

The VICE-PRESIDENT. The time of the Senator from Texas has expired.

Mr. CULBERSON. May I offer an amendment?

Mr. KEAN. Let the Secretary read it.

Mr. CULBERSON. Very well; I will ask the Secretary to read it.

The VICE-PRESIDENT. Without objection, the Secretary will read the proposed amendment.

The SECRETARY. In the amendment offered by Mr. LA FOLLETTE, in line 10, after the word "train," it is proposed to insert "carrying interstate or foreign freight or passengers."

Mr. BEVERIDGE. Mr. President, I think the proposition in the proposed amendment of the Senator from Georgia [Mr. BACON], as well as the remarks made by the Senator from Texas [Mr. CULBERSON], were in advance completely answered yesterday by the singularly lucid remarks of the Senator from Colorado [Mr. PATTERSON]. Nor do I think, Mr. President, that the repeated decisions of the Supreme Court upon this particular subject leave this question open to further dispute. Where a railroad is altogether within the limits of a State and still carries interstate commerce it becomes an agency of interstate commerce, and as such is within the plenary power of Congress to regulate interstate commerce and all of its agencies. The reason of this becomes apparent when we consider, for example, the law concerning automatic couplers. If a State road takes cars from an interstate road to transport them from one State to within the limits of that State or beyond it, it is as much an instrument of interstate commerce as if the railroad rails themselves extended beyond the borders of the State. Both Senators are very well familiar with the decisions of the Supreme Court upon this point which, from the beginning, even before the decision in the case of Gibbons *v.* Ogden down to the present time, have repeatedly and increasingly held this to be the case.

I call the attention of the Senator from Georgia to a decision with which he must be particularly familiar, and which entirely answers his whole contention. It is the decision in the case of "The Daniel Ball" (10 Wallace), where it was distinctly held, not by obiter dicta, but in deciding the case, that where the boat never left the waters of the State, yet if occasionally it carried interstate commerce, it became an instrument of interstate commerce, and as such subject to the absolute power of Congress; or to the stronger case of "The Montello" (20 Wallace), a Wisconsin case, the argument in which, perhaps, was participated in by the distinguished senior Senator from that State [Mr. SPOONER], where it was held that a boat which traversed not State rivers only but State canals made by the State itself, and which never left the State, but which at times carried interstate commerce, was nevertheless an instrument of interstate commerce, and as such subject to the regulations of Congress, although the boat never left the limits of the State.

However, it must be perfectly apparent, Mr. President, that no such decisions are required to demonstrate, not only the reasonableness, but the necessity of this rule, because if articles of commerce, or passengers, or anything else which enter into commerce, are transported beyond the limits of one State to another, no matter whether by a railroad whose railroad iron crossed the boundaries or whether by a railroad which stopped at the State line, nevertheless the commerce goes over the State just the same, and that fact, and not the fact of the iron extending across the State boundaries, is what makes them an instrument of interstate commerce.

Further, I call the attention of both Senators to the fact that it has been held from the beginning that a boat which never leaves the waters of the State, but merely meets boats that do pass in and out of the waters of the State, must observe the signals required by Congress, although they never carry any interstate commerce at all, merely because the meeting of boats that do carry interstate commerce, if they do not observe the signals required by Congress, would be to put interstate commerce in danger.

Mr. President, it seems to me that these direct decisions, which have been repeatedly held from the beginning, answer the contentions advanced by the Senator from Georgia and the Senator from Texas.

As to the practical question, I have not been able to see, nor have I heard it suggested, what danger or injury can come from this measure of safety. The Senator from Georgia, in offering his amendment, does not offer any practical reason, but suggests

merely that it is a legal question of the limitation of the constitutional power of Congress.

I was interested in the question asked by the Senator from South Carolina [Mr. TILLMAN], because, of course, if it is taken for granted, without examination of the decisions of the Supreme Court or the reasons upon which they rest, and which have continued unbroken from the foundation of the Government till now; if you pass a law that is admittedly constitutional would be almost——

The VICE-PRESIDENT. The time of the Senator has expired.

Mr. HEYBURN. Mr. President, I have for the first time had an opportunity of seeing in print the substitute proposed by the Senator from Wisconsin [Mr. LA FOLLETTE]. I notice that the substitute does not contain the objectionable words found in the bill as reported. I should seriously object to supporting a bill containing the provision that an employee should be liable under this penal statute for a violation of the provisions of the statute.

At the bottom of page 5 of the bill as reported by the committee will be found the following words:

SEC. 2. That any such common carrier, or any of its officers or agents, or employee, knowingly violating any of the provisions of this act—

Now, an employee may not have either the opportunity or the intelligence which will enable him to avoid responsibility under this penal statute, and it is not necessary for the purpose——

Mr. BRANDEGEE. Mr. President——

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

Mr. HEYBURN. Certainly.

Mr. BRANDEGEE. I wish to direct the attention of the Senator to the fact that the words "or employee knowingly" are not in the bill reported by the committee, but constitute a proposed amendment by the Senator from New Hampshire [Mr. GALLINGER].

Mr. HEYBURN. That is so explained, but as printed it does not so appear. I am just informed by the Senator who introduced the amendment that he intends to withdraw it, so that it will not be necessary to consider it further. But I want to add a word. No provision of this bill should fix a responsibility upon an employee who has not or may not have either the intelligence or the opportunity of controlling the action that would result in his criminal liability under this proposed statute. But if the amendment is to be withdrawn, it is not necessary to further consider it.

Mr. WARREN. Mr. President, it has been stated, and very thoughtfully and well, that the first consideration in connection with this measure should be the safety of the passengers traveling over the railroads. I think it will be conceded, however, that the trainmen take equal chances with the passengers upon passenger trains, and that as to freight trains the matter of life and death is entirely with the employees. So it seems to me that in providing for the good and safety of the employees we are providing for the public as well. I would rather hear from the employees upon this subject than from those who may talk from a theoretical, sentimental, or an outside point of view. I therefore send to the desk and ask to have read, in my time, petitions by associations of trainmen.

Mr. HANSBROUGH. Will the Senator from Wyoming permit me to ask him a question?

Mr. WARREN. Certainly.

Mr. HANSBROUGH. I desire to ask the Senator if the associations of trainmen are composed of the men who operate the trains—engineers, firemen, and conductors—or whether they are dispatchers and superintendents?

Mr. WARREN. The papers which I present are official copies of resolutions passed in meetings of trainmen—conductors, engineers, firemen, etc.—those who actually perform the duties of running trains. They are not walking delegates.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Whereas a bill has been introduced in Congress, known as the La Follette bill, or Senate bill 5133, fixing an arbitrary limit on the hours which employees in the transportation department of railroads shall be allowed to work; and

Whereas the employees of railroads have been able to make agreements with the managers of said roads regarding the hours which they shall be required to remain on duty which are satisfactory to both the employees and the managers, and solicitous of the welfare and safety of the traveling public; and

Whereas although accidents have happened where employees have been on duty a long number of hours, the number of hours on duty are merely an incident connected with the accident and is rarely the cause of the accident; and

Whereas the avowed object of this bill is to shorten the trains and get them over the road at a higher average rate of speed, and if this were true we would give this measure our hearty support, but from our knowledge of railroading gained by many years of experience, we know that this measure if it becomes a law will compel railroad companies to shorten the divisions and increase the tonnage of trains, keeping us on the road nearer the sixteen-hour limit on all runs than is now the case; and

Whereas the making of shorter divisions will cause many of the present terminals to be abandoned; this means financial ruin to many employees who have the savings of a lifetime invested in their homes, and will result in great hardship to the older employees, who must on account of age soon retire from active service; and

Whereas on account of our long years of experience in railroad service we believe that we are better qualified to judge the result of this measure than men who have never been in the service: Therefore, be it

Resolved by the State legislative committee of the Order of Railway Conductors of Nebraska, in session at Lincoln, Nebr., this 31st day of December, 1906, That we are unalterably opposed to this measure; it would operate to the detriment of men in train service by increasing their expenses and reducing their income with no advantage to the traveling public; and be it further

Resolved, That we cause these resolutions to be spread on the records of this meeting, and that the secretary be directed to forward a copy of said resolutions to each Senator and Member of Congress from the State of Nebraska as a protest against this measure.

Adopted by the State legislative committee of the Order of Railway Conductors in session at Lincoln, Nebr., this 31st day of December, 1906.

Approved.

S. C. MECOMBER,
North Platte, Nebr., Chairman.

Attest:

S. H. HIGHLAND,
Alliance, Nebr., Secretary.

Mr. CULBERSON. Mr. President, I rise to submit some observations on the amendment submitted by the Senator from Connecticut [Mr. BRANDEGEE].

The VICE-PRESIDENT. Another paper is at the desk, presented by the Senator from Wyoming, with the request that it be read.

Mr. WARREN. As that is very much of the same tone as the one just read and is from employees of the Burlington system, I ask that it may be printed in the RECORD without taking the time to read it, so that the Senator from Texas may now have the floor.

The VICE-PRESIDENT. Without objection, the paper will be printed in the RECORD.

The paper referred to is as follows:

PROTEST FROM CHICAGO, BURLINGTON AND QUINCY TRAIN AND ENGINE MEN.

SHERIDAN, WYO., *January 1, 1907.*

Hon. C. D. CLARK, *United States Senator,*
Hon. F. E. WARREN, *United States Senator,*
Hon. F. W. MONDELL, *Congressman,*
Washington, D. C.

GENTLEMEN: At a union meeting held January 1, 1907, of the men employed in the train and engine service of the Sheridan division of the Chicago, Burlington and Quincy Railroad, the following resolutions were adopted:

"Whereas it has come to our notice that there is now pending before Congress and the House of Representatives a bill known as H. R. bill 18671, or better known among us as the 'sixteen-hour bill,' which we think has some very objectionable features: Therefore,

"We hereby respectfully petition our representatives in both Houses of Congress that they use every means in their power to modify the arbitrary parts of said bill. While we are in favor of a law of some kind that will as a rule do away with long hours on duty, we do believe and know that there are circumstances that arise in the handling of traffic by railroads that, while strictly speaking, are unavoidable, yet would not come under the exceptions provided for in the bill as it now reads. There are numerous things that might happen to a train that is only a few miles from its terminal and perhaps on the main line and the time limit might expire before relief could be gotten to them. Then, again, a crew might be but a few miles from their home terminal and the time expire, when a few minutes perhaps they could reach their home terminal, where they could get their rest at home, as they should.

We do not believe, gentlemen, that you want to make a law that will compel a crew 5, 10, or 15 miles from their home terminal to lay up for rest just because the sixteen-hour limit was up; then when their rest was up run them into their home terminal and double them right out again. This would work more of a hardship on the men than on the company. Then, again, a crew may have had a hard run from their home terminal to their terminal away from home, which under the bill as proposed would compel them to have ten hours off duty, as the case might be. For example, this crew stands for a good run home after, say, five or six hours' rest, which could be reached in, say, six or eight hours. We have a run like this every day on our division, which has been handled to the entire satisfaction of both the railroad company and its men, with five or six hours' rest.

We think it would be a hardship on the railroad company, but a much greater hardship on the men, if the railroad company were compelled to keep a crew at these particular points to protect this train just because the regular crews on such runs could not get the whole of the required ten hours off duty.

Therefore it is resolved at this union meeting that we jointly request you to do all in your power to so amend this bill in favor of the railroads of this country that unavoidable and unforeseen accidents be excepted in favor of the men; that an hour or two will get them to their home terminal be excepted and further in favor of the men when a few hours' rest at their terminal away from home will start them toward their home terminal, and that the men be allowed to use their own judgment as to whether they are able to go out or not.

Committee: D. H. Steele, J. G. Wagner, Ralph Richardson, committee of Order of Railway Conductors; Harry Pratt, William M. Bahl, D. S. Utley, committee Brotherhood of Railroad Trainmen; J. F. Smith, S. A. Gould, H. C. Wehrs, committee Brotherhood of Locomotive Firemen; O. D. Sterling, F. P. Conlin, C. S. De Lapp, committee Brotherhood of Locomotive Engineers.

Mr. BURKETT. Will the Senator from Texas allow me to send up to the desk a telegram to be read in this connection?

Mr. CULBERSON. Certainly.

Mr. BURKETT. Since those resolutions were drawn I have received a telegram from the order of trainmen in Omaha, which I should like to have read.

The VICE-PRESIDENT. The Senator from Nebraska requests the reading of a dispatch. The Secretary will read as requested.

The Secretary read as follows:

OMAHA, NEBR., *January 9, 1907.*

E. J. BURKETT, *Washington, D. C.:*

Overland Lodge, Brotherhood of Locomotive Firemen and Enginemen, request your vote in favor of Senate bill 5133.

H. E. GRAHAM,
Secretary, 1010 South Eighteenth Street.

Mr. CULBERSON. Mr. President, in connection with the remarks I submitted a moment ago I desire to call the attention of the Senate to the language of the bill as reported from the committee. I read from page 5:

To require or permit any employee engaged in or connected with the movement of any train—

Not any train engaged in any character of commerce, but—

any train in which *such commerce is hauled,* or to require or permit any employee engaged in or connected with the movement of any train—

No, sir; but—

any train by which *such commerce is affected.*

The proposition submitted by the Senator from Connecticut [Mr. BRANDEGEE]—and I hasten with it because the Senator from Wisconsin [Mr. LA FOLLETTE] desires to close the discussion—is:

To require or permit any employee engaged in or connected with the movement of any train by *which such commerce is conducted,* or to require or permit any employee engaged in or connected with the movement of any train by which *such commerce is affected.*

Therefore the committee which has reported this measure to the Senate, as well as the Senator from Connecticut, understands that it is without the power of Congress to regulate the movement of trains confined within the limits of a State and not hauling interstate freight or passengers or foreign freight or passengers.

Mr. LA FOLLETTE obtained the floor.

Mr. MALLORY. I ask the Senator from Wisconsin to yield to me for a moment in order that I may offer an amendment.

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

Mr. LA FOLLETTE. To offer an amendment.

Mr. MALLORY. Mr. President, I desire to inquire if it is in order to offer an amendment to the amendment?

The VICE-PRESIDENT. It can be offered and remain pending.

Mr. MALLORY. I desire to present an amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. A proposed amendment to the proposed amendment of the Senator from Connecticut: On page 2 of the proposed amendment, line 18, after the word "act," strike out the remainder of the section and insert:

Shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $1,000 or by imprisonment not exceeding six months.

Mr. LA FOLLETTE. Mr. President, the most that could happen under the amendment suggested by the Senator from Texas and the Senator from Georgia to the substitute which I have proposed would be that the court would not hold the statute in question applicable to a train not engaged in interstate commerce. It is a fact that the substitute employs in that respect exactly the language of other statutes which have been passed by Congress relative to kindred subjects, the safety-appliance act being one.

Mr. President, three substitutes have been read with a view of being proposed later—one by the Senator from Connecticut [Mr. BRANDEGEE], one by the Senator from Iowa [Mr. DOLLIVER], and one by myself, and yet an examination and comparison of these proposed substitutes with the bill reported by the committee will show very little change from the proposed bill. The presentation of these substitutes is not a confession upon anybody's part that the bill as originally reported was a fatally defective bill. That bill conforms line by line almost exactly to the statutes of fourteen States which have legislated upon this subject. Those statutes have received judicial construction; those statutes have been tested by experiment and experience. I desire also to call attention to the fact that the petitions which have been presented to the Senate come very largely from the people interested, and, so far as the employees are concerned, are in favor of legislation similar in character.

The only modification which the substitute proposed by me would make in the bill as reported would be to except from the operation of the statute cases of excessive hours of labor arising because of casualties the knowledge of which was not in the possession of the railroad company at the time the employee entered upon his service and for casualties that occurred before as well as for casualties that occurred after he had entered upon such service.

Besides prohibiting more than sixteen consecutive hours of service, my substitute provides that no employee engaged in the movement of trains shall be required or permitted to serve more than sixteen hours within any twenty-four-hour period, whether the service be consecutive or otherwise, without a reasonable allowance of time for rest.

At the last session it required ten roll calls, and several hours of filibustering tactics had to be contended against before it was possible to secure for this bill a place upon the Calendar where it could have consideration of the Senate. Even then the matter of securing a vote upon it was delayed, and it was only after four days of these proceedings that an agreement was finally secured fixing the time at which a vote would be taken upon the bill.

The necessity of legislation upon this subject need not now be urged, although it was argued when this bill first came up for consideration that it was "paternalistic," a "mischievous bill," and that no such legislation was necessary. That argument is not made now. It is conceded that it is necessary. The death roll and the roll of the injured as they grow from year to year have impressed that upon everybody. Within the last five years the number of killed and injured railroad employees and passengers has increased over 70 per cent. Within the last five years 277,475 have been killed or injured by the railroads of this country, almost as many people as constitute the population of this great national capital.

I believe, sir, that legislation of this character ought to be adopted. If there should develop imperfections or defects which have not been provided for in the proposed substitute, they can be taken care of in conference.

The VICE-PRESIDENT. The hour of 3 o'clock having arrived, the Secretary will read the committee amendment. The Chair would suggest to the Senate that confusion may be avoided if Senators will address their amendments to the reprint of the bill ordered on the 8th of January. There are a number of prints. The print from which the Secretary will read is the reprint of January 8.

Mr. BACON. I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Georgia will state his parliamentary inquiry.

Mr. BACON. As I understand, there are now before the Senate the original bill and three substitutes. I desire to ask the presiding officer if it is not the intention to take up each one of those separately for amendment, and when one has been perfected that it shall be laid aside in order that another may be taken up, to go through the same process, so that after each of the four different propositions has been perfected by its friends the Senate may choose between them?

The VICE-PRESIDENT. The Chair understands the rule to be to consider first the committee amendment. The friends of the amendment may perfect it by amendments before the Senate proceeds to consider the substitutes which may be offered. And when the proposed substitutes are offered they may be perfected in the same manner.

Mr. BACON. In other words, after the original has been perfected it will be laid aside and the several substitutes will be taken up in their order?

Mr. WARREN. Mr. President, a parliamentary inquiry. I should like to inquire, so as to be advised definitely, whether a motion to recommit is in order now, or will be at any time during the consideration of this measure?

The VICE-PRESIDENT. The Chair is of the opinion that a motion to recommit would be in contravention of the distinct language of the unanimous-consent agreement.

Mr. WARREN. The rule of the Chair being that the unanimous-consent agreement bars the entertainment of the motion to recommit?

The VICE-PRESIDENT. If that question should be presented in the progress of the consideration of the bill, the Chair, according to his present opinion, would so hold. The Secretary will read.

Mr. MONEY. Excuse me, Mr. President; I did not hear exactly what the Chair said. I am anxious to know the decision on that point. What was the decision of the Chair?

The VICE-PRESIDENT. The Chair, in answering the Senator from Wyoming, stated his opinion to be that a motion to recommit now or later would be in contravention of the unanimous-consent agreement.

Mr. MONEY. I beg pardon, Mr. President; what was the decision of the Chair? That is the inquiry.

The VICE-PRESIDENT. The Chair does not understand the Senator from Mississippi.

Mr. MONEY. I think I was not understood.

The VICE-PRESIDENT. The Chair did not hear the Senator from Mississippi.

Mr. MONEY. My question was, What was the decision of the Chair?

The VICE-PRESIDENT. The Chair has rendered no decision, but stated that, according to his present opinion, if the question should be presented for his decision, he would hold that a motion to recommit was out of order.

The Secretary will state the amendment of the committee.

The SECRETARY. The committee amendment proposes to strike out all after the enacting clause and insert the following, printed in italics, beginning on page 3, line 24:

That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train to remain on duty more than sixteen consecutive hours, except when by casualty occurring after such employee has started on his trip he is prevented from reaching his terminal; or to require or permit any such employee to go on duty without having had at least ten hours for rest.

That it shall be unlawful for any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train in which such commerce is hauled, or to require or permit any employee engaged in or connected with the movement of any train by which such commerce is affected, to remain on duty more than sixteen consecutive hours, except when by casualty occurring after such employee has started on his trip he is prevented from reaching his terminal; or to require or permit any such employee to go on duty without having had at least ten hours for rest.

SEC. 2. That any such common carrier, or any of its officers or agents, violating any of the provisions of this act, is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be liable to a penalty of $1,000 for each and every such violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred; and it shall also be the duty of the Interstate Commerce Commission to fully investigate all cases of the violation of this act and to lodge with the proper district attorneys information of any such violations as may come to its knowledge.

During the reading of the amendment,

Mr. CULBERSON. A point of order, Mr. President.

The VICE-PRESIDENT. The Senator from Texas will state his point of order.

Mr. CULBERSON. The Chair suggested that we follow the reprint of January 8, 1907. The Secretary does not seem to be reading from that print as we have it here.

Several SENATORS. Yes.

Mr. BEVERIDGE. He is reading the committee amendment first.

Mr. TILLMAN. He is reading nothing but the italicized portion.

The VICE-PRESIDENT. The Secretary is reading the committee amendment, which appears in italics.

The reading of the amendment having been concluded,

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

Mr. TELLER. Is it not proper to take up the amendments to the amendment?

The VICE-PRESIDENT. The bill is in the Senate as in Committee of the Whole and open to amendment.

Mr. GALLINGER. I offer the amendment found on page 4, lines 5 to 8, inclusive.

The VICE-PRESIDENT. The Senator from New Hampshire proposes an amendment, which will be stated.

The SECRETARY. On page 4 of the bill, beginning in line 4, strike out the words "casualty occurring after such employee has started on his trip" and insert "unavoidable accident, or act of God, or resulting from a cause not known to the carrier or its agent in charge of such employee at the time he left the terminal."

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

The amendment to the amendment was agreed to.

Mr. TELLER. Is that the only amendment we are to vote on? My copy of the bill appears to have several.

The VICE-PRESIDENT. They have not been offered. They are printed in the bill, but it is necessary for Senators desiring that their proposed amendments shall be considered to offer them from the floor.

Mr. GALLINGER. I move, on page 4, line 17, to strike out the words "for rest" and insert "off duty."

The amendment to the amendment was agreed to.

Mr. McCUMBER. I move to insert, after the word "terminal," in line 8, after the amendment which has just been adopted, the words:

Or except when by accident or unexpected delay of trains scheduled to make connection with the train on which such employee is serving, he is prevented from reaching his terminal.

Mr. BEVERIDGE. Accidental delay of trains?

Mr. McCUMBER. I will ask to have it read.

Mr. GALLINGER. I would suggest that the amendment having been adopted in Committee of the Whole, it can not be further amended until the bill gets into the Senate.

Mr. McCUMBER. I am simply inserting it now as a part of the original amendment, to come in after the amendment of the Senator from New Hampshire.

Mr. GALLINGER. Oh!

Mr. McCUMBER. It does not interfere with the Senator's amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from North Dakota will be stated.

The SECRETARY. After the last word in the amendment offered by the Senator from New Hampshire [Mr. GALLINGER], the word "terminal," on page 4, line 8, it is proposed to insert:

Or except when by accident or unexpected delay of trains scheduled to make connection with the train on which such employee is serving, he is prevented from reaching his terminal.

The amendment to the amendment was agreed to.

Mr. GALLINGER. On page 5, line 15, I move to strike out the words "for rest" and insert "off duty," an amendment similar to the one heretofore adopted.

The amendment to the amendment was agreed to.

Mr. CARTER. I call up the amendment heretofore offered, to be inserted on page 4.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Montana.

The SECRETARY. On page 4, in the committee amendment, line 3, after the word "sixteen," it is proposed to strike out the word "consecutive;" and after the word "hours," in line 4, to insert "during a period of twenty-six consecutive hours;" also, in line 16, after the word "duty," to insert "who has been in service sixteen hours during twenty-six consecutive hours."

Mr. PATTERSON. How will that part of it read?

The VICE-PRESIDENT. The Secretary will read that portion as it will read if amended.

The Secretary read as follows:

That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train to remain on duty more than sixteen hours during a period of twenty-six consecutive hours, except when by unavoidable accident, or act of God, or resulting from a cause not known to the carrier or its agent in charge of such employee at the time he left the terminal, or except when by accident or unexpected delay of trains scheduled to make connection with the train on which such employee is serving, he is prevented from reaching his terminal, or to require or permit any such employee to go on duty who has been on duty sixteen hours out of twenty-six consecutive hours without having had at least ten hours off duty.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Montana.

Mr. PATTERSON. On that I call for the yeas and nays. It seems to me to be the crucial proposition.

The yeas and nays were not ordered.

Mr. PATTERSON. May I ask a parliamentary question? Did I understand the Chair to declare the amendment carried?

The VICE-PRESIDENT. The Chair had not announced his decision upon the question.

Mr. TILLMAN. The yeas and nays have been ordered, I understand.

The VICE-PRESIDENT. The yeas and nays have not been ordered, one-fifth of the Senators present not having demanded a roll call.

Mr. TELLER. I should like to have the ruling of the Chair as to whether the amendment is carried or not.

The VICE-PRESIDENT. The Chair is going to put the question again. The question is on agreeing to the amendment proposed by the Senator from Montana [Mr. CARTER].

The amendment was agreed to.

Mr. GALLINGER. On page 7, lines 11 to 14, inclusive, I move the amendment that is found in the bill.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 7, line 11, insert the following proviso:

Provided, That the provisions of this act shall not apply to crews of wrecking or relief trains.

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

The amendment was agreed to.

Mr. CARTER. In order to perfect the amendment adopted

on my motion some moments ago, I move that the words inserted after "hours," in line 4, be likewise inserted after the word "sixteen," in line 8, page 5, striking out the word "consecutive." The first portion of the section, it will be observed, relates to the District of Columbia and the Territories and the second portion to interstate commerce.

Mr. GALLINGER. No debate.

Mr. KEAN. Debate is not in order.

Mr. CARTER. Debate is not in order.

Mr. BEVERIDGE. The Senator's amendment, then, proposes to make it uniform?

Mr. GALLINGER. No debate, Mr. President.

The VICE-PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. On page 5, line 8, before the word "hours," strike out the word "consecutive," and after the word "hours" insert "during a period of twenty-six consecutive hours."

The amendment was agreed to.

Mr. CARTER. I also offer an amendment to come in after the word "duty" in line 15, in the second portion of the section.

The SECRETARY. On page 5, line 15, after the word "duty" insert "who has been in service sixteen hours during twenty-six consecutive hours."

The amendment was agreed to.

Mr. GALLINGER. I move the amendment that will be found in lines 15 to 18, page 6, in the printed bill.

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

The SECRETARY. On page 6, line 15, after the word "occurred," insert:

But no such suit shall be brought after the expiration of one year from the date of such violation.

The amendment was agreed to.

Mr. DANIEL. I move the following amendment at the end of the first section.

The SECRETARY. It is proposed to insert at the end of section 1 the following:

The extra time served by any employee on account of casualty or emergency as hereinbefore provided shall be paid for by the carrier, in addition to the compensation of the employee for regular service. The rate of compensation for extra time served shall, in proportion to the time consumed by regular service, be not less than the rate of compensation therefor.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Virginia, which has just been read. [Putting the question.] The noes seem to have it. The noes have it.

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

The yeas and nays were not ordered.

The VICE-PRESIDENT. The amendment stands rejected.

Mr. GALLINGER. I offer as section 5 the amendment which I send to the desk.

The SECRETARY. It is proposed to insert the following as an additional section:

SEC. 5. That nothing in this act shall be construed to prohibit or in any way interfere with the employment, with their consent, of men whose hours of labor are affected herein, upon runs, single or turn, which, in the reasonable judgment of the officers of the respective railroads and of the men so employed, can be completed, in the ordinary course of business of the carrier, within sixteen hours.

Mr. BEVERIDGE. Let the amendment be read again, unless it is in print.

Mr. GALLINGER. It has been printed.

Mr. WHYTE. May I ask that the amendment be read again? There is so much confusion in the Chamber that I could not hear it.

The VICE-PRESIDENT. The amendment will be again read.

The Secretary again read the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Hampshire, which has just been read.

The amendment was rejected.

Mr. BRANDEGEE. I offer the substitute which I send to the desk.

Mr. BACON. I desire to know whether, under the ruling of the Chair, after the bill has been laid aside in order to give way for amendments to the substitutes, it can thereafter be amended? I will state the purpose of my inquiry. I have an amendment which I desire to offer to whichever proposition may be adopted by the Senate and that upon which it will vote. Otherwise it would be necessary for me to offer it to each one of them, and I desire to offer it but once. If I can offer it to such one of these four different propositions as the Senate may select, I will withhold it until it shall have determined which of the propositions it will favor as the one upon which it will vote. If not, I shall have to offer it before the original bill is laid aside and then offer it successively to each of the substitutes.

Mr. SPOONER. Offer it in the Senate.

Mr. BACON. I will adopt the suggestion which has just been made and which had not occurred to me. I will offer it in the Senate. So I will withhold it for the present.

The VICE-PRESIDENT. The Senator from Connecticut [Mr. BRANDEGEE] offers a substitute which will be read.

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

That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train to remain in service more than sixteen consecutive hours, except when on account of an emergency, which by reasonable care on the part of such carrier, its officers or agents, could not have been avoided, he is prevented from reaching his terminal; or, except in such emergency, to require or permit any such employee, having been in service as aforesaid, to go again into service without having been at least ten hours for rest.

That it shall be unlawful for any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train by which such commerce is conducted, or to require or permit any employee engaged in or connected with the movement of any train by which such commerce is affected, to remain in service more than sixteen consecutive hours, except when on account of an emergency, which by reasonable care on the part of such common carrier, its officers or agents, could not have been avoided, he is prevented from reaching his terminal; or, except in such emergency, to require or permit any such employee, having been in service as aforesaid, to go again into service without having had at least ten hours for rest.

SEC. 2. That any such common carrier, or any of its officers or agents, knowingly violating any of the provisions of this act is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be liable to a penalty of not more than $1,000 for each and every such violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred, but no such suit shall be brought after the expiration of one year from the date of such violation; and it shall also be the duty of the Interstate Commerce Commission to fully investigate all cases of the violation of this act and to lodge with the proper district attorneys information of any such violations as may come to its knowledge.

SEC. 3. That the provisions of this act shall not apply to employers operating wreck or relief trains.

Mr. LA FOLLETTE. Mr. President, I desire to offer as a substitute what I send to the desk.

Mr. GALLINGER. That can not be done.

Mr. BACON. I understand that the substitute now offered by the Senator from Wisconsin is in the same attitude as the others, for such amendments as may be offered, but it will not now be in order to offer it for action.

The VICE-PRESIDENT. The Chair did not understand the Senator from Georgia.

Mr. BACON. I simply remarked that I understood that the substitute now offered by the Senator from Wisconsin [Mr. LA FOLLETTE] was offered in the same way that the previous substitute had been offered, simply for the purpose of such amendments as might be presented. Otherwise it would not be in order, there being already pending the original bill and amendments to it and a substitute therefor.

Mr. LODGE. As I understand it, a substitute has been offered by the Senator from Connecticut, which is in order, but no other amendment to that substitute can be offered because that is an amendment in the third degree. His substitute is now offered for the committee amendment.

Mr. BRANDEGEE. The report of the committee was itself a substitute for the original bill.

Mr. LODGE. Certainly.

Mr. BRANDEGEE. My amendment is a substitute for the committee's substitute, and is an amendment in the second degree.

Mr. LODGE. Exactly. My point was against the amendment of the Senator from Wisconsin. The only thing in order now is the amendment of the Senator from Connecticut.

Mr. BRANDEGEE. That is as I understand it.

Mr. BACON. The Senator from Massachusetts is undoubtedly correct, if the substitute as now offered is a proposition to be voted on for acceptance or rejection. That was the purpose I had in view in calling the attention of the Chair to it. It is only in order for the purpose of itself being amended, and then to be laid aside. The previous substitute of the Senator from Connecticut would then be in order for voting on it.

Mr. LODGE. We can not amend the substitute offered by the Senator from Connecticut because that would be an amendment in the third degree. We can vote on the amendment of the Senator from Connecticut, and if it is adopted it can then be amended in the Senate.

The VICE-PRESIDENT. The Chair will have the Secretary

read Rule XVIII, which governs the question under consideration.

The Secretary read Rule XVIII of the standing rules of the Senate, as follows:

If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor shall it prevent a motion simply to strike out; nor shall the rejection of a motion to strike out prevent a motion to strike out and insert. But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question; and motions to amend the part to be stricken out shall have precedence.

Mr. CARTER. I offer an amendment in line 6 to the substitute of the Senator from Connecticut, striking out the word "consecutive" and inserting, after the word "hours," the words "during a period of twenty-six hours."

The VICE-PRESIDENT. The Senator from Montana proposes an amendment to the substitute offered by the Senator from Connecticut, which will be read.

The SECRETARY. On page 1 of the proposed substitute, after the word "sixteen," line 5, strike out the word "consecutive," and after the word "hours" insert the words "during a period of twenty-six hours."

Mr. LODGE. Mr. President, I fail to understand how we can amend an amendment to an amendment. This is an amendment in the third degree. The pending amendment is the substitute offered by the committee. That we have been perfecting, and we can continue to perfect it. The Senator from Connecticut has offered an amendment in the nature of a substitute for the amendment of the committee, and the amendment of the Senator from Connecticut is clearly in order, but I utterly fail to understand how the amendment of the Senator from Connecticut can be amended.

The VICE-PRESIDENT. Rule XVIII reads:

But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question.

Mr. LODGE. I call attention to the fact, if the Chair will permit me, that the part to be stricken out is the original bill. The amendment is the substitute of the committee. Those are the two points covered by the rule. We are now perfecting the substitute offered by the committee.

Mr. BACON. No; we have perfected that and laid it aside.

Mr. LODGE. I beg the Senator's pardon. We have not perfected it. The Senator from Connecticut is now offering an amendment in the nature of a substitute, which is a perfecting amendment. There are other amendments to be offered.

Mr. BACON. If I may be pardoned, the proceeding is one which is well recognized in all parliamentary law. It is simply this: The rule which limits amendments in number applies to each substantive proposition. Where there is an original bill pending and two or more substitutes are offered therefor, covering the entire scope of the original bill, and offered in the place of the entire scope of the original bill, it is manifest that it would be utterly impossible to perfect the several measures if the ordinary rule of amendment were applied to it. Therefore, if Senators will look at any of the works on parliamentary law, they will find laid down specifically this, as a course of procedure: The original measure is taken up in order that it may be put in the shape most favorable for its passage by its friends. It is then laid aside and the next substantive amendment covering the scope of the entire proposition is taken up for a similar procedure, in order that it may be perfected by its friends. Then it is laid aside and the subsequent amendment is taken up, not for action in the way of rejection or acceptance, but purely for amendment. When it is thus perfected it is laid aside. Then when the time comes to vote upon the acceptance or rejection of either one of these substantive propositions the body returns to the original rule.

For illustration, the original bill having been perfected and laid aside and the substitute of the Senator from Connecticut having been perfected and laid aside, when the subsequent one offered by the Senator from Wisconsin has also been perfected and laid aside, the question will be then upon the two original propositions. The question will be, first, upon the amendment offered by the Senator from Connecticut, and, if that is adopted, it displaces the original bill and stands in the place of the original bill. If, however, the Senate should reject the substitute offered by the Senator from Connecticut, then the substitute offered by the Senator from Wisconsin would take its place and be voted upon by the Senate, and if it should be adopted it would stand in place of the original proposition. If it should be rejected, we would be brought to a vote upon the original proposition.

Mr. President, I do not hesitate to say, without assuming to be a parliamentary expert, that Senators will find that procedure laid down in works on parliamentary law in too plain language to be possibly misunderstood, and it is the only practicable way in which a legislative body can proceed in the consideration of several substantive measures which cover the entire scope of the original proposition.

Mr. LODGE. Mr. President, I should be very glad if the Senator would refer us to the general parliamentary law where it is laid down that we can take up four or five substitutes, one after the other, and amend them when none of them are before the body in any parliamentary sense. The only thing before the Senate now is the amendment reported from the committee in the nature of a substitute. That is the pending substitute. If an amendment is offered to that in the nature of a substitute it is perfectly in order, as is the amendment of the Senator from Connecticut; we can vote it up or vote it down, but we can not amend it at this stage.

Mr. DANIEL. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Virginia?

Mr. LODGE. I do.

Mr. DANIEL. Is not the original bill now before the Senate?

Mr. LODGE. Certainly, the original bill is before the Senate.

Mr. DANIEL. There is a substitute offered by the committee for that bill now pending before the Senate, to which amendments have been offered and rejected or embodied in it. There is now proposed a substitute for the substitute offered by the Senator from Connecticut. That is in the third degree of amendment, and the rule does not admit of the consideration of that substitute until the amendment before the Senate has been voted upon. That is the position, as I understand it.

Mr. LODGE. Mr. President, I think the Senator has stated it precisely, though I did not, on account of the confusion around me, hear all that was said.

Mr. WARREN. The amendment is reported here as an amendment to the bill and not to a substitute.

Mr. LODGE. The bill is here, and the amendment to the amendment is in the nature of a substitute; but it makes no difference whether it is in the nature of a substitute or not so far as its parliamentary position is concerned. It is the amendment of the committee. To that amendment of the committee the Senator from Connecticut [Mr. BRANDEGEE], as he is entitled to do, offers an amendment, which is also in the nature of a substitute. The Senator from Connecticut can himself perfect his amendment before offering it, or now, in any way he pleases; but we can not vote on an amendment to his amendment. It is perfectly clear that that would be an amendment in the third degree. If we would take up a series of substitutes we should find ourselves adrift here with four or five substitute amendments and not know really which one we were amending or what the condition of any one was. We can deal with but two amendments at a time, as it seems to me. I do not see how we can go off on a series of substitutes which, in a parliamentry sense, are not before the Senate.

Mr. FRYE. Mr. President, I think the Senator from Massachusetts [Mr. LODGE] is right in his contention, and that any amendment offered to this amendment would be an amendment in the third degree. If this amendment be adopted, then in the Senate it will be clearly open to amendment, and the Senator from Montana [Mr. CARTER] can offer his amendment in the Senate.

Mr. BEVERIDGE. Before the Senator from Maine takes his seat I want to ask him a question. As I understand, if the amendment offered by way of substitute by the Senator from Connecticut [Mr. BRANDEGEE] should be adopted, then it becomes open to amendment in the same way that he is now attempting to amend the committee amendment?

Mr. FRYE. It will be open to amendment in the Senate.

Mr. BEVERIDGE. So that, if his amendment is adopted, that does not preclude the Senator from Wisconsin [Mr. LA FOLLETTE] from hereafter offering his substitute as an amendment to the substitute of the Senator from Connecticut.

Mr. FRYE. Clearly, in the Senate he could offer his amendment.

Mr. PATTERSON. I want to ask the Senator from Maine a question.

Mr. FRYE. The Chair will allow me to repeat what has already been said, that it is within the capacity and right of the Senator from Connecticut to amend his own amendment, if he desires to do so.

Mr. HALE. To modify it.

Mr. FRYE. To modify it to suit himself, if he desires to do so.

The VICE-PRESIDENT. The Senator from Connecticut un-

doubtedly has the right to modify his own amendment as he sees fit.

Mr. BRANDEGEE. I simply desire to say, Mr. President, that as it is within my power to modify my amendment, I should like, at the proper point, that the language which the Senator from Montana proposes as an amendment to the committee's substitute which the Senate adopted be interlined and made a part of my amendment.

Mr. PATTERSON. If the Senator from Connecticut will, of his own motion, modify his substitute, that will be quite satisfactory to me. I want, however, to ask the Senator from Maine [Mr. FRYE] a question in connection with the statement he made as to the status of the substitutes and proposed substitutes. If the substitute as perfected by the Senator from Connecticut shall be adopted, can another substitute be offered to the entire measure?

Mr. FRYE. It can in the Senate.

Mr. PATTERSON. But not as in Committee of the Whole.

Mr. FRYE. Not as in Committee of the Whole, because the Committee of the Whole will have disposed of that entire thing if it shall be adopted. That is the final disposition in Committee of the Whole. Then when the bill is reported to the Senate it is still open to amendment, and the substitute of the Senator from Wisconsin can be offered.

Mr. PATTERSON. One other question. I understand the Senator from Connecticut has accepted the amendment suggested by the Senator from Montana.

Mr. BRANDEGEE. Yes.

Mr. PATTERSON. That is all I desire to know.

Mr. FRYE. Just another word, if the President pleases. If the amendment offered by the Senator from Connecticut shall be voted down, then, clearly, another amendment will be in order—any amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Connecticut [Mr. BRANDEGEE].

Mr. DANIEL. I ask that the amendment may be read.

Mr. PATTERSON. Let it be read as modified.

The VICE-PRESIDENT. The modification of the amendment proposed by the Senator from Connecticut [Mr. BRANDEGEE] will be stated.

The SECRETARY. The amendment of Mr. BRANDEGEE is modified as follows: On page 1 of the proposed amendment, line 5, after the word "sixteen," by striking out the word "consecutive;" after the word "hours," on line 6, by inserting "during a period of twenty-six consecutive hours;" on page 2, line 8, before the word "hours," by striking out the word "consecutive" and after the word "hours," by inserting "during a period of twenty-six consecutive hours."

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Connecticut [Mr. BRANDEGEE] as modified.

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

The yeas and nays were ordered.

Mr. ELKINS. I should like that the proposed substitute be again read, so that we may understand what we are voting upon.

The VICE-PRESIDENT. The Secretary will read the proposed substitute as modified.

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

That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train to remain in service more than sixteen hours during a period of twenty-six consecutive hours, except when on account of an emergency, which by reasonable care on the part of such carrier, its officers or agents, could not have been avoided, he is prevented from reaching his terminal; or, except in such emergency, to require or permit any such employee, having been in service as aforesaid, to go again into service without having had at least ten hours for rest.

That it shall be unlawful for any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train by which such commerce is conducted, or to require or permit any employee engaged in or connected with the movement of any train by which such commerce is affected, to remain in service more than sixteen hours during a period of twenty-six consecutive hours, except when on account of an emergency, which by reasonable care on the part of such common carrier, its officers or agents, could not have been avoided, he is prevented from reaching its terminal; or, except in such emergency, to require or permit any such employee, having been in service as aforesaid, to go again into service without having had at least ten hours for rest.

SEC. 2. That any such common carrier, or any of its officers or agents, knowingly violating any of the provisions of this act, is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be liable to a penalty of not more than $1,000 for each and every such violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred, but no such suit shall be brought after the expiration of one year from the date of such violation; and it shall be the duty of the Interstate Commerce Commission to fully investigate all cases of the violation of this act and to lodge with the proper district attorneys information of any such violations as may come to its knowledge.

SEC. 3. That the provisions of this act shall not apply to employers operating wreck or relief trains.

Mr. CULBERSON. Mr. President, I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Texas will state his parliamentary inquiry.

Mr. CULBERSON. I inquire if the question is not divisible? I understand that this is an amendment to an amendment in the nature of a substitute.

Mr. BRANDEGEE. Mr. President, if I may be allowed a word, it seems to me that the pending question is on the substitute—to strike out the substitute reported by the committee and insert what I have proposed as a substitute. How can that question be divided?

Mr. CULBERSON. Mr. President, of course I understand the suggestion of the Senator from Connecticut, but the proposition is this: This substitute now pending for a vote has been amended by the Senator from Connecticut.

Mr. LODGE. Modified.

Mr. CULBERSON. Modified by the Senator from Connecticut, as suggested by the Senator from Montana [Mr. CARTER]. The question with me is whether we are not entitled to have that question divided and be permitted to vote upon the proposition submitted by the Senator from Montana. Of course I understand the suggestion that the Senator from Connecticut can control his own amendment, and possibly that is an answer; but by this parliamentary inquiry I intended to suggest to the Senator from Connecticut that he probably had better let the amendment stand on its merits.

Mr. BRANDEGEE. Mr. President, I will withdraw the modification proposed by the Senator from Montana.

Mr. LODGE. If the Senator will allow me, there is no occasion for him to do that. When he modifies his amendment, he makes the modification a part of his amendment.

The VICE-PRESIDENT. In the opinion of the Chair, the question is not divisible, it being a motion to strike out and insert.

Mr. CULBERSON. But the Senator from Connecticut offers to withdraw it.

Mr. BRANDEGEE. I am perfectly willing, Mr. President, to withdraw it, as I do not desire to imperil the bill in any way, and renew it in the Senate.

Mr. HALE. Mr. President, why should the Senator withdraw that modification?

Mr. CULBERSON. Then I will move to amend the substitute by striking out the words suggested by the Senator from Montana.

Mr. BEVERIDGE. That can not be done.

Mr. HALE. That is out of order.

The VICE-PRESIDENT. In the opinion of the Chair, it is not in order at the present stage of the bill.

Mr. HALE. Let the vote be taken on the proposed substitute, Mr. President.

The VICE-PRESIDENT. The Secretary will call the roll on the proposed substitute.

Mr. OVERMAN. Mr. President, I understood that the Senator from Connecticut [Mr. BRANDEGEE] withdrew the modification. He said he would offer it in the Senate.

Mr. BRANDEGEE. I said I was perfectly willing to withdraw it if a proper reason was shown for doing so; but I will allow it to stand and let a vote be taken on it as it stands.

The VICE-PRESIDENT. The Secretary will call the roll on the amendment proposed by the Senator from Connecticut [Mr. BRANDEGEE].

The Secretary proceeded to call the roll.

Mr. DOLLIVER (when Mr. ALLISON's name was called). I am requested by my colleague [Mr. ALLISON] to state that on this bill and all the amendments pending to it he is paired with the senior Senator from Alabama [Mr. MORGAN]. I will make no further statement to this effect during the remaining votes.

Mr. GALLINGER (when Mr. BURNHAM's name was called). I announce that my colleague [Mr. BURNHAM] is unavoidably absent and that he is paired with the Senator from Georgia [Mr. CLAY].

Mr. CLAY (when his name was called). I announce my pair with the junior Senator from New Hampshire [Mr. BURNHAM]. If he were present, I should vote "yea."

Mr. KEAN (when Mr. DRYDEN's name was called). My colleague [Mr. DRYDEN] is necessarily absent from the Senate. He

is paired with the Senator from Mississippi [Mr. McLaurin]. I make this announcement in connection with all votes in relation to this bill.

Mr. McENERY (when his name was called). I wish to announce that I am paired with the junior Senator from New York [Mr. Platt] on this bill and all the amendments to it. I therefore withhold my vote.

Mr. PETTUS (when Mr. Morgan's name was called). The senior Senator from Alabama [Mr. Morgan] is paired with the senior Senator from Iowa [Mr. Allison].

Mr. DEPEW (when Mr. Platt's name was called). My colleague [Mr. Platt] is unavoidably absent. He is paired with the Senator from Louisiana [Mr. McEnery]. I make this announcement to cover all the votes in relation to this bill.

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. Carmack], who is absent. I have inquired of his colleague, but I am unable to ascertain his position on the bill or any of the amendments. I therefore withhold my vote. I make this announcement once for all.

The roll call was concluded.

Mr. MONEY. I desire to announce that my colleague [Mr. McLaurin] is absent on account of protracted sickness. He is paired with the Senator from New Jersey [Mr. Dryden].

Mr. TELLER. I am requested by the Senator from Nevada [Mr. Newlands], who is detained on account of sickness in his family, to say that he is paired with the Senator from South Dakota [Mr. Gamble]. If present, he would vote for the bill as reported by the committee.

The result was announced—yeas 23, nays 45, as follows:

YEAS—23.

Alger	Crane	Heyburn	Smoot
Bacon	Dillingham	Knox	Sutherland
Brandegee	Du Pont	Long	Teller
Bulkeley	Flint	Money	Tillman
Clark, Mont.	Frye	Patterson	Warren
Clark, Wyo.	Hale	Proctor	

NAYS—45.

Ankeny	Dick	Kean	Pettus
Berry	Dolliver	Kittredge	Piles
Beveridge	Dubois	La Follette	Rayner
Blackburn	Elkins	Latimer	Scott
Burkett	Foraker	Lodge	Simmons
Burrows	Foster	McCreary	Stone
Carter	Frazier	McCumber	Taliaferro
Clapp	Fulton	Mallory	Warner
Culberson	Gallinger	Millard	Whyte
Cullom	Hansbrough	Nelson	
Daniel	Hemenway	Overman	
Depew	Hopkins	Perkins	

NOT VOTING—22.

Aldrich	Carmack	McEnery	Penrose
Allee	Clarke, Ark.	McLaurin	Platt
Allison	Clay	Martin	Spooner
Bailey	Dryden	Morgan	Wetmore
Benson	Gamble	Newlands	
Burnham	Gearin	Nixon	

So Mr. Brandegee's amendment was rejected.

Mr. LA FOLLETTE. Mr. President, I offer the amendment which I send to the desk as a substitute for the bill.

The VICE-PRESIDENT. The amendment proposed by the Senator from Wisconsin will be stated.

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

That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, or any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train carrying interstate or foreign freight or passengers to remain on duty more than sixteen consecutive hours, except when by casualty occurring after such employee has started on his trip, or by unknown casualty occurring before he started on his trip, he is prevented from reaching his terminal; or to require or permit any such employee who has been on duty sixteen consecutive hours to go on duty without having had at least ten hours for rest; or to require or permit any such employee who has been on duty sixteen hours in the aggregate in any twenty-four-hour period to continue on duty or to go on duty without having had at least eight hours for rest within such twenty-four-hour period.

Sec. 2. That any such common carrier or any of its officers or agents violating any of the provisions of this act is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be liable to a penalty of $1,000 for each and every violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred; and it shall also be the duty of the Interstate Commerce Commission to fully investigate all cases of the violation of this act and to lodge with the proper district attorneys information of such violations as may come to its knowledge.

That to enable the Commission to execute and enforce the provisions of this act it shall have the power to employ such inspectors or other persons as may be necessary. To enforce the provisions of this act the Commission and its agents or employees thereunto duly authorized by order of said Commission shall have the power to administer oaths, interrogate witnesses, take testimony, and require the production of books and papers. The Commission may also order depositions taken before any officer in any State or Territory of the United States or the District of Columbia qualified by law to take the same.

The provisions of this act shall not apply to relief or wreck trains.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin [Mr. La Follette].

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

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

Mr. FRAZIER (when Mr. Carmack's name was called). My colleague [Mr. Carmack] is unavoidably detained from the Senate. He has a general pair with the Senator from Wisconsin [Mr. Spooner].

Mr. CLAY (when his name was called). I again announce my pair with the junior Senator from New Hampshire [Mr. Burnham]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. DANIEL. I should like to state that my colleague [Mr. Martin] is unavoidably detained from his seat to-day by illness in his family. If he were present, he would vote "yea."

The result was announced—yeas 36, nays 32, as follows:

YEAS—36.

Bacon	Du Pont	Kittredge	Rayner
Berry	Elkins	La Follette	Scott
Beveridge	Flint	Latimer	Simmons
Brandegee	Foster	Mallory	Stone
Burkett	Frazier	Money	Taliaferro
Culberson	Gearin	Nelson	Teller
Daniel	Hansbrough	Overman	Tillman
Dolliver	Hemenway	Patterson	Warner
Dubois	Hopkins	Perkins	Whyte

NAYS—32.

Ankeny	Crane	Gallinger	McCumber
Blackburn	Cullom	Hale	Millard
Bulkeley	Depew	Heyburn	Pettus
Burrows	Dick	Kean	Piles
Carter	Dillingham	Knox	Proctor
Clapp	Foraker	Lodge	Smoot
Clark, Mont.	Frye	Long	Sutherland
Clark, Wyo.	Fulton	McCreary	Warren

NOT VOTING—22.

Aldrich	Burnham	McEnery	Penrose
Alger	Carmack	McLaurin	Platt
Allee	Clarke, Ark.	Martin	Spooner
Allison	Clay	Morgan	Wetmore
Bailey	Dryden	Newlands	
Benson	Gamble	Nixon	

So Mr. La Follette's amendment was agreed to.

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

The amendment as amended was agreed to.

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

Mr. GALLINGER. I move to amend the bill by striking out "casualty occurring after such employee has started on his trip, or by unknown casualty occurring before he started on his trip," and insert "unavoidable accident, or act of God, or resulting from a cause not known to the carrier or its agent in charge of such employee at the time he left the terminal."

That is the amendment which was adopted to the previous amendment.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from New Hampshire.

The Secretary. It is proposed to strike out "casualty occurring after such employee has started on his trip, or by unknown casualty occurring before he started on his trip," and in lieu thereof to insert, "unavoidable accident, or act of God, or resulting from a cause not known to the carrier or its agent in charge of such employee at the time he left the terminal."

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Hampshire. [Putting the question.] The ayes appear to have it.

Mr. LA FOLLETTE. I ask for the yeas and nays.

Mr. CULBERSON. In the confusion some of us did not hear the amendment. I ask that it be again stated.

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

The Secretary again stated the amendment.

Mr. TILLMAN. I hope the Secretary will begin at the beginning of the sentence, so that we may get some idea of what is proposed to be done.

The VICE-PRESIDENT. The Secretary will state the clause as it will read if amended.

Mr. SCOTT. I was just going to say that I do not believe half of us know what the amendment is. It has never been printed, and none of us have read it. We are groping in the dark on the whole thing.

Mr. BEVERIDGE. It has been read four times.

Mr. LODGE. Debate is not in order, Mr. President.

The SECRETARY. If amended the clause will read:

That it shall be unlawful for any common carrier by railroad, in any Territory of the United States or the District of Columbia, or any of its officers or agents, or any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train carrying interstate or foreign freight or passengers to remain on duty more than sixteen consecutive hours except when by unavoidable accident, or act of God, or resulting from a cause not known to the carrier or its agent in charge of such employee at the time he left the terminal, he is prevented from reaching his terminal.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Hampshire [Mr. GALLINGER], on which the yeas and nays are demanded.

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

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. He is for the bill and so am I, but on this amendment he would vote "nay" and I should vote "yea." So I will withhold my vote.

Mr. McENERY (when his name was called). The same announcement which I made on the last roll call applies likewise to this.

The roll call having been concluded, the result was announced—yeas 31, nays 35, as follows:

YEAS—31.

Ankeny	Dick	Hopkins	Piles
Bacon	Dillingham	Kean	Proctor
Bulkeley	Du Pont	Lodge	Scott
Carter	Foraker	Long	Simmons
Clapp	Frye	McCumber	Smoot
Clark, Mont.	Gallinger	Money	Sutherland
Clark, Wyo.	Hale	Overman	Warren
Crane	Heyburn	Perkins	

NAYS—35.

Berry	Dolliver	Kittredge	Pettus
Beveridge	Dubois	Knox	Rayner
Blackburn	Elkins	La Follette	Stone
Brandegee	Flint	Latimer	Taliaferro
Burkett	Foster	McCreary	Teller
Burrows	Frazier	Mallory	Tillman
Culberson	Gearin	Millard	Warner
Daniel	Hansbrough	Nelson	Whyte
Depew	Hemenway	Patterson	

NOT VOTING—24.

Aldrich	Burnham	Fulton	Newlands
Alger	Carmack	Gamble	Nixon
Allee	Clarke, Ark.	McEnery	Penrose
Allison	Clay	McLaurin	Platt
Bailey	Cullom	Martin	Spooner
Benson	Dryden	Morgan	Wetmore

So Mr. GALLINGER's amendment was rejected.

Mr. McCUMBER. I should now like to have the bill read as it stands, for the purpose of amendment. I wish to offer an amendment, and I desire to have the bill read so as to have a correct copy before me.

The VICE-PRESIDENT. The Senator from North Dakota requests that the bill be read.

The Secretary read as follows:

Be it enacted, etc., That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, or any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train carrying interstate or foreign freight or passengers to remain on duty more than sixteen consecutive hours, except when by casualty occurring after such employee has started on his trip or by unknown casualty occurring before he started on his trip——

Mr. McCUMBER. That is as far as I wish the Secretary to go. After the word "trip," I move to insert what I send to the desk.

The VICE-PRESIDENT. The Senator from North Dakota proposes an amendment, which will be stated.

The SECRETARY. After the word "trip," it is proposed to insert:

Or except when by accident or unexpected delay of trains scheduled to make connection with the train on which such employee is serving.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Dakota. [Putting the question.] In the opinion of the Chair the ayes have it.

Mr. LA FOLLETTE. I ask for the yeas and nays.

The VICE-PRESIDENT. The yeas and nays are demanded. Is there a second? In the opinion of the Chair, there is not.

Mr. LA FOLLETTE. I ask to have the vote taken again.

Mr. CLAY. I suggest to the Senator from Wisconsin that he ask for a division.

Mr. LA FOLLETTE. I ask for a division.

The question being put, there were, on a division—ayes 32, nays 23.

Mr. LA FOLLETTE. I now ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was agreed to.

Mr. MALLORY. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The Senator from Florida proposes an amendment, which will be stated.

The SECRETARY. Strike out all of section 2 after the words "shall be," in the fourth line, down to and including the word "occurred," and insert:

deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000.

The amendment was agreed to.

Mr. DANIEL. I offer an amendment to come in at the close of section 1.

The VICE-PRESIDENT. The Senator from Virginia proposes an amendment, which will be stated

The SECRETARY. It is proposed to insert at the end of section 1 the following:

The employee who is required or permitted to serve for any time beyond the hours of service herein provided shall be paid by the carrier therefor what such extra service is reasonably worth, in addition to his regular compensation.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Virginia. [Putting the question.] The noes appear to have it.

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

The yeas and nays were not ordered.

The amendment was rejected.

Mr. DANIEL. I have another amendment which I desire to offer, to come in at the same place.

The VICE-PRESIDENT. The Senator from Virginia proposes an amendment, which will be stated.

The SECRETARY. It is proposed to add at the end of section 1 the following:

The extra time served by any employee on account of an emergency, as heretofore provided, shall be paid for by the carrier in addition to the compensation of the employee for regular service. The rate of compensation for extra service shall be in proportion to that for regular service, according to the time consumed.

Mr. BEVERIDGE. May I ask, Mr. President, where the amendment is to come in?

Mr. DANIEL. At the end of section 1.

The VICE-PRESIDENT. At the end of the first section. The question is on agreeing to the amendment proposed by the Senator from Virginia.

The amendment was rejected.

Mr. GALLINGER. Where the words "for rest" occur in the bill—I think in two places—I move to strike them out and insert the words "off duty."

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Hampshire.

The amendment was agreed to.

Mr. GALLINGER. At the end of the first paragraph of section 2 I move to add the words "but no such suit shall be brought after the expiration of one year from the date of such violation."

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from New Hampshire.

The SECRETARY. At the end of the first paragraph of section 2 it is proposed to insert——

Mr. MALLORY. I call the attention of the Senator to the fact that the major portion of that paragraph has been stricken out by the amendment already adopted.

Mr. GALLINGER. No; this is to be inserted after the word "knowledge."

The SECRETARY. After the word "knowledge," at the end of the first paragraph, section 2, it is proposed to insert:

But no such suit shall be brought after the expiration of one year from the date of such violation.

Mr. CULBERSON. I ask that section 2 be read as it will stand if the amendment of the Senator from New Hampshire is adopted. It is clearly not applicable to the section now.

The Secretary read as follows:

SEC. 2. That any such common carrier or any of its officers or agents violating any of the provisions of this act is hereby declared to be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one hundred nor more than one thousand dollars, and it shall also be the duty of the Interstate Commerce Commission to fully investigate all cases of the violation of this act and to lodge with the proper district attorneys information of such violations as may come to its knowledge. But no such suit shall be brought after the expiration of one year from the date of such violation.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Hampshire.

The amendment was rejected.

Mr. HANSBROUGH. How many sections, may I inquire, does the bill contain as it now stands, Mr. President?

The VICE-PRESIDENT. The bill contains two sections.

Mr. HANSBROUGH. I offer an amendment to be known as section 3.

The VICE-PRESIDENT. The Senator from North Dakota proposes an amendment which will be stated.

The SECRETARY. It is proposed to add, at the end of the bill, a new section, as follows:

SEC. 3. That it shall be unlawful for any interstate railway to move any train or trains carrying commodities entering into interstate or foreign commerce containing tonnage in excess of the registered capacity of the engine or engines attached thereto. Any officer, agent, or employee of any such railway who violates the provisions of this section shall be deemed guilty of a misdemeanor and punished by a fine of not exceeding $1,000 for each offense.

Mr. RAYNER. I make the point of order upon the amendment that it is not germane to the bill.

The VICE-PRESIDENT. The Chair overrules the point of order.

Mr. HANSBROUGH. I think the amendment should be again read.

Mr. LODGE. Let it be again read.

Mr. HANSBROUGH. There is too much confusion in the Chamber.

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

The Secretary again read the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Dakota.

The amendment was rejected.

Mr. SCOTT. I desire, at the request of a number of engineers, to offer an amendment to be inserted as a new section at the end of the bill.

The VICE-PRESIDENT. The Senator from West Virginia proposes an amendment, which will be stated.

The SECRETARY. It is proposed to add, at the end of the bill, the following:

This act shall not apply to cases where a continuance on duty beyond sixteen hours will enable an employee to reach a terminal: *Provided*, That at the expiration of sixteen hours he is within 20 miles of such terminal.

The amendment was rejected.

Mr. BACON. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The Senator from Georgia proposes an amendment, which will be stated.

The SECRETARY. It is proposed to add, at the end of the bill, the following proviso:

Provided, That the provisions of this act shall not apply to any railway company the railroad of which lies wholly within the limits of one State.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Georgia. [Putting the question.] By the sound the noes have it.

Mr. GALLINGER, Mr. MALLORY, Mr. PATTERSON, and Mr. BEVERIDGE demanded the yeas and nays, and they were ordered.

Mr. ELKINS. Let the amendment be read.

The VICE-PRESIDENT. The amendment will be again read.

The SECRETARY. It is proposed to add at the end of the bill the following proviso:

Provided, That the provisions of this act shall not apply to any railway company the railroad of which lies wholly within the limits of one State.

The VICE-PRESIDENT. The Secretary will call the roll on agreeing to the amendment.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I am paired with the junior Senator from Virginia [Mr. MARTIN]. I do not know how he would vote if present, and I withhold my vote.

The roll call having been concluded, the result was announced—yeas 16, nays 46, as follows:

YEAS—16.

Bacon	Crane	Kean	Proctor
Bulkeley	Foraker	Lodge	Scott
Burrows	Gallinger	Long	Smoot
Clark, Mont.	Hale	Money	Warren

NAYS—46.

Ankeny	Dick	Hopkins	Piles
Berry	Dolliver	Kittredge	Rayner
Beveridge	Dubois	La Follette	Simmons
Blackburn	Du Pont	Latimer	Stone
Brandegee	Elkins	McCreary	Sutherland
Burkett	Flint	McCumber	Taliaferro
Carter	Frazier	Mallory	Teller
Clapp	Frye	Millard	Tillman
Clark, Wyo.	Fulton	Nelson	Warner
Culberson	Gearin	Patterson	Whyte
Daniel	Hansbrough	Perkins	
Depew	Hemenway	Pettus	

NOT VOTING—28.

Aldrich	Bailey	Clarke, Ark.	Dryden
Alger	Benson	Clay	Foster
Allee	Burnham	Cullom	Gamble
Allison	Carmack	Dillingham	Heyburn
Knox	Martin	Nixon	Platt
McEnery	Morgan	Overman	Spooner
McLaurin	Newlands	Penrose	Wetmore

So Mr. BACON's amendment was rejected.

Mr. DANIEL. I move to insert, after the word "train," in the line "or connected with the movement of any train"—the number is not marked on the paper I have—the following words:

Which is engaged in transporting passengers or articles of commerce between States or between the United States and a foreign country.

[After a pause.] I understand the amendment which was adopted on motion of the Senator from Texas [Mr. CULBERSON] accomplishes the same purpose, and I withdraw the amendment.

The VICE-PRESIDENT. The Senator from Virginia withdraws the proposed amendment. The bill is in the Senate and open to amendment.

Mr. LA FOLLETTE. I offer an amendment to come in as a new section.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add to the bill a new section, as follows:

SEC. 3. In addition to the penalty prescribed herein, any such common carrier violating the provisions of this act shall not be permitted to interpose the defense of contributory negligence in the event of action being brought to recover for damages resulting from any accident which shall occur by which injury shall be inflicted on any employee who may be detained in service more than said sixteen hours, notwithstanding the negligence of such employee may have caused or contributed to his own injury or death; nor shall such defense of contributory negligence be interposed if the said injury result in death of said employee and the action be brought for the benefit of his next of kin.

The VICE-PRESIDENT. The question is on agreeing to the amendment which has just been read. [Putting the question.] By the sound the noes seem to have it. The noes have it.

Mr. LA FOLLETTE. I ask for a division.

Mr. GALLINGER. I demand the yeas and nays.

Mr. LA FOLLETTE. I call for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. McCUMBER. I ask the Secretary to read that portion of the bill showing the number of hours necessary for rest after the sixteen hours of service.

The VICE-PRESIDENT. The Secretary will read as requested by the Senator from North Dakota.

The Secretary read as follows:

Or to require or permit any such employee who has been on duty sixteen consecutive hours to go on duty without having had at least ten hours off duty.

Mr. McCUMBER. I move to strike out the word "ten" before "hours" and to insert in lieu thereof the word "eight."

The VICE-PRESIDENT. The proposed amendment will be stated.

The SECRETARY. It is proposed to strike out the word "ten," before the word "hours," and insert in lieu thereof the word "eight."

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

The amendment was rejected.

The VICE-PRESIDENT. If no further amendments be proposed, the question is, Shall the bill be engrossed for a third reading and read the third time?

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

The VICE-PRESIDENT. The bill having been read the third time, the question is, Shall it pass?

Mr. SPOONER. I ask that the bill as amended be read. It has not been printed.

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

The Secretary read the bill as amended, as follows:

Be it enacted, etc., That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, or any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train carrying interstate or foreign freight or passengers to remain on duty more than sixteen consecutive hours, except when by casualty occurring after such employee has started on his trip, or by unknown casualty occurring before he started on his trip, and except when by accident or unexpected delay of trains scheduled to make connection with the train on which such employee is serving, he is prevented from reaching his terminal; or to require or permit any such employee who has been on duty sixteen consecutive hours to go on duty without having had at least ten hours off duty; or to require or permit any such employee who has been on duty sixteen hours in the aggregate in any twenty-four hour period to continue on duty or to go on duty without having had at least eight hours off duty within such twenty-four hour period.

SEC. 2. That any such common carrier or any of its officers or agents violating any of the provisions of this act is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000; and it shall also be the duty of the Interstate Commerce Commission to fully investigate all cases of the violation of this act and to lodge with the proper dis-

trict attorneys information of such violations as may come to its knowledge.

That to enable the Commission to execute and enforce the provisions of this act it shall have the power to employ such inspectors or other persons as may be necessary. To enforce the provisions of this act, the Commission and its agents or employees thereunto duly authorized by order of said Commission shall have the power to administer oaths, interrogate witnesses, take testimony, and require the production of books and papers. The Commission may also order depositions taken before any officer in any State or Territory of the United States or the District of Columbia qualified by law to take the same.

The provisions of this act shall not apply to relief or wreck trains.

Mr. KNOX. I am somewhat handicapped by not having a copy of the bill, but if the bill can be amended at this stage I should like to offer an amendment. I think the words "carrying interstate freight or passengers" should be stricken out, and the words "engaged in interstate commerce" should be substituted. As the bill now stands in the case of such an accident as occurred at Terra Cotta, a train coming from Pennsylvania and causing the accident would not have been included, because it was not carrying either freight or passengers.

Mr. BEVERIDGE. The Senator's suggestion is that it should read "engaged in interstate commerce," I understand.

Mr. CULBERSON. Is this matter debatable?

The VICE-PRESIDENT. It is not debatable. Debate is not in order. The amendment will be stated.

Mr. CULBERSON. The Senator from Pennsylvania made a statement and argument.

The VICE-PRESIDENT. He made a statement.

Mr. CULBERSON. The statement of the Senator from Pennsylvania was in itself an argument, and in my judgment a false one.

The VICE-PRESIDENT. So far as that was so he was out of order. The Secretary will state the amendment.

The SECRETARY. After the word "train," where it appears near the beginning of the bill, strike out the words "carrying interstate freight or passengers" and insert the words "engaged in interstate commerce."

Mr. CULBERSON. Is an amendment to the amendment in order? The amendment of the Senator from Pennsylvania would, in my judgment, render the bill unconstitutional.

Mr. BERRY. Mr. President, I make the point or order that the bill was ordered engrossed and to be read a third time, and that it was read the third time, and was so announced by the Chair, and therefore it is not open to amendment.

The VICE-PRESIDENT. The Senator's point of order is well taken.

Mr. GALLINGER. Then I move to reconsider the vote whereby that action was taken.

Mr. DANIEL. That is right.

The VICE-PRESIDENT. The Senator from New Hampshire moves to reconsider the vote by which the bill was ordered to be engrossed for a third reading and was read the third time.

The motion to reconsider was agreed to.

The VICE-PRESIDENT. The bill is in the Senate and open to amendment. The Senator from Pennsylvania proposes an amendment, which will be stated.

Mr. KNOX. I should like to have that portion of the bill read.

The VICE-PRESIDENT. The Secretary will read as requested.

The SECRETARY. The bill reads:

That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, or any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train carrying interstate or foreign freight or passengers to remain on duty more than sixteen consecutive hours, etc.

Mr. KNOX. I move that the words "carrying interstate or foreign freight or passengers" be stricken out and the words "engaged in hauling interstate freight" be inserted.

The VICE-PRESIDENT. The amendment proposed by the Senator from Pennsylvania will be read.

The SECRETARY. After the word "train" strike out the following words: "Carrying interstate or foreign freight or passengers," and insert "engaged in hauling interstate freight trains."

Mr. CULBERSON. I have been unable to hear on account of the confusion.

Mr. BEVERIDGE. That is not the amendment I originally understood that the Senator offered.

The VICE-PRESIDENT. The Senate will please be in order.

Mr. BEVERIDGE. I want to hear it read.

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

The SECRETARY. After the word "train" strike out the following words: "Carrying interstate or foreign freight or passengers" and insert "engaged in hauling interstate trains;" so as to read: "The movement of any train engaged in hauling interstate trains."

Mr. KNOX. Let me have a copy of the bill.

Mr. CULBERSON. I move to lay the amendment of the Senator from Pennsylvania on the table.

The VICE-PRESIDENT. The Senator from Texas moves to lay the amendment proposed by the Senator from Pennsylvania on the table. The question is on the motion to lay on the table.

The motion was agreed to.

Mr. TILLMAN. Now I move to strike out those words, because the bill already applies to interstate commerce, and they are mere surplusage.

Mr. BEVERIDGE. The words the Senator wants stricken out are not surplusage——

The VICE-PRESIDENT. Debate is not in order. The Senator from South Carolina proposes an amendment, which will be read.

The SECRETARY. After the word "train" strike out the following words: "Carrying interstate or foreign freight or passengers."

Mr. PATTERSON. Now let the clause be read as it would read if amended.

Mr. BACON. Mr. President, I rise to an inquiry. Are not the words just read, and which are proposed to be stricken out, words which were inserted as an amendment?

The VICE-PRESIDENT. They were not.

Mr. BACON. I judged by the way the Secretary read it that it was an interlineation.

Mr. TILLMAN. They were inserted by the Senator from Wisconsin [Mr. LA FOLLETTE], and he did not really see, I think——

The VICE-PRESIDENT. Debate is out of order. The question is on agreeing to the amendment proposed by the Senator from South Carolina.

Mr. PATTERSON. I ask that that portion of the bill be read as amended, should the amendment be adopted.

The VICE-PRESIDENT. The Secretary will read as requested by the Senator from Colorado.

The Secretary read as follows:

That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, or any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train to remain on duty more than sixteen consecutive hours.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from South Carolina.

The amendment was rejected.

The VICE-PRESIDENT. The question is, Shall the bill be engrossed, and read a third time?

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

The VICE-PRESIDENT. The question is, Shall the bill pass?

Mr. GALLINGER. I ask for the yeas and nays on the passage of the bill.

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

Mr. LONG (when Mr. BENSON's name was called). My colleague [Mr. BENSON] is unavoidably absent and is not paired. If he were present he would vote for the passage of the bill.

Mr. CLAY (when his name was called). I am paired with the junior Senator from New Hampshire [Mr. BURNHAM]. If he were present I should vote "yea."

Mr. GALLINGER (when his name was called). I desire to announce that my colleague [Mr. BURNHAM] is unavoidably absent, and is paired with the Senator from Georgia [Mr. CLAY]. If my colleague were present he would vote "yea," and the Senator from Georgia can vote if he chooses. I vote "yea."

Mr. KEAN (when his name was called). My colleague [Mr. DRYDEN] is absent. If he were present he would vote "yea." He is paired with the junior Senator from Mississippi [Mr. MCLAURIN]. I vote "yea."

Mr. MCENERY (when his name was called). I am paired with the junior Senator from New York [Mr. PLATT], and therefore withhold my vote.

Mr. PETTUS (when Mr. MORGAN's name was called). The senior Senator from Alabama [Mr. MORGAN] is paired with the senior Senator from Iowa [Mr. ALLISON].

Mr. TELLER (when Mr. NEWLAND's name was called). The Senator from Nevada [Mr. NEWLANDS] is paired with the Senator from South Dakota [Mr. GAMBLE]. If the Senator from Nevada were present he would vote "yea.'

Mr. FLINT (when Mr. NIXON's name was called). The junior Senator from Nevada [Mr. NIXON] is unavoidably absent from the Chamber. If he were present he would vote "yea."

Mr. KEAN (when Mr. WETMORE's name was called). The junior Senator from Rhode Island [Mr. WETMORE] is necessarily

absent. If he were present, I am authorized to state that he would vote "yea."

The roll call was concluded.

Mr. GALLINGER. I am authorized to say that if the junior Senator from South Dakota [Mr. GAMBLE], who is paired with the Senator from Nevada [Mr. NEWLANDS], were present, he would vote "yea."

Mr. MONEY. My colleague [Mr. McLAURIN] is absent, sick. He is paired with the Senator from New Jersey [Mr. DRYDEN]. If my colleague were here he would vote "yea."

Mr. CLAY. The Senator from New Hampshire [Mr. GALLINGER] informs me that if his colleague [Mr. BURNHAM], with whom I am paired, were present, he would vote "yea." I therefore am at liberty to vote, and I vote "yea."

The result was announced—yeas 70, nays 1, as follows:

YEAS—70.

Ankeny	Daniel	Hemenway	Patterson
Bacon	Depew	Heyburn	Perkins
Berry	Dick	Hopkins	Piles
Beveridge	Dillingham	Kean	Rayner
Blackburn	Dolliver	Kittredge	Scott
Brandegee	Dubois	Knox	Simmons
Bulkeley	Du Pont	La Follette	Smoot
Burkett	Elkins	Latimer	Spooner
Burrows	Flint	Lodge	Stone
Carmack	Foraker	Long	Sutherland
Carter	Foster	McCreary	Tallaferro
Clapp	Frazier	McCumber	Teller
Clark, Mont.	Frye	Mallory	Tillman
Clark, Wyo.	Fulton	Martin	Warner
Clay	Gallinger	Millard	Warren
Crane	Gearin	Money	Whyte
Culberson	Hale	Nelson	
Cullom	Hansbrough	Overman	

NAYS—1.

Pettus.

NOT VOTING—19.

Aldrich	Benson	McEnery	Penrose
Alger	Burnham	McLaurin	Platt
Allee	Clarke, Ark.	Morgan	Proctor
Allison	Dryden	Newlands	Wetmore
Bailey	Gamble	Nixon	

So the bill was passed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 11, 1907, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 10, 1907.

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

Thomas C. Dawson, of Iowa, now minister resident and consul-general to Santo Domingo, for promotion to be envoy extraordinary and minister plenipotentiary of the United States to Colombia.

Williams C. Fox, of New Jersey, late consul at Brunswick, to be envoy extraordinary and minister plenipotentiary of the United States to Ecuador.

Joseph W. J. Lee, of Maryland, now envoy extraordinary and minister plenipotentiary to Ecuador, for promotion to be envoy extraordinary and minister plenipotentiary of the United States to Guatemala and Honduras.

MINISTER RESIDENT AND CONSUL-GENERAL.

Fenton R. McCreery, of Michigan, now secretary of the embassy at Mexico, for promotion to be minister resident and consul-general of the United States to Santo Domingo.

SECRETARIES OF EMBASSIES.

John Gardner Coolidge, of Massachusetts, late secretary of the legation at Peking, to be secretary of the embassy of the United States at Mexico, Mexico.

Nelson O'Shaughnessy, of New York, now third secretary of the embassy at Berlin, for promotion to be second secretary of the embassy of the United States at St. Petersburg, Russia.

Robert M. Winthrop, of Massachusetts, now secretary of the legation at Madrid, to be second secretary of the embassy of the United States at Rome, Italy.

Montgomery Schuyler, jr., of New York, now secretary of the legation and consul-general to Roumania and Servia, for promotion to be secretary of the embassy of the United States at St. Petersburg, Russia.

SECRETARY OF LEGATION AND CONSUL-GENERAL.

Philip M. Brown, of Massachusetts, now secretary of the legation to Guatemala and Honduras, to be secretary of the legation and consul-general of the United States to Roumania and Servia.

SECRETARIES OF LEGATIONS.

Robert Woods Bliss, of New York, now second secretary of the embassy at St. Petersburg, to be secretary of the legation of the United States at Brussels, Belgium.

Stanton Sickles, of New York, now secretary of the legation at Brussels, to be secretary of the legation of the United States to Greece and Montenegro and of the diplomatic agency in Bulgaria.

Leonard M. Thomas, of Pennsylvania, now second secretary of the embassy at Rome, to be secretary of the legation of the United States at Madrid, Spain.

DISTRICT JUDGE.

Edward S. Farrington, of Nevada, to be United States district judge for the district of Nevada.

COLLECTOR OF CUSTOMS.

George L. Smith, of New Jersey, to be collector of customs for the district of Newark, in the State of New Jersey.

RECEIVER OF PUBLIC MONEYS.

Henry G. McCrossen, of Wisconsin, who was reappointed July 3, 1906, during the recess of the Senate, his term having expired, to be receiver of public moneys at Wausau, Wis.

POSTMASTERS.

Nelson C. Fuller to be postmaster at Centerville, in the county of Bibb and State of Alabama.

Charles Hays, jr., to be postmaster at Eutaw, in the county of Greene and State of Alabama.

ARIZONA.

Milton Bohall to be postmaster at Nogales, in the county of Santa Cruz and Territory of Arizona.

CALIFORNIA.

John L. Brown to be postmaster at Turlock, in the county of Stanislaus and State of California.

Fred E. Cornell to be postmaster at Sunnyvale, in the county of Santa Clara and State of California.

Grace E. Fuller to be postmaster at Anderson, in the county of Shasta and State of California.

Philo Handy to be postmaster at Ukiah, in the county of Mendocino and State of California.

John M. Johnson to be postmaster at Wheatland, in the county of Yuba and State of California.

Isaac Purcell to be postmaster at Morgan Hill, in the county of Santa Clara and State of California.

Morton E. Simmons to be postmaster at Chino, in the county of San Bernardino and State of California.

CONNECTICUT.

Asa E. S. Bush to be postmaster at Niantic, in the county of New London and State of Connecticut.

John McGinley to be postmaster at New London, in the county of New London and State of Connecticut.

Wilbur W. Smith to be postmaster at Seymour, in the county of New Haven and State of Connecticut.

ILLINOIS.

Fred R. Brill to be postmaster at Hampshire, in the county of Kane and State of Illinois.

Anson J. Buck to be postmaster at Carpentersville, in the county of Kane and State of Illinois.

Rufus East to be postmaster at Coulterville, in the county of Randolph and State of Illinois.

Carrie Hovda to be postmaster at Leland, in the county of La Salle and State of Illinois.

Milton H. Spence to be postmaster at Elmwood, in the county of Peoria and State of Illinois.

Fred M. Stoddard to be postmaster at Ramsey, in the county of Fayette and State of Illinois.

Adam Trapp to be postmaster at Hawthorne, in the county of Cook and State of Illinois.

Arch L. Wade to be postmaster at Farina, in the county of Fayette and State of Illinois.

Frank L. Wilkins to be postmaster at St. Anne, in the county of Kankakee and State of Illinois.

INDIANA.

Z. C. McGary to be postmaster at Owensville, in the county of Gibson and State of Indiana.

Robert W. Morris to be postmaster at New Albany, in the county of Floyd and State of Indiana.

Edward Patton to be postmaster at Veedersburg, in the county of Fountain and State of Indiana.

Stanley S. Tull to be postmaster at Monon, in the county of White and State of Indiana.

IOWA.

William R. Boyd to be postmaster at Cedar Rapids, in the county of Linn and State of Iowa.

Merritt S. Brown to be postmaster at North English, in the county of Iowa and State of Iowa.

George A. Danforth to be postmaster at Hamburg, in the county of Fremont and State of Iowa.

Francis H. Farley to be postmaster at Sloan, in the county of Woodbury and State of Iowa.

Joseph W. Foster to be postmaster at Humboldt, in the county of Humboldt and State of Iowa.

Alfred C. Harris to be postmaster at Eldora, in the county of Hardin and State of Iowa.

Lewis B. Jenness to be postmaster at Danbury, in the county of Woodbury and State of Iowa.

Emily L. Kerr to be postmaster at Victor, in the county of Iowa and State of Iowa.

Edwin W. McCracken to be postmaster at Scranton, in the county of Greene and State of Iowa.

James F. Mentzer to be postmaster at Knoxville, in the county of Marion and State of Iowa.

William H. Needham to be postmaster at Sigourney, in the county of Keokuk and State of Iowa.

Charles S. Terwilliger to be postmaster at Garner, in the county of Hancock and State of Iowa.

KANSAS.

George B. Crooker to be postmaster at Anthony, in the county of Harper and State of Kansas.

Thomas W. Dare to be postmaster at Gardner, in the county of Johnson and State of Kansas.

David K. Fretz to be postmaster at Canton, in the county of McPherson and State of Kansas.

Henry Nickles to be postmaster at Hope, in the county of Dickinson and State of Kansas.

Jonah E. Nickols to be postmaster at Atwood, in the county of Rawlins and State of Kansas.

John M. McCammon to be postmaster at Esbon, in the county of Jewell and State of Kansas.

Joseph H. Woollen to be postmaster at Mankato, in the county of Jewell and State of Kansas.

LOUISIANA.

Frank E. Posey to be postmaster at Baton Rouge, in the parish of East Baton Rouge and State of Louisiana.

MAINE.

Charles F. Hammond to be postmaster at Van Buren, in the county of Aroostook and State of Maine.

MARYLAND.

Thomas R. Greene to be postmaster at Denton, in the county of Caroline and State of Maryland.

Adolphus H. Harrington to be postmaster at Frederick, in the county of Frederick and State of Maryland.

John McFarland to be postmaster at Lonaconing, in the county of Allegany and State of Maryland.

Morris L. Smith to be postmaster at Woodsboro, in the county of Frederick and State of Maryland.

Robert R. Walker to be postmaster at Easton, in the county of Talbot and State of Maryland.

MASSACHUSETTS.

Charles D. Brown to be postmaster at Gloucester, in the county of Essex and State of Massachusetts.

Charles E. Cook to be postmaster at Uxbridge, in the county of Worcester and State of Massachusetts.

Charles W. Lincoln to be postmaster at Holbrook, in the county of Norfolk and State of Massachusetts.

Fred H. Torrey to be postmaster at Groton, in the county of Middlesex and State of Massachusetts.

MICHIGAN.

Frank D. Ball to be postmaster at Crystal Falls, in the county of Iron and State of Michigan.

Lawson E. Becker to be postmaster at Fenton, in the county of Genesee and State of Michigan.

James W. Dey to be postmaster at Springport, in the county of Jackson and State of Michigan.

E. Jefferson Hall to be postmaster at Marion, in the county of Osceola and State of Michigan.

John Harwood to be postmaster at White Cloud, in the county of Newaygo and State of Michigan.

George W. Minchin to be postmaster at Evart, in the county of Osceola and State of Michigan.

Philip P. Schnorbach to be postmaster at Muskegon, in the county of Muskegon and State of Michigan.

MINNESOTA.

John Chermak to be postmaster at Chatfield, in the county of Fillmore and State of Minnesota.

Chester A. Coborn to be postmaster at Sauk Rapids, in the county of Benton and State of Minnesota.

Anders Glimme to be postmaster at Kenyon, in the county of Goodhue and State of Minnesota.

Samuel C. Johnson to be postmaster at Rush City, in the county of Chisago and State of Minnesota.

Ernest P. Le Masurier to be postmaster at Hallock, in the county of Kittson and State of Minnesota.

John Lohn to be postmaster at Fosston, in the county of Polk and State of Minnesota.

Emma F. Marshall to be postmaster at Red Lake Falls, in the county of Red Lake and State of Minnesota.

Severin Mattson to be postmaster at Braham, in the county of Isanti and State of Minnesota.

Charles A. Pearson to be postmaster at Roseau, in the county of Roseau and State of Minnesota.

William Peterson to be postmaster at Atwater, in the county of Kandiyohi and State of Minnesota.

Frederick T. Schlegel to be postmaster at Arlington, in the county of Sibley and State of Minnesota.

Benjamin A. Shaver to be postmaster at Kasson, in the county of Dodge and State of Minnesota.

Olaves A. Wilson to be postmaster at McIntosh, in the county of Polk and State of Minnesota.

MISSOURI.

R. N. Hillard to be postmaster at Hayti, in the county of Pemiscot and State of Missouri.

NEBRASKA.

James H. Logan to be postmaster at Ponca, in the county of Dixon and State of Nebraska.

NEW YORK.

Mary L. McRoberts to be postmaster at Tompkinsville, in the county of Richmond and State of New York.

OREGON.

Thomas L. Ambler to be postmaster at Mount Angel, in the county of Marion and State of Oregon.

Henry Proctor to be postmaster at Elgin, in the county of Union and State of Oregon.

Finley E. Roberts to be postmaster at Springfield, in the county of Lane and State of Oregon.

PENNSYLVANIA.

Calvin B. Philips to be postmaster at Frackville, in the county of Schuylkill and State of Pennsylvania.

RHODE ISLAND.

George E. Gardner, to be postmaster at Wickford, in the county of Washington and State of Rhode Island.

TEXAS.

George W. Brown to be postmaster at Devine, in the county of Medina and State of Texas.

Robert H. Walton to be postmaster at Walnut Springs, in the county of Bosque and State of Texas.

George S. Zeigler to be postmaster at Eagle Lake, in the county of Colorado and State of Texas.

UTAH.

John A. Smith to be postmaster at Heber, in the county of Wasatch and State of Utah.

VERMONT.

James E. Pollard to be postmaster at Chester, in the county of Windsor and State of Vermont.

WASHINGTON.

John M. Benedict to be postmaster at Centralia, in the county of Lewis and State of Washington.

Thomas Bollman to be postmaster at Cashmere, in the county of Chelan and State of Washington.

Theo Hall to be postmaster at Medical Lake, in the county of Spokane and State of Washington.

Roderick R. Harding to be postmaster at Port Angeles, in the county of Clallam and State of Washington.

WISCONSIN.

Morris F. Barteau to be postmaster at Appleton, in the county of Outagamie and State of Wisconsin.

John W. Bell to be postmaster at Chetek, in the county of Barron and State of Wisconsin.

Charles P. Brechler to be postmaster at Fennimore, in the county of Grant and State of Wisconsin.

Harry C. Hall to be postmaster at Iron River, in the county of Bayfield and State of Wisconsin.

Nicholas A. Lee to be postmaster at Colfax, in the county of Dunn and State of Wisconsin.

Egbert Marks to be postmaster at Menomonie, in the county of Dunn and State of Wisconsin.

George A. Packard to be postmaster at Bayfield, in the county of Bayfield and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 10, 1907.*

The House met at 12 o'clock noon.

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

The Journal of yesterday's proceedings was read and approved.

LIEUTENANT-GENERAL.

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

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

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution of the House No. 738, have had the same under consideration and recommend that the following resolution be agreed to in lieu thereof:

"*Resolved*, That in considering in Committee of the Whole House on the state of the Union the bill H. R. 23551, 'A bill making appropriations for the support of the Army for the fiscal year ending June 30, 1908,' it shall be in order to consider as an amendment thereto the following: 'When the office of Lieutenant-General shall become vacant it shall not thereafter be filled, but said office shall cease and determine, but nothing in this provision shall affect the retired list.'"

Mr. DALZELL. Mr. Speaker, on the adoption of the resolution I ask for the previous question.

The previous question was ordered.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] is entitled to twenty minutes.

Mr. DALZELL. Mr. Speaker, it seems to me hardly necessary to spend any time in explanation of this rule. The amendment suggested, abolishing the office of Lieutenant-General when the next vacancy occurs, was part of the text of the Army bill as it was reported to the House from the Committee on Military Affairs. When that portion of the bill was reached, a point of order was made that it was new legislation, and the point of order was sustained and the paragraph went out.

It seems to the committee that in submitting this rule they are simply furnishing the House an opportunity to put into legislation what has heretofore been declared to be the will of the House. There is no doubt that there is an almost unanimous consensus of opinion that the amendment ought to be adopted. This was evidenced by the action of the House at the last session of Congress, when, although it refused to pass such an amendment because it would then have applied to two major-generals who had been designated to fill the place, it did subsequently pass in a special bill substantially the same provision that is now submitted. I believe that there is an opinion prevailing that it was a mistake to create the office of Lieutenant-General for any officer after the death of General Sheridan; that the distinction should have been confined to Generals Grant, Sherman, and Sheridan. But as often as one officer after another of the civil war attained to the position where he would be entitled to this place, if it was to be created, Congress felt it would be unfair to deprive him of what his predecessors had had. The reason that existed for giving this distinction to these officers has now ceased to exist. All the officers of the civil war who would be entitled by reason of their seniority to become Lieutenant-Generals have been provided for, and if the office is to continue it will be conferred hereafter upon those who have had no connection with the civil war.

I want to say here, while I am on the floor, it is a great mistake to assume, as I have heard it assumed on the outside, that this measure is aimed at the interest of some or any Army officer. The measure is intended, I think, by the House to be passed as a measure of justice, because the reason existing for the creation of the office has ceased, and the office should likewise cease with the reason. The legislation has no particular party or parties in view.

I am ready to yield time to any gentleman who desires it. If no one desires time, I ask for a vote.

The SPEAKER. The question is on agreeing to the resolution.

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 21202. An act fixing the time for homestead entrymen on lands embraced in the Wind River or Shoshone Indian Reservation to establish residence on same; and

H. R. 21951. An act to authorize the Alabama, Tennessee and Northern Railroad Company to construct a bridge across the Tombigbee River, in the State of Alabama.

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

S. 6137. An act granting an increase of pension to Fannie L. Pike;

S. 6145. An act granting an increase of pension to Enoch Bolles;

S. 6587. An act granting an increase of pension to Marcus M. Currier;

S. 6656. An act granting an increase of pension to Eli M. Skinner;

S. 6823. An act granting an increase of pension to John H. Holsey;

S. 6828. An act granting an increase of pension to Walter D. Greene;

S. 7295. An act granting an increase of pension to Gabriel Campbell;

S. 7384. An act granting an increase of pension to Orson B. Johnson;

S. 6578. An act to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, and to amend an act amendatory thereof approved June 20, 1906;

S. 7372. An act to authorize the acceptance by the Secretary of the Navy, as a gift, of a sailboat for use of the midshipmen at the Naval Academy; and

S. R. 81. Joint resolution authorizing temporary leaves of absence for homestead settlers.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 7372. An act to authorize the acceptance by the Secretary of the Navy, as a gift, of a sailboat for use of the midshipmen at the Naval Academy—to the Committee on Naval Affairs.

S. 6578. An act to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes, approved March 2, 1895, and to amend an act amendatory thereof approved June 20, 1906—to the Committee on the District of Columbia.

S. 7295. An act granting an increase of pension to Gabriel Campbell—to the Committee on Invalid Pensions.

S. 6828. An act granting an increase of pension to Walter D. Greene—to the Committee on Invalid Pensions.

S. 6823. An act granting an increase of pension to John H. Holsey—to the Committee on Invalid Pensions.

S. 6587. An act granting an increase of pension to Marcus M. Currier—to the Committee on Invalid Pensions.

S. 6145. An act granting an increase of pension to Enoch Bolles—to the Committee on Invalid Pensions.

S. 6137. An act granting an increase of pension to Fannie L. Pike—to the Committee on Invalid Pensions.

S. 6656. An act granting an increase of pension to Eli M. Skinner—to the Committee on Invalid Pensions.

S. 7384. An act granting an increase of pension to Orson B. Johnson—to the Committee on Invalid Pensions.

S. R. 81. Joint resolution authorizing temporary leaves of absence for homestead settlers—to the Committee on the Public Lands.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 21202. An act fixing the time for homestead entrymen on lands embraced in the Wind River or Shoshone Indian Reservation to establish residence on same; and

H. R. 21951. An act to authorize the Alabama, Tennessee and Northern Railroad Company to construct a bridge across the Tombigbee River, in the State of Alabama.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill making appropriations for the Army.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Army apprpriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. CURRIER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill.

Mr. HULL. Mr. Chairman, under authority of the rule just adopted, I move to insert the following on page 5, after the word "dollars," in line 16:

Provided, That when the office of Lieutenant-General shall become vacant it shall not thereafter be filled, but said office shall cease and determine: *Provided further*, That nothing in this provision shall affect the retired list.

The CHAIRMAN. The Chair is of the opinion that probably the point of order pending should be disposed of before this amendment is offered; but without objection, the Chair will entertain the amendment now.

Mr. MADDEN. I would like to hear that amendment read again.

The CHAIRMAN. The amendment has not yet been read. The Clerk will report the amendment:

The Clerk read as follows:

On page 5, after line 16, insert the following:

"*Provided*, That when the office of Lieutenant-General shall become vacant it shall not thereafter be filled, but said office shall cease and determine: *Provided further*, That nothing in this provision shall apply to the retired list."

Mr. MADDEN. Why does not that apply to the existing law?

Mr. HULL. It does apply to those who are on the active list but does not apply to those on the retired list and does not apply to General MacArthur, who will go on the retired list in 1909.

Mr. MADDEN. Is that specifically covered?

Mr. HULL. I think it is.

Mr. CRUMPACKER. There can be no promotion?

Mr. HULL. After General MacArthur goes out there can be no other promotion on the active list.

Mr. CRUMPACKER. There is no promotion of men on the retired list.

Mr. HULL. Not at all.

Mr. CRUMPACKER. That is the understanding, that men on the retired list can not be promoted.

Mr. HULL. There has never been any promotion upon the retired list except by act of Congress and can not be.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. GROSVENOR. I ask for a division.

The committee divided, and there were—ayes 84, noes 0.

So the amendment was agreed to.

Mr. HULL. Mr. Chairman, in regard to the point of order that was under discussion at the hour of adjournment last evening, I desire to submit the following full information on the point suggested by the Chair.

The Clerk read as follows:

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER-GENERAL,
Washington, January 10, 1907.

Hon. A. T. HULL,
Chairman of Committee on Military Affairs,
House of Representatives.

SIR: In reply to your inquiry I have the honor to inform you that allotments made in the past of funds for the construction of barracks, quarters, and other quartermaster buildings for the Coast Artillery have been made in the same manner as have such allotments for the construction of similar structures for the cavalry and infantry. That is, for buildings costing more than $20,000 each allotments have been made from the appropriation for military posts, carried on the sundry civil bill, and for buildings costing less than $20,000 each allotments have been made from the appropriation for barracks and quarters carried on the Army appropriation bill.

Very respectfully,

C. F. HUMPHREY,
Quartermaster-General United States Army.

Mr. HULL. If the gentleman wants anything further I simply add that that carries out my contention that the Committee on Military Affairs has only attempted to segregate the authorizations of these buildings, and it does not change the method of building or the character of buildings heretofore carried in the appropriation bills covered by barracks and quarters at posts in the two bills in which such items are carried.

Mr. TAWNEY. Mr. Chairman, whatever the practice of the Department has been with respect to the expenditure of the appropriations for barracks and quarters is not material in the discussion or consideration of the point of order that is now before the Chair. I wish to give the Chair some information respecting the history of appropriations for barracks and quarters for the seacoast artillery. The first appropriation that Congress ever authorized for this purpose was in 1896. It was carried in the fortifications appropriation bill reported from the Committee on Appropriations, under the head of "Gun and mortar batteries:"

For the construction of fortifications, $2,500,000, of which sum not exceeding $100,000 may be expended for the construction of necessary buildings connected therewith.

That was the first appropriation made for buildings in connection with the coast defenses of the United States in recent years. Following that, Congress felt that there ought to be some limitation placed upon the Department in the expenditure of appropriations for this purpose, and the next year the fortifications bill carried the following provision:

That prior to any expenditure of money for the construction of necessary buildings connected with the new fortifications, except that already authorized, the Secretary of War shall report to Congress, on or before December 6, 1897, the most practicable and economical plan for the care and preservation of the fortifications and their armament, said plans to be based upon the authorized strength of the artillery force of the Army.

Then later, in the sundry civil bill, they placed this limitation:

For the construction of buildings at, and the enlargement of, such military posts as in the judgment of the Secretary of War may be necessary, and for the erection of barracks and quarters for the artillery in connection with the adopted project for seacoast defense, $620,000, and of this sum $50,000, or so much thereof as may be necessary, may be used for the purchase of suitable building sites: *Provided*, That for the erection of barracks and quarters for artillery in connection with the project adopted for seacoast defense there shall not hereafter be expended at any one point more than $60,000 for a one-battery post, and $20,000 additional for each additional battery, from any appropriation made by Congress, unless special authority of Congress be granted for a greater expenditure.

Following that, in 1901, Congress adopted this further limitation:

Provided, That for the erection of barracks and quarters for artillery, in connection with the project adopted for seacoast defense, there shall not hereafter be expended at any one point more than $1,200 per man for each man required for one relief to man the guns at the post, up to eighty-three men, the present permanent strength of a battery enlisted and commissioned, and for each man required beyond this number, $600 per man, from any appropriation made by Congress, unless special authority of Congress be granted for a greater expenditure.

Now, Mr. Chairman, from the time Congress first made appropriations for barracks and quarters for our Seacoast Artillery the Committee on Appropriations has always received the estimate for that purpose under the rule of the House which expressly provides that all estimates for that purpose shall be reported to the Committee on Appropriations. The committee have taken that jurisdiction and exercised it and invariably reported the appropriations for barracks and quarters in a fortification bill or in a sundry civil bill. So far as the bill is concerned, it is not material. The question here is as to whether or not the Committee on Military Affairs, under the rules of this House, have jurisdiction of the appropriations and estimates for appropriations for our seacoast defense. It would be just as competent for the Military Committee to bring in appropriations here for our seacoast batteries and our fortifications. Jurisdiction over subjects pertaining to fortifications and our seacoast defenses has never been surrendered by, nor has it ever been taken away from, the Committee on Appropriations.

Another point I want to make, Mr. Chairman: Under the language of this amendment the entire amount may be spent at one place and may be spent for one building. There is absolutely no limitation that would apply. The limitation which now exists in the law, carried in the fortifications bill and later in the sundry civil bill, would not apply in any way whatever to this, because the appropriation for barracks and quarters, to which this limitation applies, reads:

In connection with the project adopted for seacoast defenses.

That is a limitation that is carried with every appropriation reported by the Committee on Appropriations for barracks and quarters for the Seacoast Artillery. The appropriation must be for that purpose, and the limitation then applies. Under the language of this amendment the existing limitation would not apply. I maintain, Mr. Chairman, that, under the rules of the House, the estimates for this purpose are referred to the Committee on Appropriations, and the committee have heretofore exercised that jurisdiction, and that jurisdiction ought to be maintained and preserved.

I maintain that it is in keeping with good administration and good policy to separate, as far as we possibly can, the cost of maintaining the Army and the cost of our coast defense and all new construction incident thereto.

Mr. SMITH of Iowa. Mr. Chairman, this matter has been fully presented to the Chair from the standpoint of the right to embrace these items, under the rules, in the sundry civil bill. Of course it is within the discretion of the Committee on Appropriations to assign the items which belong to that committee to such bills as it may deem best. So that if the jurisdiction as to this item has heretofore generally been exercised in either the fortifications appropriation bill or the sundry civil bill, that would throw light upon the interpretation of the rule. The chairman of the Committee on Military Affairs says that if

his committee had not inserted the statement that these barracks and quarters were for the Seacoast Artillery, perchance no point of order would have been lodged, and that his committee is, so to speak, being punished for its candor with the House. I want to say that I think his committee is to be complimented on its candor with the House; I want to say that I think his committee is to be complimented on the efforts made this year to hereafter secure a suitable segregation of the items in the army bill. And yet I feel sure that the gentleman would not wish to be understood as saying that he regretted the fact that he had been candid with the House and wished that he had covered up this appropriation so that no point would have been made upon it at all. I know he does not mean that.

Now, let us turn first to the rules, and then I want to call the Chair's attention to the report upon which these rules was originally adopted in the Forty-ninth Congress.

Part of Rule XI, section 3, is as follows:

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, viz:

"3. To the appropriation of the revenue for the support of the Government, as herein provided, viz, for legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications and coast defenses; to the Committee on Appropriations."

The provision with reference to the jurisdiction of the Military Committee reads "to the military establishment and public defense, including the appropriations for its support and for that of the Military Academy, to the Committee on Military Affairs."

What is a part of the coast defense? I read from the report of William R. Morrison, in presenting to the House the rule which gave to the Military Committee jurisdiction over the Army bill:

In 1847 appropriations were made in nine separate bills, viz: Army, civil and diplomatic, deficiencies, fortifications, Indian, Military Academy, Navy, pensions, and post-office.

Thus for more than sixty years one of the recognized and distinct bills making appropriations has been the fortifications appropriation bills.

Again Mr. Morrison says:

The fortifications bill being one relating generally to the army and navy fortifications and the general public defense is left to the Committee on Appropriations.

Now, this being the general public defense by both the Army and the Navy of the coast of the United States is left to the Committee on Appropriations. Under this rule what jurisdiction has the Military Affairs Committee ever exercised? Has it ever for a moment claimed that it could buy a site on which to build these barracks? Oh, no. Every proposition since the division of these appropriations to purchase a site for these barracks in connection with seacoast defenses has gone to and come from the Committee on Appropriations. Is it claimed that they have any jurisdiction over the building of houses, magazines to house the ammunition for use of seacoast defense? Oh, no; no such pretense; no such jurisdiction ever attempted to be exercised. Has it been claimed that they have charge of auxiliaries of coast defenses, like the fire control? Yes; but repudiated by the chairman in the last session of this Congress, and the Chair has from the beginning sustained the jurisdiction of the Appropriations Committee over all the adjuncts and accessories of the seacoast defense. Can it be said in any justice or reason that when one committee has been charged from the beginning with the whole care of the defense of the coast, that it is any more within its jurisdiction to provide houses for the ammunition than to provide houses for the men who handle the ammunition? What fine distinction is this which the chairman of the Committee on Military Affairs seeks to impress upon you when it must be conceded that this committee never had jurisdiction to buy a site and never exercised it for barracks or quarters at a seacoast defense; never had and never has exercised any authority to appropriate money to build houses in which to place the ammunition, but has authority to build a house in which to put the men? I submit that everything which is accessory to or an adjunct of the fortification for the seacoast defense belongs to the Committee on Appropriations, and not to the Committee on Military Affairs.

Mr. HULL. Mr. Chairman, the importance of this question impels me to again intrude myself and speak for a little time upon the questions that have been submitted this morning. The chairman of the Committee on Appropriations claims that all the buildings at seacoast defense have been carried by the sundry civil bill, when the positive evidence is submitted to the House this morning that that statement is not correct and that the line of demarcation between the two has been carried out in the appropriations heretofore on this seacoast matter just as it is in all other posts of the country. In other words, when the separation of the committees came the Committee on Appropriations kept jurisdiction of all buildings costing more than $20,000 and were supposed to appropriate for them under the law that has existed for so many years, requiring detailed estimates and specific appropriations. The gentleman carries the appropriation in his bill for military posts. Included in that are buildings for seacoast defense, but it does not carry it in such a way as to compel the authorities here to expend the money so much at seacoast defense and so much at other military posts. Under his appropriation, as it has been heretofore under ours, the Department could appropriate all the money for interior posts or all of it for seacoast defenses and still comply with the law. The proposition of the gentleman from Iowa——

Mr. TAWNEY. Will the gentleman permit an interruption there?

Mr. HULL. Yes.

Mr. TAWNEY. How does the gentleman construe this language in the present sundry civil appropriation law, which has been the law for many years, so as to justify the statement that the Department can use this money that is appropriated from the Committee on Appropriations for the building of barracks and quarters at interior posts:

For the construction and enlargement of buildings at such military posts as in the judgment of the Secretary of War may be necessary, for the erection of barracks and quarters for the artillery in connection with adopted projects for seacoast defense, and for the purchase of suitable building sites for said barracks and quarters.

Now, that money must be expended necessarily for barracks and quarters for Seacoast Artillery.

Mr. HULL. It would not be necessarily so. They would have the power under that appropriation to expend all of the appropriations for any one of the items specified, and say they did not need anything for the other objects mentioned this year. It is the same language we have heretofore used as to post barracks and quarters wherever they were needed—a lump sum by which the Department could direct the amount to any particular locality. We tried this year to separate, so as to have so much for one line of barracks and quarters and so much for another. The gentleman from Iowa [Mr. SMITH] raises the proposition as to the fortification bill being one of the old established bills of the country. Nobody disputes that proposition. He says that that committee has had jurisdiction over fortifications and coast defenses. What does that include? It includes the forts; it includes the batteries; it includes the casemates for the care of ammunition; it includes all the fixed part that is actually used in the defense of the country, and nothing else.

Mr. SMITH of Iowa. Will the gentleman permit a question?

Mr. HULL. Yes.

Mr. SMITH of Iowa. Has it not always included all the sites on which barracks and quarters were erected?

Mr. HULL. Yes; but if that were properly construed under the rules it would require legislation before you would be authorized to purchase. It has never been required.

Mr. SMITH of Iowa. But it has been the invariable practice.

Mr. HULL. But practice does not overcome law, and in my judgment, if we were to come to a strict construction of the rules of this House, it would require legislation in every case of that kind. We have never done it; we have never claimed it; but we do claim this: That when you get beyond the fortifications and coast defense proper you have no more jurisdiction over the buildings to house the men than you would have over the buildings to house the men at any other post in the country. If the gentleman claims that the care of the men carries with it jurisdiction to the Committee on Appropriations, why does he not claim, then, the clothing for the men to make them comfortable? Why doesn't he claim the food for the men? He says that without houses you could not have an army. Without an army you can not have any effective coast defense. You can erect your batteries, you can put up your casemates, but the gentleman must have an army of artillerymen there to make it effective, just as much as he must have houses. And yet gentlemen will hardly claim that they have the right to increase or diminish the Army as the Committee on Naval Affairs would have the right to increase or diminish the Navy. There are two jurisdictions here. The evidence is conclusive that during all the years we have been making these appropriations the smaller buildings carried in our bill have been erected for coast fortifications and for the other posts indiscriminately, and these buildings are not part under any construction that can be made for the housing of the Army of what is called "coast fortifications." They are simply for the care of the Army. To assume that they have absolute jurisdiction over that would be to assume that they have absolute jurisdiction over the number of men who should compose the artillery force of the Army, the amount of clothing that should be allowed them, the amount of food that should be given. It would be just as rea-

sonable in the one case as the other. I want to correct the gentleman on fire control. We claimed fire control on field batteries, and we got it in place of being turned down.

Mr. SMITH of Iowa. And you claimed Seacoast Artillery also and lost out.

Mr. HULL. Well, we did not feel that we lost anything; but this other proposition, Mr. Chairman, goes to the very heart of the question of the power of two committees to proceed on the lines they have been doing without friction.

The CHAIRMAN. The Chair is ready to rule. It is unfortunate that the jurisdiction of these two committees is not clearly defined in the rules. As it is, the only guide the Chair has is the course pursued in regard to this particular appropriation in the past. The fact that before the Army appropriation bill was taken away from the Committee on Appropriations and given to the Committee on Military Affairs it carried nothing except for the maintenance of the Army affords little light on this question, since it has been the invariable practice of the Military Committee, since given jurisdiction of the Army appropriation bill, to appropriate for barracks and quarters. Had this item been carried in the fortifications bill there would probably have been little controversy about it, but if the Appropriations Committee has jurisdiction, then for the purposes of this case it matters not in what bill reported by that committee the item is carried. The rules provide that the Committee on Appropriations shall have jurisdiction of fortifications and coast defenses. The construction of seacoast fortifications is clearly the province of the Committee on Appropriations under this rule. Are not the barracks at the fortifications a part thereof? So far as the Chair is informed, the Army appropriation bill has never, until the bill under consideration was presented, carried in specific terms any appropriation for barracks for Seacoast Artillery. That has alway been carried in a bill reported by the Committee on Appropriations. The fortifications appropriation bill approved March 3, 1896, which was after the adoption of the so-called "Endicott project," carried an appropriation for the erection of necessary buildings connected with the new fortifications. In the fortifications bill for the next year this provision was carried in the following language:

That prior to any expenditure of money for the construction of necessary buildings connected with the new fortifications, etc.—

Congress apparently recognizing the jurisdiction of the Committee on Appropriations over this subject. The next year the appropriation for this purpose was included in the sundry civil appropriation bill in the following language:

For the erection of barracks and quarters for the artillery in connection with the adopted project for seacoast defense.

And it has been carried every year since in the sundry civil appropriation bill down to and including the first session of this Congress, when the language was as follows:

For the erection of barracks and quarters for the artillery in connection with the adopted project for seacoast defense.

The fact that the War Department may have used some of the money carried in the Army appropriation bill for barracks for seacoast artillery without any specific instruction from Congress so to do can not affect the question of jurisdiction under consideration. In an exhaustive and able opinion delivered by Mr. Speaker Henderson on February 1, 1900, involving a somewhat similar provision on the question of jurisdiction between the Committee on Military Affairs and the Committee on Appropriations, he said:

During this period many bitter contests have arisen between the two committees on this subject of jurisdiction, and each time the final decision of the matter has been in favor of the jurisdiction of the Committee on Appropriations.

These decisions were made in relation to subjects which the Appropriations Committee claimed were, and had been, properly part of the fortifications bill. In this case all the conditions are the same, except that the items in dispute are claimed for the sundry civil bill.

While acting as Chairman in the Committee of the Whole House on the state of the Union, decisions favorable to the Committee on Appropriations have been made by Messrs. Blount, of Georgia; Payson, of Illinois; HOPKINS, of Illinois, and Springer, of Illinois. Mr. Allen, of Michigan, while in the chair, made a different ruling, but the House promptly, on motion of Mr. CANNON, of Illinois, sustained the claim of the Committee on Appropriations by striking the paragraph in controversy from the Army bill. Many days have been spent in discussions of the question, one struggle lasting for two entire days, and another struggle for three entire days, but always resulting in favor of the jurisdiction of the Committee on Appropriations, whether the decision was made by a Chairman, or by the Committee of the Whole House, or by the House itself.

The several controversies that have taken place were for the purpose of maintaining the individuality of the fortifications bill, and also of the Army bill. Each of the great appropriation bills has an individuality which it has retained for about thirty years and which the House has shown itself reluctant to violate. For instance, the Appropriations Committee is given under the rule jurisdiction of the subject of "fortifications and coast defenses." Field guns for the use of the Army would scarcely seem to properly belong to this committee, but it has been decided repeatedly that the Appropriations Committee has jurisdiction of the subject of field guns, because their fabrication for a long term of years belonged to the fortifications appropriation bill. For the same reason the Committee on Appropriations has been given and held jurisdiction of Watervliet Arsenal, where heavy guns are made.

In view of the fact that up to this time the Committee on Appropriations has invariably claimed and exercised without objection the right to appropriate in express terms for the construction of barracks for seacoast fortifications, and until this bill was presented the Committee on Military Affairs has not attempted to so appropriate, the Chair is constrained to sustain the point of order.

The Clerk read as follows:

Transportation of the Army and its supplies: Transportation of the Army, including baggage of the troops when moving either by land or water, and including also the transportation of recruits and recruiting parties heretofore paid from the appropriation for "Expenses of recruiting" and the transportation of applicants for enlistment between recruiting stations and recruiting depots and the transportation of persons on their discharge from the United States military prison to their homes (or elsewhere as they may elect), provided the cost in each case shall not be greater than to the place of last enlistment; of supplies to the militia furnished by the War Department for the permanent equipment thereof; of the necessary agents and employees; of clothing, camp and garrison equipage, and other quartermaster's stores, from Army depots or places of purchase or delivery to the several posts and Army depots, and from those depots to the troops in the field; of horse equipments and subsistence stores from the places of purchase, and from the places of delivery under contract to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and Army depots; freights, wharfage, tolls, and ferriages; hereafter estimates shall be submitted to the Congress of the United States covering transportation of the Army and its supplies in one estimate, and additional estimates shall be submitted covering other items heretofore carried in appropriation bills under the head of transportation of the Army and its supplies; the purchase and hire of draft and pack animals and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other vessels and boats required for the transportation of troops and supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters and other employees; extra-duty pay of enlisted men driving teams, repairing means of transportation, and employed as train masters, and in opening roads and building wharves; transportation of funds of the Army; the expenses of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific oceans; and hereafter no steamship in the transport service of the United States shall be sold or disposed of without the consent of Congress having been first had or obtained; for procuring water, and introducing the same to buildings at such posts as from their situation require it to be brought from a distance, and for the disposal of sewage and drainage, and for constructing roads and wharves; for the payment of Army transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than 50 per cent of full amount of service be paid: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service: *Provided further*, That in expending the money appropriated by this act a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed 50 per cent of the compensation for such Government transportation as shall at that time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service: *Provided further*, That the number of draft animals purchased from this appropriation, added to those now on hand, shall be limited to such numbers as are actually required for the service, $13,500,000: *Provided*, That no part of this appropriation shall be applied to the payment of the expenses of using transports in any other Government work than the transportation of the Army, its supplies and employees; and when, in the opinion of the Secretary of War, accommodations are available, transportation may be provided for the officers, enlisted men, employees, and supplies of the Navy, the Marine Corps, and for members and employees of the Philippine and Hawaiian governments, and without expense to the United States, for the families of those persons herein authorized to be transported: *Provided further*, That of the amount herein appropriated $725,000 shall be expended for boats for the seacoast artillery service.

Mr. TAWNEY. Mr. Chairman, I desire to reserve the point of order on the last two provisos, beginning on line 1, page 35, after the word "Army," down to and including the word "service" on line 10. I desire to ask the gentleman if that is not an entirely new provision in respect to the use of transports and also in respect to the appropriation of $750,000 to be expended for boats for the Coast Artillery service. I wanted to know particularly about the first part of that, whether the gentleman thinks he has limited the use of the Army transports so as to prevent the abuse of the service.

Mr. HULL. The only change in the provision from last year is that under the appropriation last year we gave the Navy and the Marine Corps the same rights for the use of the transports that we gave the Army, and we found that the Marine Corps and Navy have been availing themselves of that provi-

sion to such an extent that the transports have been unable to do the business required of them for the Army in the transportation of its supplies. This changes it by making the transportation of the supplies of the Army first in importance, and permits the Secretary of War to extend its service to the other branches of the service when there is a sufficient capacity to do their business too. In other words, under the old provision the Army was bearing the expense of paying for the transportation of its own supplies by private lines, and was then compelled to care for the other branch of the service under the Army bill.

Mr. SMITH of Iowa. Mr. Chairman, could the gentleman give us anything definite as to what the purpose of this $725,000 is—whether it is ordinary transportation of the Seacoast Artillery or whether it is for some purpose in connection with the seacoast defense?

Mr. HULL. My understanding is that it has nothing to do with the seacoast defense, judging from this document and what the Quartermaster-General says; that it is in the torpedo service, and in the transportation from one place to another of the mobile forces of the Army, and the Quartermaster Department is now charged with it under "Transportation of the Army and supplies;" that the use of a large boat in that line is more expensive than the use of a small one, and it is claimed it will be a matter of economy.

Mr. SMITH of Iowa. The gentleman remembers that last year it was ruled that his committee had no jurisdiction over torpedo planters, for example? Now, is this meant to cover just that kind of thing?

Mr. HULL. I should think it was meant to cover everything that the Army is now charged with doing under the head of "Transportation of Army and supplies," and nothing beyond that, from what the Quartermaster-General says. The hearing is very brief on it. I regarded it as possibly subject to a point of order.

Mr. TAWNEY. How do you arrive at the amount that will be required?

Mr. HULL. The estimate submitted was for $900,000, but a supplemental estimate has been made, asking that the amount be reduced from $900,000 to $725,000.

Mr. TAWNEY. How large a vessel do they propose to build?

Mr. HULL. It would be a vessel of very good size, a well-equipped seagoing vessel, but not a large vessel, or it would cost more than the amount provided.

Mr. TAWNEY. This means the purchase of an additional transport vessel.

Mr. HULL. It would mean the purchase of a vessel which would cost less in operation for fuel and complement of officers and men; a vessel that they could use for this work for which the larger vessel is now used.

The CHAIRMAN. Does the gentleman from Minnesota insist upon the point of order?

Mr. TAWNEY. I withdraw the point of order.

Mr. HULL. Now, Mr. Chairman, I want to offer the following new proviso.

The Clerk read as follows:

After the word "service," line 10, page 35, insert the following:
"For the construction and maintenance of military and post roads, bridges, and trails in the district of Alaska, to be expended under the direction of a board of road commissioners described in section 27 of an act entitled 'An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes,' approved January 27, 1905, and to be expended conformably to the provisions of said act, $250,000, to remain available until expended."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Construction and repair of hospitals: For construction and repair of hospitals at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same, and including also all expenditures for construction and repairs required at the Army and Navy Hospital at Hot Springs, Ark., and for the construction and repair of general hospitals and expenses incident thereto, and for additions needed to meet the requirements of increased garrisons, $475,000: *Provided*, That the following sums may be used in the erection of modern sanitary hospitals at the posts named: Fifty thousand dollars at Fort Douglas, Utah; $60,000 at San Juan, P. R.; $45,000 at Fort Mackenzie, Wyo.; $35,000 at Whipple Barracks, Ariz.; $35,000 at Fort Riley, Kans.

Mr. KAHN. Mr. Chairman, I offer the following amendment.

Mr. FITZGERALD. Mr. Chairman, I reserve the point of order as to the proviso.

The CHAIRMAN. The amendment will not be offered until the point of order is disposed of. The amendment may be read. Will the gentleman from New York please give the Chair his attention. The amendment may be read for information, but it will not be acted upon until the point of order is disposed of.

The Clerk read as follows:

For the reconstruction and repair of the power house pertaining to the general hospital on the Presidio Military Reservation, San Francisco, Cal., $30,000.

Mr. HULL. Here is a specific sum named by the Congress of the United States. The only question that has ever been raised as to the proposition of appropriating for larger sums in the Army bill than the $20,000 is that there was no specific estimate made first, and second, that all of the specific appropriations for more than $20,000 for one building have been made by the Committee on Appropriations. Now, I think, when it comes to hospitals, that the Committee on Military Affairs has always carried that item, and the Committee on Appropriations has never had jurisdiction over hospitals. Whenever the question has been raised, the uniform practice has been that they were carried in the Army appropriation bill. Now, I will read the law on that subject:

Permanent barracks or quarters and buildings and structures of a permanent nature shall not be constructed unless detailed estimates shall have been previously submitted to Congress.

That has been done by the Department to the Committee on Military Affairs.

And approved by a special appropriation for the same, except when constructed by the troops; and no such structures the cost of which shall exceed $20,000 shall be erected unless by special authority of Congress.

The committee has reported this without getting special authority to construct this hospital. In the original organization of these bills, when the posts were small and widely scattered on the frontier, $20,000 was ample for the construction of a hospital at the different posts. That day has passed, and the time has come when in order to have a modern hospital Congress must recognize that it requires more than $20,000.

Mr. TAWNEY. Is not this the fact—that this provision authorizes the construction of the hospital and at the same time appropriates for that purpose? Now, the fact that these hospitals are not authorized by law makes that out of order under the rules. Why is it that the Committee on Military Affairs, having jurisdiction of the subject, does not report a specific bill authorizing the construction, and then follow in the appropriation bill with the appropriation?

Mr. HULL. Mr. Chairman, it does not carry with it that proposition. The law does not say that these must be previously authorized, but that no greater amount shall be expended for one building unless specifically authorized by Congress. I want to call the gentleman's attention to the fact that if his construction were to be taken we could not appropriate for a single building in either the sundry civil or military bill for posts if there had to be legislation before we make the appropriation. The Committee on Military Affairs has the power to legislate; the Appropriations Committee has not. His construction would absolutely destroy the appropriaton in both bills for military posts. Now, Mr. Chairman, I think this law is just as binding on one committee as it is on the other.

Mr. FITZGERALD. The intention of this provision is to permit the erection of modern sanitary hospitals within the limit of cost specified herein?

Mr. HULL. That is right—without increasing the appropriation.

Mr. FITZGERALD. I wish to call the attention of the gentleman from Iowa to the fact that there is no limit of cost fixed upon the hospitals authorized in this provision. It simply provides that certain specified sums may be used in the erection of modern sanitary hospitals at certain posts. If this provision be enacted in the present shape, it will be possible for the Department to use the amount allowed in the fiscal year for which it is authorized for the purpose specified, and then to come to Congress for an additional appropriation to complete the work.

Mr. HULL. I will say to the gentleman that if we can reach that stage of the proceedings I am perfectly willing to amend it so that it will read:

For the erection and completion.

So that there will be a limitation.

Mr. FITZGERALD. My principal object in reserving the point of order was to direct the gentleman's attention to that fact, and to have him, if he deemed it advisable, so shape the language that there would be a limit of cost upon the proposed hospitals.

Mr. TAWNEY. Why not provide that not more than this sum may be used?

Mr. FITZGERALD. So that it would be necessary to complete the buildings within the specified sums.

Mr. HULL. Why not make it read this way:

Provided, That not to exceed the following sums may be used in the erection and completion.

That would absolutely cover both points.

Mr. FITZGERALD. I think that is more satisfactory. There is one other point about which I wish to inquire. Are these hospitals to be erected at any posts which it is intended to abandon as military posts in the near future?

Mr. HULL. My understanding is, absolutely not. And when that question was raised in the Committee on Military Affairs they eliminated all such places, and these posts are supposed to be permanent posts. If I believed that the scheme of the Department was to abandon these posts in a few years, I should oppose granting them a penny for additional buildings; but that question was asked, and it was understood that other hospitals that they desired appropriations for were eliminated from the Surgeon-General's request, on the ground, first, that they were not of so much importance, and, second, that they might not be permanent posts.

Mr. MANN. Now, I understand the gentleman to claim that this item is not subject to a point of order.

Mr. HULL. I will claim that if the point is made.

Mr. MANN. I understood the gentleman to argue that this item was not subject to a point of order.

Mr. HULL. If the point was made I should resist it to the best of my ability.

Mr. MANN. Irrespective of what the gentleman believes?

Mr. HULL. Oh, no; the question of belief is one I hope we will not go into.

Mr. MANN. Because if the gentleman thought this was not subject to a point of order, what was the object in putting it in the bill?

Mr. HULL. My judgment is that it is impossible, unless you specifically appropriate for the erection of buildings costing more than $20,000, to build them under either bill.

Mr. MANN. That would make it subject to the point of order.

Mr. HULL. You must have a specific amount in the bill to comply with the law.

Mr. MANN. That would be changing the law, and so would make it subject to the point of order.

Mr. HULL. I think not, under the law, because the law provides that you may do that.

Mr. MANN. The law provides that you can not build a building, except under certain circumstances, to exceed $20,000 in cost.

Mr. CAPRON. But the circumstances are all there.

Mr. HULL. I hope the gentleman will not raise the point, because, to be frank with him, it would very badly demoralize our whole system of appropriations. Now, Mr. Chairman, if the gentleman from New York withdraws his point of order, I want to offer these amendments.

Mr. FITZGERALD. I withdraw the point of order.

Mr. HULL. I move to amend, on page 26——

The CHAIRMAN. The Chair will say to the gentleman from Iowa that the gentleman from California [Mr. KAHN] offers an amendment, which the Clerk will now report.

The Clerk read as follows:

Page 36, line 23, after the word "Kansas," insert:

"For the reconstruction and repair of the power house pertaining to the general hospital on the Presidio Military Reservation, San Francisco, Cal., $30,000.

Mr. MANN. I reserve the point of order. The gentleman from Iowa [Mr. HULL] just agreed to offer another amendment ahead of this.

Mr. HULL. The Chair ruled me out, on the ground that there was one amendment pending.

Mr. TAWNEY. The amendment was pending.

Mr. MANN. I raise the point of order——

Mr. KAHN. It is too late to raise the point of order.

Mr. MANN. It is not too late; I reserved the point of order.

Mr. KAHN. I hope the gentleman will not insist on the point of order. The power house at the general hospital on the Presidio in San Francisco is, perhaps, the most important part of that hospital. It was seriously wrecked in the earthquake of April 18 last, but at that time it had become inadequate to the wants of the hospital. Four new buildings had been constructed, and a consequent increased demand for steam and electricity has resulted. This power plant furnishes not only the light, the electricity, and heat, but enables the cooking to be done in the kitchen. It runs the ice machine and refrigerator plant and operates the sterilizers and disinfecting apparatus. It is, as has been said by one officer, the very heart of that hospital. I have here an extract from a letter written by Lieutenant-Colonel Torney, in command there, in which he says:

My anxiety concerning the power plant will not be relieved until the funds are appropriated for its rehabilitation. It is, as you know, the very heart of the hospital, and in its crippled condition it requires a great deal of care to keep it in good running order.

Mr. TAWNEY. Mr. Chairman, I would like to ask if the Department submitted an estimate for these repairs?

Mr. KAHN. Not until after this bill had been reported.

Mr. HULL. Yes; in this way: They estimated $165,000 for general repairs, including this. The idea of this amendment is to insure its being expended there. I think it would be expended, but it is included in the $165,000.

Mr. TAWNEY. Then this would not increase the appropriation?

Mr. HULL. Not at all; it is carried in the amount that we figured on, only there was no specific amount. The estimate was carried as the repair of the house at the Presidio and improvements at other posts. This simply segregates it and does not increase the appropriation.

Mr. MANN. Will this complete the work?

Mr. HULL. I think it would if added now. The gentleman is skilled in the construction of language. Does not the gentleman think so?

Mr. MANN. That was the reason I asked whether it was intended to complete the work.

Mr. KAHN. Yes; the $30,000 will complete it.

Mr. FITZGERALD. Was the item estimated for by the Department?

Mr. HULL. Yes; it was put in the estimate submitted to us.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was considered and agreed to.

Mr. HULL. Mr. Chairman, I move to amend, on page 36, line 17, after the word "that," by inserting the words "not to exceed;" so it will read, "not to exceed the following sum."

The Clerk read as follows:

Amend page 36, line 17, after the word "that," by inserting the words "not to exceed;" so that it will read, "not to exceed the following sum."

Mr. MANN. I would suggest to the gentleman that that will not cover the case, because that means not to exceed——

Mr. HULL. If this is adopted, I mean to offer another amendment, in line 18, for the erection and completion.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

The question was taken and the amendment was agreed to.

Mr. HULL. Now, Mr. Chairman, I move to amend, in line 18, after the word "erection," by inserting the words "and completion."

The CHAIRMAN. The Clerk will read the proposed amendment.

The Clerk read as follows:

In line 18, after the word "erection," insert the words "and completion."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was considered and agreed to.

Mr. SLAYDEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 23, page 36, amend by adding: "*Provided further*, That the hospital at Bayard, New Mexico, for the treatment of tuberculosis shall be open to treatment of officers and men of the Navy and Marine Corps."

Mr. MANN. To that, Mr. Chairman, I reserve a point of order.

Mr. HULL. I hope the gentleman will reserve it and not make it.

Mr. SLAYDEN. Mr. Chairman, the hospital at Fort Bayard is used for the treatment of officers and men of the Army who are suffering from tuberculosis. This amendment merely proposes to extend the benefits of that hospital to the officers and men of the Navy and the Marine Corps, with the idea that it will provide accommodation for the men who need it and obviate the necessity at a later period of the erection of another hospital, a duplication of this at Fort Bayard.

Mr. HULL. Mr. Chairman, I think the gentleman could make it even stronger than that. His modesty prevents him. We have an Army and Navy Hospital at Hot Springs, Ark., for certain cases. That obviates each branch of the service having that character of a separate hospital. They have this hospital for the treatment of tuberculosis at Fort Bayard that is ample to treat all who may suffer from this disease from the three branches of the service, and unless it is extended to include the other two you will be called upon to vote $250,000 to establish another tuberculosis hospital for the other two arms of the service. It seems to me, and to the members of the Committee on Military Affairs, that there is no reason why these special hospitals for the treatment of special diseases not of general character, should be erected, when one hospital with one administration can do all the work. If this proviso is inserted here it will fix the fact that the Fort Bayard hospital is open to the Army and Marine Corps and to the Navy on the same terms

with the Army, and will obviate any necessity at least for the erection of additional hospitals for the treatment of cases of tuberculosis. That is all there is to it. It is to save the expense of building other hospitals for each of the arms of the service.

The CHAIRMAN. Does the gentleman from Illinois insist on his point of order?

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

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

Mr. MORRELL. Mr. Chairman, I move to strike out the last word. I notice in the RECORD of this morning some discussion was raised as to the item on page 31 for military post-exchange appropriation. Some questions were asked by the gentleman from California [Mr. KAHN] and some discussion raised in connection with that paragraph. I would like to say to the House that some years ago—I think it was two Congresses ago—I introduced a bill doing away with the anticanteen provision. At the time I did so the distinguished chairman of the committee, the gentleman from Iowa [Mr. HULL], assured me that the military post exchange, together with the appropriations that had been made for that purpose, would do away with any necessity for the former canteen.

Mr. HULL. Oh, I think the gentleman is mistaken about that. Did I not say that I hoped so? The gentleman ought not to make it quite so strong.

Mr. MORRELL. Well, the gentleman seemed so confident as to the result that I refrained on that occasion from introducing the bill which I did a little while afterwards. I would like to ask the distinguished chairman of this committee what has been the result, as proven by experience, as to whether the post exchange on the lines he suggested has brought about what he expected?

Mr. HULL. We are still providing the posts with post exchanges and furnishing hot coffee, with the hope that it will do all that is desired.

Mr. MORRELL. I would like to ask whether the proportionate decrease of drunkenness in the Army has been commensurate with the number of post exchanges of the new kind provided for in the various appropriations?

Mr. HULL. Mr. Chairman, that question is not before Congress, and I am not on the witness stand. I will say frankly to the gentleman that the testimony of Army officers is almost uniform and universal that the canteen was a good temperance measure; that its abolition has resulted in desertions and greater drunkenness. That is their testimony. I am also informed by letters ranging all the way from ten to one hundred a day, distributed all over the country, that the canteen would be a crime against society, and protesting against this reenactment. We are trying to let the present line work out, and if the effect ultimately is bad on the Army the facts can be presented to Congress and it can be legislated on, but it is not now before Congress.

Mr. MORRELL. Mr. Chairman, I would like to say to the gentleman that that may be true, but if the increase of drunkenness in the Army continues at the rate which is very well known throughout the country and acknowledged, it may become a very serious matter in preventing men from enlisting in the Army and greatly increase desertion and arrests by civil authorities. As I understand it, the trouble is to-day to get the proper kind of men to enlist in the Army and to stop the epidemic of desertion. I call attention to this fact purely in the cause of temperance. It is not because I want men to indulge in spirituous liquor and riotous behavior that I advocate returning to the canteen, but it is absolutely and purely in the cause of temperance, and if by insisting on this canteen law we are going to drive men out of the Army posts to low dives instead of doing what we expected to accomplish, we are doing exactly the reverse of what was desired to be accomplished. In a bill which I had the honor to introduce in the first session of this Congress in the preamble to that bill I called the attention of the House to the testimony that had been given in the report of the War Department in regard to the effect of the abolition of the canteen. If an amendment is in order, I would like to offer an amendment repealing that section of the bill.

Mr. HULL. I would say to the gentleman that it would not be in order.

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

Mr. MORRELL. Certainly.

Mr. GREENE. Do you mean to tell this House the reason for lack of enlistment is on account of the abolition of the canteen?

Mr. MORRELL. I would say in answer to the gentleman from Massachusetts that it may not be the direct cause, but I think I can safely say that it is one of the indirect causes why fathers and mothers do not want their sons to go into the Army when the son, no matter what his standing is at home, because he does not wear a strap on his shoulder but wears a stripe on the sleeve of his coat, does not have the same privileges and confidence reposed in him as a man as the soldier who has the strap on the point of his shoulder. Who are they who stand in the front rank of the firing line or behind the big guns of the Army and Navy?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORRELL. Mr. Chairman, I would ask unanimous consent to be allowed to proceed for two minutes.

Mr. GREENE. Mr. Chairman, I would like to have that time extended to five minutes so I may ask another question.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the time of the gentleman from Pennsylvania may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. How much time does the gentleman want to conclude his remarks?

Mr. MORRELL. I only asked for two minutes. I think, Mr. Chairman, as I remarked on the occasion when I first introduced the bill, that it is an invidious distinction to make between the officer and the enlisted man. I believe the enlisted man is just as much entitled to be intrusted with discrimination as the officer, and I feel that that is one of the things that deters a man from entering the service, when he feels that his rights are not observed as a man and that he is not given equal privileges with the men who wear the straps on their shoulders, provided he respects himself. Now, we certainly know that drunkenness and desertion is increasing in the Army. It is the testimony of officers of the Army of all grades that this has been the result since the abolishment of the canteen. Why, may I ask? Because men are driven from the Army posts to low dives outside the reservations to drink. They will drink, a great many of them, unfortunately, and it is impossible to prevent them from drinking, particularly when they are treated like children and told that they must not drink, and when they get leave of absence they go beyond the military reservations and go to these places of low resort and drink to excess, with the result that they overstay their leave and then they desert or get in some disgraceful row and, fearing punishment, desert.

Mr. GREENE. I would like to ask the gentleman if there are not other conditions existing in all parts of this country that prevent the enlistment of soldiers in the Army and also men in the Navy—if the business conditions are not more largely responsible for it than the abolishment of the canteen?

Mr. MORRELL. I did not say, Mr. Chairman, in answer to the gentleman, that that was the sole and only cause. I said it was one of the causes. I quite agree with the gentleman that the principal cause probably is that the men of our Army and Navy do not get remuneration commensurate with their services compared with what is obtained in civil life. That probably is the primary cause, but I still say that I think the abolishment of the canteen is one of the causes, and is certainly responsible, in my judgment—poor as it may probably be, but nevertheless backed up by the report of the War Department—that it is the cause of a great deal of the increase of drunkenness and desertion in the Army at the present day.

The same results follow out in our local city conditions. No sane man who has studied the effects of high license would again willingly return to the conditions which prevailed when a saloon was at every street corner and adulterated liquors were sold by irresponsible proprietors.

Treat the American soldier in this respect as you would any American in any of the walks of civil life; teach him that he is respected and trusted, place him among elevating surroundings, and he will very soon learn to appreciate that confidence and respect himself.

The CHAIRMAN. The pro forma amendment, without objection, will be withdrawn.

The Clerk read as follows:

MEDICAL DEPARTMENT.

Medical and Hospital Department: For the purchase of medical and hospital supplies, including disinfectants for military posts, camps, hospitals, hospital ships, and transports; for expenses of medical supply depots; for medical care and treatment not otherwise provided for, including care and subsistence in private hospitals, of officers, enlisted men, and civilian employees of the Army, of applicants for enlistment, and of prisoners of war and other persons in military custody or confinement, when entitled thereto by law, regulation, or contract: *Provided*, That this shall not apply to officers and enlisted men who are treated in private hospitals or by civilian physicians while on furlough; for the proper care and treatment of epidemic and contagious diseases in the Army or at military posts or stations, including measures to prevent the spread thereof, and the payment of reasonable damages not otherwise provided for, for bedding and clothing injured or destroyed in such prevention; for the pay of male and female nurses, not including the nurse corps (female), and of cooks and other civilians employed for the proper care of sick officers and soldiers, under such regulations fixing their number, qualifications, assignment, pay, and allowances, as

shall have been or shall be prescribed by the Secretary of War; for the pay of civilian physicians employed to examine physically applicants for enlistment and enlisted men, and to render other professional services from time to time under proper authority; for the pay of other employees of the Medical Department; for the payment of express companies and local transfers employed directly by the Medical Department for the transportation of medical and hospital supplies, including bidders' samples and water for analysis; for supplies for use in teaching the art of cooking to the Hospital Corps; for the supply of the Army and Navy Hospital at Hot Springs, Ark.; for advertising, laundry, and all other necessary miscellaneous expenses of the Medical Department, $622,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on page 38, line 4—the words "regulation, or contract."

The CHAIRMAN. The gentleman from Illinois reserves the point of order against the proviso beginning in line 4, page 38.

Mr. MANN. No; just the words ahead of the proviso, namely, "regulation, or contract." You now provide by law for medical attendance for everybody connected with the Army, which means, of course, medical attendance that may be authorized by law; but in this proposition you increase that and make it read "when entitled thereto by law, regulation, or contract." Is the purpose of that to extend——

Mr. HULL. I will say to the gentleman that that is to cover the case where we employ a contract surgeon, or where we contract for any line of employment, and in the contract with the party agree to give him medical attendance.

Mr. MANN. Already in the bill you have——

Mr. HULL. The language of the bill, I think, the gentleman, if he will look at it, will see after the word "treatment"——

Mr. MANN. You put that in in the place of what you had before. Contract surgeons were carried in the existing law. You strike out "contract surgeons" and insert "contract?"

Mr. HULL. The regulation or contract has the force of law. Now, the new language we put in which changes conditions is not otherwise provided for, including care and subsistence in private hospitals, and they do give it in private hospitals now, and it requires two different parties to make the payment.

Mr. MANN. I made no point of order upon the proviso, but if it is already authorized by law—the regulation or contract—then there is no need of it going into this bill.

Mr. HULL. If it does not go in this bill, none of this appropriation could be paid for that purpose. There is one class that is authorized by law. We name "already authorized by law." There is another under the regulation of the War Department entitled to treatment, and we name them, so it can be paid. Then there is another, by contract, and we name that.

Mr. MANN. I understood the gentleman to say that by law they had the right to make such a regulation or such a contract, and if that be the case then that is a matter provided for by law.

Mr. HULL. The law specifically enumerates certain parties that are entitled to this. The regulations have extended that law. Under the general law, regulations when not contrary to law have the effect of law, and then in making specific contracts by which they pay a man so much per month it is part of his contract that he shall have attendance. The only change of the law, as I understand it, is the proviso.

Mr. MANN. I have in mind a certain case where a very distinguished officer—or a very high officer and, I apprehend, distinguished—was not only ordered almost all the way around the world for medical treatment, but also was allowed travel pay for that distance, and, as I understand, afterwards travel pay was canceled.

Mr. HULL. Yes.

Mr. MANN. Now, it seems to me there ought to be some limitation in the law as to cases of that sort.

Mr. HULL. This has nothing to do with his travel pay.

Mr. MANN. If an officer can be ordered from the Philippines to the United States under a regulation, and then ordered from the United States to London under a regulation, and in accordance with the regulation be allowed his travel pay besides, and get his medical treatment free, and be paid a very large sum of money for taking it, I think the law ought to be guarded.

Mr. HULL. Will the gentleman allow me simply to suggest to him that the last Army appropriation bill provided specifically that no officer of the Army should have mileage when traveling on the ocean, and that a man ordered to Europe, ordered to South America, ordered from one part of this country to any foreign nation, or to the Philippines or to Porto Rico, must have only his actual expenses, so that such a case of abuse as the gentleman refers to has been cured by law.

Mr. MANN. So far as travel pay is concerned.

Mr. HULL. So far as mileage is concerned.

Mr. MANN. But has it been cured so far as the other is concerned, or, under the language of the gentleman, may not other abuses grow up just as bad as to medical attendance, not to officers of the Army, as they are already provided for——

Mr. HULL. I should say not.

Mr. MANN (continuing). But civilian employees. Suppose you make a contract by which you provide medical attendance for every employee in the War Department at Washington. Is that the intention of Congress?

Mr. HULL. No; we provided specifically, and the Surgeon-General, in his statement, says that this is to cover and only cover cases where there are recruits going from one place to another who are taken sick, in order to give them that attendance; and the committee in order to prevent any officer getting any medical attendance, except when in line of duty, put in further, it shall not apply to any officer on furlough or any officer being treated by private physicians when on furlough, in hospitals, or by private physicians.

Mr. MANN. I have no doubt that the gentleman is correct in his statement as to what this officer says is the effect of the language, and that it is only intended to apply to so and so. But that officer is soon out of the service, and a new officer reads the meaning as it is stated in the language in the statute book.

Mr. HULL. The language referred to is substantially as it has been in the bill for many years.

Mr. MANN. I think not.

Mr. HULL. The language which the gentleman refers to is in the bill.

Mr. MANN. I think not.

Mr. HULL. Now, in that connection, General O'Reilly in his statement here says:

That is in the direction of administrative simplicity. A recruiting or traveling party may have a man who is taken sick away from a military post and sent to a private hospital. As it is now, we only pay for attendance, medicines, and nurses in the hospital, but we can not pay board, which is chargeable to the Subsistence Department. The hospitals are not in the habit of making out bills separating the items in that way. They charge us for board and nursing. Now, when a bill comes in including charges for board we have to send it to the accounting officers of the Treasury for payment, thus entailing delay and red tape.

The CHAIRMAN. Does the gentleman from Illinois insist upon his point of order?

Mr. MANN. I insist upon the point of order, Mr. Chairman.

The CHAIRMAN. So far as the Chair has any information regarding this matter, it seems to be a change of law.

Mr. TAWNEY. I think the chairman of the committee in charge of the bill will admit that it is a change of law.

Mr. HULL. I do not propose to discuss any more points of order. You can rule it out if you think well.

The CHAIRMAN. Unless it can be shown that this is part of an existing law, which has not been stated, the point of order will be sustained.

The Clerk read as follows:

ENGINEER DEPARTMENT.

Engineer depots: For incidental expenses of the depots, including fuel, lights, chemicals, stationery, hardware, machinery, pay of civilian clerks, mechanics, and laborers, extra-duty pay to soldiers necessarily employed for periods not less than ten days as artificers on work in addition to and not strictly in the line of their military duties, such as carpenters, blacksmiths, draftsmen, printers, lithographers, photographers, engine drivers, telegraph operators, teamsters, wheelwrights, masons, machinists, painters, overseers, laborers; repair of and for materials to repair public buildings, machinery, and unforeseen expenses, $11,500.

Mr. HULL. Mr. Chairman, I move to strike out the last word, for the purpose of asking a question of the Chair for information. I understood the Chair yesterday to rule that where a part of a paragraph was ruled out on a point of order the whole paragraph would go out.

The CHAIRMAN. If the point of order was made against the entire paragraph, yes; but if the point of order was directed against particular words in the paragraph, then only the words designated go out.

Mr. HULL. Then all the paragraph against which points of order have been made do not, if sustained, necessarily rule out the entire paragraph.

The CHAIRMAN. In this very case the gentleman from Illinois might have made the point of order against the entire paragraph, and it would have gone out.

Mr. HULL. If a gentleman made a point of order against an entire paragraph and another Member made another point of order to a part of the paragraph it would vitiate the entire paragraph?

The CHAIRMAN. The Chair would first rule on the point of order made against the entire paragraph, and if it went out there would be no occasion to rule as to the other, unless it was proposed to replace the part stricken out by an amendment.

The Clerk read as follows:

Buildings, Engineer School, Washington, D. C.: For completion of two incomplete sets of noncommissioned officers' quarters, $15,000.

Mr. TAWNEY. Mr. Chairman, I reserve the point of order

against the paragraph for the purpose of asking the gentleman a question relating to this building. This appropriation is intended to complete the construction. Was it commenced under the general appropriation for barracks and quarters, where the limitation is $20,000?

Mr. HULL. They were commenced under a specific appropriation for that building and supposed to complete them, but the entire amount was expended because they struck low ground where they were required to have concrete piles. They have piles driven down there 40 feet. If they had obtained an ordinary foundation they could have completed the buildings on the amount appropriated.

Mr. TAWNEY. I thought this was possibly one of the cases where they commenced the work of the construction of the building under the authorization to expend $20,000, and then came to have a specific appropriation in excess of that.

Mr. HULL. There were estimates submitted that they could build these quarters out of the money for the two sets of double quarters for noncommissioned officers and their families, but in the construction they met with difficulties they had no reason to expect, and the entire amount was used below ground. This is simply to complete the superstructure that is provided for, and that ought to have been done out of the first appropriation. The testimony was that they had gone down 40 feet for a foundation before they could get a sufficiently good one to build upon.

The CHAIRMAN. Does the gentleman withdraw his point of order?

Mr. TAWNEY. I withdraw the point of order.

The Clerk read as follows:

For construction of one new stable, $17,500.

Mr. TAWNEY. I move to strike out the last word for the purpose of asking the gentleman in charge of the bill where this stable is located.

Mr. HULL. At the Washington Barracks.

Mr. TAWNEY. And it is to cost $17,500?

Mr. HULL. Yes.

Mr. TAWNEY. Do the same conditions regarding the foundations apply to this as to the other?

Mr. HULL. I am unable to say, because they have not commenced yet. I will say to the gentleman that in every other case at the Washington Barracks they have had no trouble with the foundations. This is the first trouble that has been reported.

The engineers are largely a mounted corps. This stable is intended to take care of seventy horses.

Mr. TAWNEY. That was all I wanted to know.

The Clerk read as follows:

The balance under the appropriation for field artillery for organized militia for the fiscal years 1904 and 1905 will not be covered into the Treasury at the end of the present fiscal year, but remain for disbursement to meet outstanding obligations incurred under that appropriation.

Mr. TAWNEY. Mr. Chairman, I reserve the point of order on that paragraph. This, as I understand it, is virtually a permanent appropriation. I should like to know whether the gentleman in charge of the bill is aware of the fact that this is introducing an almost entirely new principle in the matter of appropriating for the Army or for any part of the Army? It is continuing indefinitely appropriations made for the years 1904 and 1905, and Congress can not appropriate for the Army or for any part of the Army and continue those appropriations under the Constitution for a longer time than two years.

Mr. MANN. We have just done it in a preceding paragraph.

Mr. HULL. This is a reappropriation of what is left. I want to say to the gentleman that the militia law requires the militia to be organized on substantially the same lines as the Army. They are trying to organize it in all branches of the service. They have started out to equip the militia with the same number of guns for batteries that would be used in the organization of the Regular Army. The Chief of Ordnance says that one more appropriation for this will complete the work, and that thereafter there will be no necessity for any further appropriations unless there should, by Congressional action or in some other way, be a large increase in the National Guard of the country. As now constituted, one more appropriation after this will complete this work entirely, which is for the militia. Of course we all understand that in the event of war these guns and all guns used by the militia belong to the Government and could be used for national defense; but this trains the militia in their use.

Mr. TAWNEY. How much of the appropriation of these two years is unexpended?

Mr. HULL. There is only a small amount expended. I read from the statement of General Crozier before the committee:

Now, I would like to propose here an item of general legislation with reference to this subject which has not been submitted to the committee before. I will explain the circumstances under which the desirability of it has arisen. The item I propose is as follows:

"The balance under the appropriation for field artillery for organized militia for the fiscal years 1904 and 1905 will not be covered into the Treasury at the end of the present fiscal year, but remain for disbursement to meet outstanding obligations incurred under that appropriation."

There is an existing statute which requires that the balance of any fund, remaining two years after the expiration of the fiscal year for which the fund was appropriated, shall be covered into the Treasury, and that thereafter any funds to meet an obligation incurred under that, although the obligation might have been incurred in the proper time, would have to be made in a certification to Congress. When you gave me that money for field batteries I made contracts with people—some of whom had been in the business and some of whom came in as competitors against existing manufacturers and needed some encouragement. It is possible that the material contracted for will not all have been delivered, and therefore payment will not be due on them until after the 30th of June, 1907, although the appropriation was made for the year ending the 30th of June, 1905. The contracts were made in time, but the payments will not be due in time to cover this contingency.

That is the only reason it is put in. It is all contracted for.

Mr. TAWNEY. That law that the gentleman refers to is a law that was passed to correct an evil that had grown up in the Departments here and in Congress of continuing appropriations indefinitely, so that we never knew exactly how much money had been appropriated.

Mr. HULL. It is a very common thing to reappropriate——

Mr. TAWNEY. The law was passed for that reason, providing that the unexpended balances of appropriations should be turned back into the Treasury at the expiration of two years.

Mr. HULL. Yes.

Mr. TAWNEY. Now, I can see no reason for deviating from that policy in this case, because we can at this session of Congress or at the next session of Congress reappropriate this money, and I think that policy is far better than to commence repealing by piecemeal the existing law.

Mr. HULL. Is it not a matter of common practice, where contracts have been made in time, for the Appropriations Committee and other committees having charge of appropriations to report just this class of legislation? Has it not been done recently?

Mr. TAWNEY. The fortifications bill always does it, but that is the only bill that I know of where it is done. Take the river and harbor appropriations; they are all made to carry out contracts, but they are made from year to year.

Mr. HULL. Certainly; but Congress determines how much shall be given each year. In this appropriation Congress said so much could be expended for guns, and under that authority it was all contracted.

Mr. TAWNEY. As the amount can be expended, only so much being appropriated as can be expended under the contract in the next fiscal year.

Mr. PARKER. This is a reappropriation. These are contracts made in 1905, which expire prior to the use of the money of 1907, just after the present Congress. We are now appropriating the money for next year so that these contracts may be paid.

Mr. TAWNEY. You are continuing the appropriation?

Mr. PARKER. No; we reappropriate for that one year. General Crozier proceeds to say that the appropriation is available for only one year. He wants to get the money back.

Mr. MANN. Is not this the situation: That it requires a good while to construct some of these arms? This is a construction of guns. They make a contract which is often not carried out within the two years' time, and in some cases the work is done and not completed within the two years' time, although the money is allotted for that purpose. The money, as far as the Department is concerned, is disposed of on the books of the Treasury, and all that they want is to be able to carry out the contract and pay the proportional cost of the maintenance of the arsenal exactly as you do with fortifications.

Mr. TAWNEY. I understand; but it is not a case where money has been allotted.

Mr. HULL. Oh, yes; the contracts are made.

Mr. MANN. I understand that the contracts are made.

Mr. TAWNEY. The language simply says "to cover obligations."

Mr. HULL. Well, an obligation is a contract, isn't it?

Mr. TAWNEY. It may be a definite obligation and it may be an indefinite obligation.

Mr. HULL. General Crozier gives the positive statement here that he has made contracts with people, some of whom have been in the business and some of whom came in as competitors against existing manufacturers, who needed some encouragement. He says that it is possible that material contracted for will not all have been delivered, and therefore payment not be due.

Mr. TAWNEY. The general is in doubt himself as to whether it is necessary.

Mr. HULL. And if it comes in——

Mr. TAWNEY. It could come in under a new Congress.

Mr. HULL. No; they would have to wait from the 30th of June until the next year when Congress met. This is a reappropriation.

Mr. TAWNEY. It is not a reappropriation. I would not object if it was a reappropriation. It simply says this "will not be covered into the Treasury."

Mr. HULL. That is a reappropriation.

Mr. MANN. I want to say to the gentleman that this was not drawn by the chairman of the Committee on Military Affairs, but was drawn by a clerk in the Ordnance Department. I would like to ask the gentleman from Iowa why he does not state that it shall be available until the obligation is paid?

Mr. HULL. This is a reappropriation, although the language may not be all that you desire.

Mr. MANN. I presume that the gentleman construes it as a reappropriation.

Mr. HULL. There are other lawyers here that can construe language. The provision reads, "the balance under the appropriation for field artillery for organized militia for the fiscal years 1904 and 1905 shall not be covered"——

Mr. TAWNEY. It says "will not be covered into the Treasury."

Mr. HULL. I know it does; but it should read, "shall not be covered into the Treasury at the end of the present fiscal year, but remain for disbursement to meet outstanding obligations incurred under that appropriation."

Mr. TAWNEY. Shall "continue available until expended."

Mr. HULL. They will have it all expended by the next year.

Mr. TAWNEY. It is in the Treasury.

Mr. HULL. You can add to it, "and continue available until expended."

Mr. TAWNEY. That is the usual language. I do not like to see a provision enacted into the statute here expressly violating, in terms, the law of Congress——

Mr. MANN. And the Constitution.

Mr. TAWNEY. It is a statute, too, and the Constitution, too, as to the Army—which expressly provides that these appropriations shall not continue longer than for a period of two years.

Mr. MANN. The gentleman from Minnesota [Mr. TAWNEY] has the impression that an appropriation is covered into the Treasury at the end of two years. I hold in my hand a list of some appropriations that are still in the Treasury to the credit of certain funds. One of them is a credit to the fund for the capture of Jefferson Davis, of $1,503.28. I suppose it has been more than two years since the appropriation was made and much more than two years since any bills were incurred under it. Another is an appropriation for quartermaster's stores and commissary's supplies under the act of Congress approved July 4, 1864.

Mr. TAWNEY. Which appropriation was made available until expended. That is the reason there is a balance there.

Mr. MANN. There is nothing stated that these appropriations are made available until expended.

Mr. TAWNEY. Not there, but in the law.

Mr. MANN. The gentleman has just stated that it is contrary to the Constitution. There are various claims of this sort. Here is one for suppressing hostilities of the Piute Indians in Nevada in 1860. I daresay those appropriations were not made available until they were expended. What I am endeavoring to do is to call the attention of the gentleman from Iowa [Mr. HULL] to the fact, also, that if there is a 2-cent balance left in this appropriation it will be on the books of the Treasury until time ends.

Mr. TAWNEY. Not unless it is made available until expended.

Mr. MANN. Under this proposition it will be.

Mr. HULL. Let me submit this to the gentleman from Illinois [Mr. MANN] and to the gentleman from Minnesota [Mr. TAWNEY]. If you put in the word "shall" in place of the word "will" and make it read, "shall not be covered into the Treasury at the end of the present fiscal year, but remain for disbursement to meet outstanding obligations incurred under that appropriation," and stop there, the very minute the outstanding obligations are met, would not any balance then be covered into the Treasury?

Mr. MANN. Nobody ever knows when the outstanding obligations are met.

Mr. HULL. Oh, yes.

Mr. MANN. Who?

Mr. HULL. Why, the parties who contract them, the Ordnance Department must know.

Mr. MANN. The people who have the custody of the money do not know.

Mr. HULL. The only way that any remaining over after they are met would be by putting in the words "and continue available until expended."

Mr. MANN. Why don't you make it "shall remain available for the ensuing fiscal year?"

Mr. HULL. Very well; I will not object to that.

Mr. TAWNEY. I desire to correct one mistake that some Members seem to be laboring under. The money remaining to the credit of an appropriation goes back into the Treasury at the expiration of two years. But, under the same law, the balance is available until about the 1st of October next to meet any obligations that were contracted under the appropriation and not met prior to the expiration of the two years. That is the law and that is the practice under the law in all the Departments, so that, in effect, so far as obligations contracted under authority of appropriations is concerned, the appropriation is available for two years and three months—I think it is to the 1st of October.

Mr. MANN. Three years and three months, is it not?

Mr. TAWNEY. Two years and three months.

Mr. MANN. It is two years after the end of the fiscal year.

Mr. TAWNEY. Make it available for the next ensuing year, and it will be satisfactory.

Mr. HULL. I have no objection to that.

Mr. TAWNEY. Very well; I withdraw the point of order and offer that amendment, to make it read "shall remain available during the next ensuing year."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert "shall remain available during the next fiscal year."

The CHAIRMAN. The question is on agreeing to the amendment.

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

Mr. HULL. Mr. Chairman, I do not think they have yet the amendment that I suggest, on line 25, page 43, to strike out the word "will" and insert the word "shall," so that it will read "shall not be covered into the Treasury."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 43, line 25, strike out "will" and insert "shall."

The CHAIRMAN. The question is on agreeing to the amendment.

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

Mr. TAWNEY. Mr. Chairman, I would like to have the Clerk report the paragraph now, or that part of it which is amended, as amended, after striking out the word "will" in line 25.

The CHAIRMAN. Without objection, the Clerk will report the paragraph as it now reads.

There was no objection, and the Clerk read as follows:

The balance under the appropriations for field artillery for organized militia for the fiscal years of 1904 and 1905 shall not be covered into the Treasury at the end of the present fiscal year, but remain for disbursement to meet outstanding obligations incurred under that appropriation, and shall remain available during the next fiscal year.

Mr. MANN. Do you want that to be in that way?

Mr. TAWNEY. My purpose was——

Mr. HULL. Why not put it for the fiscal year ending June 30, 1908, and then you have it definitely?

Mr. TAWNEY. My amendment was to strike out all after the word "will," in line 25, or the word "shall."

Mr. MANN. After the word "but," on the next page, do you not mean?

Mr. TAWNEY. No. "Shall remain available during the fiscal year ending June 30, 1908."

The CHAIRMAN. The amendment changing "will" to "shall" has been adopted.

Mr. TAWNEY. Strike out all the paragraph after the word "shall" and insert "shall remain available during the fiscal year ending June 30, 1908."

The CHAIRMAN. Without objection, the paragraph will be modified in accordance with the suggestion of the gentleman from Minnesota. Will the gentleman from Minnesota give the Chair his attention? Without objection, the Clerk will again report the paragraph.

The Clerk read as follows:

Amend the paragraph so as to read——

Mr. HULL. I ask that this amendment be rereported; I think there is some misunderstanding about that.

The Clerk read as follows:

Amend the paragraph so as to read: "The balance under the appropriations for field artillery for organized militia for the fiscal years 1904 and 1905 shall remain available during the fiscal year ending June 30, 1908."

Mr. HULL. I think there should be added to that "to meet outstanding obligations incurred under that appropriation."

Mr. MANN. Under those appropriations.

Mr. HULL. Under those appropriations. There are two appropriations there, and I am afraid you destroy the appropriation if you do not put that in.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add the words, "to meet outstanding obligations incurred under said appropriations."

The amendment was agreed to.

The Clerk read as follows:

For range finders and other instruments for fire control in field batteries, and the machinery necessary for their manufacture at the arsenals, $30,000.

Mr. SMITH of Iowa. Mr. Chairman, I make the point of order against the words in this paragraph, "and the machinery necessary for their manufacture at the arsenals." I make the point of order that it is not within the jurisdiction of the Committee on Military Affairs and was so ruled at the last session of this House.

Mr. HULL. What provision is that?

Mr. SMITH of Iowa. I simply move to strike out the words, "and the machinery necessary for their manufacture at the arsenals."

Mr. HULL. I think those words ought to be stricken out; they are subject to the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Converting muzzle-loading guns for saluting purposes: For converting muzzle-loading field guns to breech-loading guns for saluting purposes, and for necessary mounts for the same, $5,250.

Mr. SMITH of Iowa. Mr. Chairman, I make the point of order that this item is not within the jurisdiction of the Committee on Military Affairs.

The CHAIRMAN. The gentleman from Iowa makes the point of order against the paragraph.

Mr. HULL. We have been carrying on that work of converting the old muzzle-loading guns in this bill, but I have no objection to its going out.

The CHAIRMAN. The point of order is sustained.

The Clerk resumed and concluded the reading of the bill.

Mr. HULL. Mr. Chairman, I move to strike out the last word for the purpose of giving the gentleman from Illinois a little information in regard to the pay of an Army captain, including all allowances. The only difference in the pay, as I gave it yesterday, is between a captain mounted and an infantry captain. The captain mounted is allowed $200 a year additional pay and the expenses of a horse. If he keeps a horse it is fed, but if he does not keep a horse, if he is doing staff duty, where he does not require a horse, he gets no additional pay for it; so this covers all allowances that it is possible for an officer to get the benefit of under the present law, and I now ask that it be read so that the gentleman from Illinois may have full information.

Mr. MANN. Will it also state in reference to medical supplies?

Mr. HULL. Everything of that kind.

Mr. MANN. Fuel, grocery supplies, rent, and a number of other things I have not yet learned about, which are constantly growing.

Mr. HULL. It covers everything he can get, even things the gentleman has not thought of.

The statement is as follows:

MEMORANDUM.

The only "allowances" received by me (a line captain) are my pay, $200 a month; commutation of quarters, $36 a month; the privilege of buying fuel at the rate of $3 per cord of oak wood or its heat equivalent; the privilege of buying commissaries at Government rate, and medical attention and supplies.

I use 8,000 pounds of coal a month for five months of the year, and 4,000 pounds a month for the rest of the year. The market price is $3.18 a thousand pounds, and the Government rate is $1.41 a thousand pounds. In each case the coal is delivered in the cellar. The saving to me amounts to $14.66 a month for five months and $7.33 for the rest of the year. Total saving allowance for the year, $124.63.

My bill for commissaries runs about $18 a month, and the saving to me is about 10 per cent of this. Total saving for the year, $17.60. Many officers do not patronize the commissary when near cities, as the city prices are frequently cheaper. While on duty at West Point three years ago, I bought all my commissary supplies at Park & Tilford's in New York, as I found that I could get them there, pay freight, and then get better value than I could at the West Point commissary.

With reference to medical attention and medical supplies, within the last year I personally paid a bill of $85 to a hospital in this city for medical attention to a member of my family. Besides this, I have had the services of an Army surgeon for which a civilian doctor would have charged about $75. There are two Army surgeons in Washington, and there are 288 officers who, with their families, are authorized to have medical attention. The pay and commutation of quarters of these two surgeons combined is $575.47 a month, or about $2 for each officer entitled to services. Medical supplies may run this up to $1 a month more, making its value $3 a month.

The value to me of one year's allowances is summarized as follows:

Fuel savings	$124.63
Commissary savings	17.60
Medical attention	36.00
Total	178.23

Mr. MANN. Now, Mr. Chairman, if the motion to strike out the last word is still prevailing, I wish to say that I knew they would not give all the information. He omits, to begin with, his rent.

Mr. HULL. He puts in his rent; he gets $36 a month.

Mr. MANN. If it is in there, I did not hear it. He winds up by telling what his medical supplies are worth.

Mr. HULL. He makes an estimate of that.

Mr. MANN. His fuel is worth so much, and his groceries are worth so much, and if the statement of the officer be true and not exaggerated, that itself is rather a strong indictment against the War Department. As I understand it, it is the practice of the War Department to furnish grocery supplies at 10 per cent over the cost where they are bought in the market—in New York City in this case. This officer said that he could buy supplies in New York City, pay the freight, ship them to West Point, and get them cheaper than he could out of the Commissary Department. If it be true that a man can buy at retail and ship by freight from New York to West Point for 10 per cent less than the Government buys at wholesale in New York, it is a curious commentary upon the purchases made by the Government.

Now, the gentleman says there are only two surgeons in Washington—that is, two Army surgeons. Does the gentleman in charge of the bill think that statement is accurate?

Mr. HULL. If the gentleman from Illinois will read what the officer stated, he will find that he did not say that. There are two here that are assigned to treat officers on duty here. There are other surgeons here that have other duties.

Mr. MANN. Those are the regular surgeons. How many contract surgeons are there?

Mr. HULL. There are none at all in Washington.

Mr. MANN. How long has it been since they disposed of the contract surgeons in Washington?

Mr. HULL. When did they have any here?

Mr. MANN. They have had them here. I have known of a contract surgeon in Washington.

Mr. HULL. When have they had them here?

Mr. MANN. Not very long ago.

Mr. HULL. They had a man here at the head of the Commission to examine dental surgeons.

Mr. MANN. I am not referring to dental surgeons, but contract surgeons, whose only duty was to give medical attention to Army officers.

Mr. HULL. If the gentleman knows of any contract surgeon in Washington who is here for the purpose of treating Army officers he has more information than I have.

Mr. MANN. I will be glad to impart to the gentleman some private information on the subject.

Mr. HULL. I want to say one word more, Mr. Chairman, not on this question, but on a proposition submitted to the Committee on Military Affairs to authorize the exchange of the old rifles used by the National Guard for the new Army service gun, when a sufficient quantity have been manufactured by the Government to permit of such an exchange, on the same terms under which we have heretofore exchanged arms in the service. I hope, before the bill becomes a law, that this provision will be incorporated in the measure, because I believe the militia should have the best gun that is made, so that in time of war it will be more efficient thereby. It was only by oversight that is omitted from this bill as reported to the House.

I now move that the committee rise and report the bill to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 23551, the Army appropriation bill, and had directed him to report the same to the House with sundry amendments, with a recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on the amendments? If not, a vote will be taken on the amendments en gross.

No separate vote was demanded.

The question was taken, and the amendments were agreed to.

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

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

FORTIFICATION APPROPRIATION BILL.

Mr. SMITH of Iowa. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 23821, the fortification appropriation bill; and, pending that motion, I ask unanimous consent that general debate upon this bill be limited to four hours, one half to be controlled by the gentleman from New York [Mr. FITZGERALD] and the other half by myself.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the fortification appropriation bill; and, pending that, he asks unanimous consent that general debate be limited to four hours, two hours to be controlled by himself and two hours by the gentleman from New York [Mr. FITZGERALD]. Is there objection? [After a pause.] The Chair hears none.

The question was taken on the motion to go into Committee of the Whole.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. MANN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 23821, a bill making appropriations for fortifications. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 23821) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. SMITH of Iowa. Mr. Chairman, the Committee on Appropriations has reported to the House a bill carrying in round numbers $5,400,000 for fortifications and other works of defense. The construction of fortifications and coast defenses of the United States has been carried on for twenty years in general upon the plans of what is known as the Endicott Board, created by act of Congress in 1885, and which made its report in 1886. The years that have elapsed since that have wrought many changes in the needs of the country for fortifications. In the meantime the system practiced of protecting these guns with armored emplacements and turrets has ceased to be either desirable or practicable; and the elimination of this from the plans of the Endicott Board has resulted in a reduction of the cost of the completion of the fortifications under the system proposed by that board. At that time the modern disappearing gun carriage was unknown; and of course in the absence of the disappearing gun carriage it was necessary to protect the guns by armor at the emplacement and by turrets.

The Endicott Board did not include in its estimates, which aggregated $126,000,000, anything for sites. They did not include in their report anything for reserve ammunition. They did not include in their report anything for barracks at the seacoast batteries. It thus appears that the $126,000,000 estimated to be necessary by the Endicott Board did not approximately cover the amount necessary for the proper fortification of the coast even of continental United States.

In the meantime the judgment of the War Department has changed as to the necessity for fortifications at some of the points provided to be fortified by the Endicott plan. The elimination of some features not justified by a modern system, and the elimination of some places, have reduced the cost, so that it is now estimated that for $99,000,000 all can be done that was contemplated by the Endicott Board, and which would still be desirable to do.

Mr. McCALL. If the gentleman will permit me to interrupt him, does that mean $99,000,000 in all?

Mr. SMITH of Iowa. It means $99,000,000 in all. Of that sum about $64,000,000, in round numbers, has been appropriated. A large amount in excess of this has been carried in the fortification bills, covering items to which I have referred, which were not included in the Endicott estimate for sites, ammunition, and other things. The result is that we have appropriated all through these years an average of about 3 per cent of the amount estimated by the Endicott Board.

But a year ago, under an order of the Executive, a new board was created to revise the plans of the Endicott Board, now generally known as the "Taft Board." That board's work has never been expressly sanctioned by Congress, but it may be an aid to us in determining how much of the plans of the Endicott Board are now regarded as obsolete by the military authorities upon this subject.

One of the matters of a disturbing character in the evolution of this system of seacoast defense is found in this: A few years ago the 12-inch gun was regarded as the ideal heavy gun for seacoast defense, and the 12-inch gun has been already mounted at all our important harbors. It is now discovered that the 12-inch gun, when fired with the velocity contemplated, namely, 2,500 to 2,600 feet per second at the muzzle, will wear out the gun so that it becomes practically useless in from 60 to 70 shots unless relined.

The Taft Board reports that these guns can now be fired twice a minute, leaving the life of one of these guns, when fired at the maximum theoretical capacity, less than one hour, and but little in excess of half an hour. In view of this fact, the War Department has devised a 14-inch gun which it is believed will be free in large measure from this rapid deterioration. The rapid deterioration of the 12-inch gun is due to the enormous muzzle velocity of the projectile, which destroys the rifling in the gun, as I have stated, in from 60 to 70 shots. Where that velocity is reduced to 2,200 feet per second at the muzzle, the life of the gun is increased to between 300 and 400 shots, but the range of the gun is reduced about 25 per cent. Under the well-known principle that the momentum of the projectile at the point of contact is the product of its velocity and its weight, it is believed that the 14-inch gun, with a less velocity than the present 12-inch gun, and consequently a greatly reduced wear upon the rifling, will at the point of contact have equal power with the present 12-inch gun.

Mr. CRUMPACKER. Has that proposition been demonstrated by experiment, or is it theoretical?

Mr. SMITH of Iowa. The principle, of course, is a well-settled one that the force at the point of contact is the product of the velocity and the weight, and that by increasing the weight you will get the same blow with a decreased velocity. Now, they have not manufactured the 14-inch gun. This bill carries $132,000 to make one 14-inch gun. Perhaps it will be partly an experiment, but certainly it will be a success as a gun, even though it may not accomplish all that may be hoped for in obviating the defect in the 12-inch gun.

I stated that this bill carries in round numbers $5,400,000. It happens that only twice in thirteen years has so small an amount been carried by the fortifications bill—last year and one previous year. This is almost exactly the average appropriation for the last eighteen years. And when I say this it must be borne in mind that during the earlier years of that period all the appropriations were for continental United States, whereas this bill carries $1,600,000 in round numbers for the defense of the insular possessions. So that if we were to deduct the appropriations for the insular possessions we would find this bill the smallest by far in the past thirteen years, and I think the smallest in eighteen years. I speak of this to show that the committee, while defending the United States properly, have sought to be economical in the expenditure of money, believing that the advanced state of our fortifications justifies this policy of slower progress than in time past.

In presenting this bill I may as well avow that we have found ourselves between two conflicting elements—the one thinking that we were progressing too rapidly in the defense of our insular possessions, the other contending that we were proceeding too slowly. So far as those are concerned who think we are proceeding too slowly in the insular possessions, I shall content myself at this time with saying that while we have only averaged an annual appropriation of 3 per cent toward the completion of the fortification of continental United States, this bill carries 7 per cent of the entire estimates for the insular possessions. So that we are proceeding twice as fast under this bill in the insular possessions as we have proceeded in continental United States. For the present I shall deem that a sufficient answer to those who contend that we ought to proceed more rapidly than we are doing in the insular possessions.

Upon the other hand, I have this to say to those who claim that we should not proceed so rapidly in the insular possessions: It must be borne in mind that in continental United States the seacoast fortifications are but an outer line of defense. Behind these fortifications are 80,000,000 people prepared to resist, to the uttermost, invasion by any foreign foe. In the Philippines and in the Hawaiian Islands we have no such force of patriotic Americans to constitute a second line of defense; and if Manila or Honolulu be taken, we have no mighty force in the rear to drive the intrduders out of the land as we have here in continental United States. So it has seemed to most of us that we

might well adopt the middle ground and say that we would proceed more rapidly in the insular possessions, relatively, than we have ever proceeded in continental United States; but, upon the other hand, that, proceeding more than twice as fast in those possessions as in continental United States, is proceeding with very considerable rapidity, and all that we are justified in doing under the circumstances. Now, Mr. Chairman, I presume from time to time I shall find it necessary to reply to those who may differ with the majority of the committee upon the wisdom or course pursued in drafting this bill, but I do not care to take further time of the committee in its original presentation.

Mr. CRUMPACKER. Before the gentleman takes his seat I want to ask a few questions purely for information. Has Congress adopted any plan for the fortifications of the Pacific islands?

Mr. SMITH of Iowa. Congress can not be said to have adopted any plan.

Mr. CRUMPACKER. Did the Taft board recommend any system of coast defense for those islands?

Mr. SMITH of Iowa. It did.

Mr. CRUMPACKER. How many harbors and seaports are included in the policy or plan of the Taft board for coast defenses in the Pacific islands?

Mr. SMITH of Iowa. The Taft board reports in favor of fortifying Manila, Subig Bay, Honolulu, Pearl Harbor, and Guam. The total estimates of the Taft board for our insular possessions are, in round numbers, $22,000,000, but your committee have only allowed or recommended appropriations covering certain defenses in the Philippines and Hawaii. That is, the language of the bill is "For seacoast batteries in Hawaii and the Philippine Islands."

Mr. CRUMPACKER. Does the gentleman believe that the fortification of the harbors included in the report of the Taft board would constitute an adequate coast defense for the Philippine Archipelago, for instance?

Mr. SMITH of Iowa. I should assume that these defenses proposed at Subig Bay and at Manila by the Taft board would not be available for defenses of the other ports of the archipelago, but the expense of seacoast fortifications is exceeding great. The defenses at Manila would cost more than $6,000,000, and at Subig Bay more than $2,000,000.

Mr. CRUMPACKER. Let me ask the gentleman this: Unless we make adequate defenses in the Philippine Archipelago, we are in comparatively little better condition than if we made none. If we leave some exposed point for the landing of the enemy, we have lost practically the whole situation.

Mr. SMITH of Iowa. I think not. I may say, in the first place, that it is never practicable to attempt to fortify the whole coast at home, but only the important harbors. Now, the attempt to fortify all the islands, sparsely populated and of little value, of the Philippines, would cost a fabulous sum. The only purpose in the Philippines is to fortify the populous places and the available harbors and important naval bases.

Mr. CRUMPACKER. I wanted the gentleman's opinion on that question. I feel a good deal concerned over the situation in the Philippine Islands. They constitute our element of weakness in an international strife, in a conflict with a foreign power. There is no doubt about that. I wondered what the plan of the Government was toward defending these islands, because we have got to defend them as long as we control them. Now, the Taft board recommended fortifications and a number of additional harbors in the United States, did it not?

Mr. SMITH of Iowa. A very few additional harbors, if any. It did recommend some additional outer line of defense. For example, and there will be large discussion on that subject, which I do not care to go into now in detail, it will appear that the cities on Chesapeake Bay are fully and abundantly and impregnably fortified, but it does appear that at the time the Endicott board prepared the plans of seacoast fortification the range of guns and what they deemed a reasonable expense did not allow them to recommend the fortifications at the mouth of the Chesapeake Bay, but to fortify the cities and harbors of Chesapeake Bay. The Taft board has recommended the construction of an artificial island in the mouth of Chesapeake Bay, a project that was rejected by the Endicott board as being too expensive. That is an outer line of defense and is designed to prevent a foreign fleet from entering Chesapeake Bay and there making a naval base.

Mr. CRUMPACKER. The bill before the committee now carries no appropriation for that sort of an improvement?

Mr. SMITH of Iowa. It does not.

Mr. CRUMPACKER. I read some discussions, I think, in one of the magazines recently on that very question. I did not know whether it was feasible or not, because I know so little about coast-defense work generally. Are there any fortified harbors in Porto Rico?

Mr. SMITH of Iowa. I understand that some Spanish fortifications exist there, but no money has been appropriated for Porto Rico, so far as I am advised, by the Congress of the United States.

Mr. CRUMPACKER. Did the Taft Board recommend fortifying any of the ports of Porto Rico?

Mr. SMITH of Iowa. They did, but the War Department has never regarded that as pressing as other insular possessions and has never made estimates therefor to us asking for money for that purpose.

Mr. CRUMPACKER. That is probably true, but in view of the fact that the amount carried by the bill has been reduced it occurred to me that it might be a good plan to start, if it be the ultimate policy of the Government to fortify Porto Rican ports, and I think it must be ultimately——

Mr. SMITH of Iowa. They are better fortified, as I understand it, than any other of the ports that we took from Spain.

Mr. CRUMPACKER. I have no doubt about that, and then their proximity to the United States gives them an additional safeguard; but it occurred to me that we ought to engage our thought and energy largely now toward fortifying these islands, because they are pretty generally exposed and they are a source of weakness and probably of concern.

Mr. SMITH of Iowa. I have always contended that we should largely defer to the judgment of the skilled men upon this subject, and they have insisted that the Pacific Islands were more important than Porto Rico.

Mr. CRUMPACKER. More important because more exposed?

Mr. SMITH of Iowa. More exposed in the sense that they are more distant and harder for us to defend.

Mr. CRUMPACKER. I think that is true enough.

Mr. KEIFER. Mr. Chairman, I would like the chairman of the committee to tell me whether I understood him correctly. I understood him to say that the appropriation proposed by the bill carries about 70 per cent of the estimates for insular possessions.

Mr. SMITH of Iowa. Oh, no.

Mr. KEIFER. Then I misunderstood the gentleman.

Mr. SMITH of Iowa. I will explain that so that there will be no misunderstanding. The Taft Board's estimate for the protection of the Philippine and Hawaiian islands is slightly in excess of $11,000,000. The estimate of the Taft Board for the fortification of all the insular possessions is slightly in excess of $22,000,000. The amount we give this year for the insular possessions, which will be expended all in Hawaii and the Philippines, is 7 per cent of the entire amount estimated for all the insular possessions, or 14 per cent of the amount estimated for the islands where these appropriations are to be expended. In other words, in about seven years with such expenditures as this, everything that the Department has ever estimated for would be completed in Hawaii and the Philippine Islands; but it must not be forgotten that we have already appropriated large sums toward this $11,000,000. I am simply giving you the amount of progress this year at 14 per cent of the total estimate. As a matter of fact we have already appropriated about five millions when this bill is passed, or about half the amount, so that it would be only necessary to carry this for three or four more years to absolutely complete the appropriations asked by the Taft Board for the Hawaiian and Philippine islands.

Mr. MAHON. Mr. Chairman, I want to ask the gentleman a question. In making these appropriations of millions of dollars for the Philippine Islands, when are you going to get it back?

Mr. SMITH of Iowa. I never have understood that we have ever got back in any sense such as the gentleman apparently uses the term any money from anywhere. This money is expended for the protection of our pride.

Mr. MAHON. Yes; and you better get rid of them in some way.

Mr. SMITH of Iowa. Mr. Chairman, I will now ask that the gentleman from New York [Mr. FITZGERALD] occupy some of his time.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Iowa [Mr. SMITH] in presenting the bill has given a comprehensive view of what has been done for the coast defenses of the country during the past eighteen or nineteen years, or since the initiation of the Endicott Board's scheme of coast defenses. I think it is a matter of some congratulation that the committee wihout any serious difference of opinion has found it possible to present a bill which is one of the smallest during the past seventeen years. The amount actually appropriated for the coast defenses of the United States proper is $3,643,943. It is

not the belief of the committee that the defenses of the country are in a perfect condition, but it is always universally conceded that the defenses are in such condition that should an imperative call be made upon the military officials of the country adequate protection would be found afforded to the important and strategic points along the coasts of the United States.

What I wish particularly to criticise in this bill is the fact that so large a percentage of the moneys appropriated for the defenses of the country are made available for insular possessions.

Last year the estimates for the coast defenses amounted to the sum of $8,953,112. The appropriation was $5,053,993, and of that amount $947,000, or about 19 per cent of the gross appropriation, was set apart for use in the insular possessions. The pending bill carries $5,411,883. The estimates submitted by the Department for the coming year were $15,068,559, while of the five and a half millions, in round numbers, appropriated by the bill, $1,592,940, or about 30 per cent of the entire appropriation, is set apart for our insular possessions. It must be remembered, too, that in appropriating for the defenses of the United States, Congress is appropriating to carry out a well-defined plan which was prepared under the authority of a board created by act of Congress. In appropriating to provide for the defenses of our insular possessions money is appropriated not to carry out a well-defined scheme which was initiated with Congressional authority, but to carry out a plan which has been adopted by the executive department of the Government without so far having the approval or sanction of the legislative branch of the Government.

It will be remembered, too, that in the last session of Congress there was a serious conflict of opinion and sharp discussion as to the advisability of fortifying Subig Bay, in the Philippine Islands. In the plan under which, apparently, appropriations for fortifications in the insular possessions are being made the Taft board has indicated Subig Bay to be one of the most important places to be defended, and recommends a large sum to complete defenses there. My criticisms of the amount allotted for the insular possessions would be these: If these defenses be imperative, much larger appropriations should be made at once in order that the proposed fortifications may be available in any sudden emergency. If they be not imperative, if the policy of this Government regarding the Philippine Islands is yet to be defined, if ultimately—when I say ultimately I mean within a reasonable time—the United States are to relinquish control of the Philippine Islands, I doubt the propriety of now expending a very large sum in permanent fortifications at any places there. The so-called Taft board submitted a plan which calls for the expenditure of $22,000,000 for the fortification of our island possessions, and the committee has allowed upon this plan money at a much more liberal rate than has been allowed for the coast defenses of the United States. In 1888, when the Endicott board's plan was adopted, as the Taft board points out, the absence of any navy that might properly be designated by that name made it imperative that there should at once be established harbors of refuge for our merchant marine, and in spite of that fact, in the year 1890 the appropriations under the fortifications act were only $1,233,594. At this time, with what many people believed to be an ample naval force for any legitimate purpose, with the well-defined policy of the Government for some years past to keep some considerable naval force in Asiatic waters, it is nevertheless felt necessary in this bill, in order to protect the limited interest of this country in the Philippines as compared with our great interest here, to proceed at a much more rapid rate in making the appropriations for their defenses. Such haste, in my opinion, is unnecessary.

This bill contains the language regarding the defenses for the insular possessions in the same form as the last fortification act. Several years ago Congress required the War Department to submit estimates in detail for each place in our insular possessions where it was proposed to expend money for fortifications. In making the appropriations, however, the method of submitting the estimates has not been followed, but the appropriations have been given generally with discretion to the Department to use the money where it believes it to be most necessary. I believe it to be more important to attempt this year to change the language of the bill in this respect, particularly since the Taft board points out the places that should be fortified in the order of their importance, and the Secretary of War states that expenditures would be made for defenses at those places in the order specified, were it not for the fact that the Secretary also stated that if there were any difference of opinion as to the advisability of going on with the fortification of Subig Bay, and if sufficient money were not given to fortify both places in the Philippine Islands selected by the board, that he would use the appropriation made in this bill to complete the defenses at Manila. So, merely to give expression to the difference of opinion that exists and in the hope that some day the policy of the Department may so change that the Subig Bay project will be abandoned, I call attention to the fact that the appropriation for the insular possessions will not complete the defenses contemplated at both places, but may be used with great advantage at the place the Secretary deems most important—Manila.

The Taft board, in its report, points out that it is a "naval maxim that the enemy's fleet is the primary objective, and it follows that the harbor defenses can not depend upon the presence of any vessels to resist a naval attack. While it is possible such vessels may be in the port, their presence will not be part of a plan for harbor defense by naval cooperation. It follows, therefore, that the defense of such harbor must depend immediately upon guns and not marine mines, and that this defense must be sufficiently strong to repel any naval attack that may reasonably be expected."

And yet, in the report of the Taft board, one of the reasons given for the fortification of Subig Bay is to make available for the defense of Manila the fleet that is supposed to operate from Subig Bay as a base.

My only purpose in saying anything upon this bill, Mr. Chairman, was to give expression to my dissatisfaction at the extent of the appropriations for the insular possessions in comparison with those for the United States proper. I believe that the committee has acted conservatively, and has given in the main all that is imperatively required for the coast defenses at this time. And following the action of my colleague upon the committee, I shall reserve for other places, when special items are reached in the bill, any further suggestions I may have to make regarding such items.

Mr. Chairman, if the gentleman from Iowa [Mr. SMITH] is not ready to consume some of his time, I will yield to the gentleman from Tennessee [Mr. GAINES] thirty minutes.

Mr. SMITH of Iowa. Very well.

Mr. FITZGERALD. Mr. Chairman, I yield thirty minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, I desire to discuss what is commonly known now in the newspapers and amongst the Members of Congress as the "docking bill." I do not know if the American people could see this Chamber at this moment that it would be necessary for me to discuss, certainly for the people of the country, the need of a docking bill, to force the Members of the House who are chronic absentees to attend the daily sessions.

Here is a bill now under consideration, Mr. Chairman, that carries nearly $5,000,000, I think, and with practically an empty Chamber to listen to the discussion of these two matters. I dare say, Mr. Chairman, that there were not any more Members present when we passed the legislative, executive, and judicial appropriation bill some weeks ago. That was an immense bill. I do not know how many millions of dollars it carried.

But I do know that as soon as the Members voted on the salary question that a great many of them pitched out for home or somewhere—I do not know where they went. We all know that.

Mr. Chairman, I have started this move, and I have done it reluctantly. I have no ill-feeling toward any Member of this House nor of the Senate. My relations, I am gratified to say, are pleasant and have been pleasant during my Congressional career.

But, Mr. Chairman, I feel that I owe a duty to this House; I owe it to my constituents, I owe it to the country, to bring this chronic absenteeism to the attention of not only the Members of this House, but the people of the United States. I am under oath to uphold the law. So are you, gentlemen. And why? Because, Mr. Chairman, of the very thing that occurs here day after day, which I have described, namely, a chronic absenteeism of the Members of this House when great questions of state are being or should be discussed, and when millions and millions of the people's money are being spent as though money grew on trees.

And who does the daily work day in and day out? It is the handful of faithful men who come *here day in and day out.* Why, Mr. Chairman, I was delighted a few minutes ago to join in the applause that greeted the announcement of the Speaker when he turned over the committee to the gentleman from Illinois [Mr. MANN], who from 12 o'clock every day until this House adjourns is in his seat and upon his feet, looking after the business of this House and of the country. Like an intellectual corkscrew our minority leader [Mr. WILLIAMS] stands on watch on this side, and few more. There are a few faithful on each side. They bear the daily burden that we all should help bear and see that the work is well done.

I have seen both of our leaders ask "Where are our men on this committee," and no one present to answer and explain the merits or demerits of the bill.

Then both leaders pry into the bill to see what it is—at great disadvantage, of course. This they must almost daily do. It should not be so. Members should be here from all the committees and look after bills coming from their respective committees.

So much for this.

In a number of Congresses away back yonder the absent Members, except their excuse was illness, were docked. I ask the Clerk to read the form used by the Sergeant-at-Arms in the Fifty-third Congress.

The Clerk read as follows:

IMPORTANT.

OFFICE SERGEANT-AT-ARMS,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., ———, *189*—.

DEAR SIR: I mail you herewith a blank which contains a copy of section 40 of the Revised Statutes of the United States, passed August 16, 1856, together with a certificate to be signed by you showing the number of days, if any, you have been absent from the House during the month of ———, 189—.

The certificate of the Speaker, which follows it, will be filled out according to the facts certified by you.

This certificate can not be filled out by you until the 3d of each month. As the 4th is pay day, the Speaker can not sign or the Sergeant-at-Arms pay this certificate in time to meet the checks that many Members have been in the habit of making payable on the 4th of each month.

Section 40, referred to above, will be enforced on May 4, 1894, covering the month of April, as I am advised that I am left no discretion in the matter.

To prevent serious inconvenience to Members and to prevent protest, checks which may have been in the habit of making payable on that day should not be drawn against their accounts until they have actual knowledge that their salaries have been placed to their credit if they desire to draw against the current month.

Respectfully, H. W. SNOW,
Sergeant-at-Arms House of Representatives, United States.

To the Hon. ——— ———.

[Section 40, Revised Statutes.]

The Secretary of the Senate and Sergeant-at-Arms of the House, respectively, shall deduct from the monthly payments of each Member of Delegate the amount of his salary for each day that he has been absent from the Senate or House, respectively, unless such Member or Delegate assigns as the reason for such absence the sickness of himself or of some member of his family.

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., ——— ———, *189*—.

I hereby certify that during the month of ——— I have been absent ——— days, for which deductions should be made under section 40 of the Revised Statutes.

Mr. GAINES of Tennessee. Now, Mr. Chairman, that form was prepared by Speaker Crisp himself, and he so stated on the floor of this House, as the RECORD shows. I will read the form again:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., ——— ———, *189*—.

I hereby certify that during the month of ——— I have been absent ——— days, for which deductions should be made under section 40 of the Revised Statutes.

Now, then, here is the present form used:

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Washington, D. C., ———, ———.

I certify that there is due to the Hon. ——— ——— four hundred and ——— dollars, as a Member of the House of Representatives for the Fifty-ninth Congress.

——— ———, *Speaker.*

Received payment, ——— ———.
$41—.

Now, I did not know one word about the act of 1856 being the existing law until I had introduced the bill on the subject. In looking up the laws fixing the salaries of Members of Congress—the old acts—I came across these docking statutes, and seeing this chronic absenteeism growing and the evil results resulting I sat down at my desk here and wrote this bill and introduced it. I found as early as 1816 a docking statute was enacted. Members were then put on a salary.

Previous to 1816 the Members of Congress were allowed so much per day for each day's attendance in many if not all the laws, so that you see I have come by this matter very naturally and very honestly.

The rules of the House provide that—

Every Member shall be present within the Hall of the House during its sitting, unless excused or necessarily prevented, and shall vote on each question put, unless he has a direct personal or pecuniary interest in the event of such question. Pairs shall be announced by the Clerk after the completion of the second roll call from a *written* list furnished *him* and signed by the Member making the statement to the Clerk, which list shall be published in the RECORD as part of the proceedings immediately following the names of those voting: *Provided,* That pairs shall be announced but once during the same legislative day.

I was looking at the statute of 1856 when I wrote out the bill that I prepared. My bill is substantially that act with this material difference, that the law of 1856 does not require the Member of Congress to certify "in writing" that he has been absent by reason of sickness. The bill that I introduced does require the excuse to be "in writing." That written certificate would be on file in the office of the Sergeant-at-Arms, and open to the public to read. This is a day of publicity. This would strengthen the law.

So you see, gentlemen, that the situation historically, so far as I am concerned, is just as I have stated it.

As stated, the act of 1816 fixed the salary for the first time at so much per year. Previous to that it was a per diem, but the act of 1816 contained this proviso:

Provided, nevertheless, That in case any Senator, Representative, or Delegate shall not attend in his place at the day on which Congress shall convene, or shall absent himself before the close of the session, a deduction shall be made from the sum which would otherwise be allowed to him, in proportion to the time of his absence, save and in case of sickness, under the same provisions as are established by existing law; and the aforesaid allowance shall be certified and paid in the same manner as the daily compensation of Members of Congress has heretofore been.

The act of 1816 was repealed by the act of January 22, 1818, which put the Members back on a daily allowance in this language:

That at every session of Congress and every meeting of the Senate in the recess of Congress after the 3rd day of March, in the year 1817, each Senator shall be entitled to receive $8 for every day he has *attended* or *shall attend* the Senate, and shall also be allowed $8 for every 20 miles of estimated distance.

And so forth. A similar provision in the next session applied to Members of the House in the next section. Now, that was the law down to 1856. By the act of 1856 the law was made what it is to-day. I think I have the act here.

By the act of 1856 it is provided:

SEC. 6. That it shall be the duty of the Sergeant-at-Arms of the House and the Secretary of the Senate, respectively, to deduct from the monthly payments to the Member as herein provided for the amount of his compensation for each day that such Member shall be absent from the House or Senate, respectively, unless such Representative, Senator, or Delegate shall assign a reason for such absence, the sickness of himself or some member of his family.

Now, that is the act of August 16, 1856, which was carried into the Revised Statutes of 1878 as section 40, which was referred to by Mr. Snow, the Sergeant-at-Arms in the Fifty-third Congress. Here is what Mr. Snow inserted in that notice:

Section 40, referred to above, will be enforced on May 4, 1894, covering the month of April, *as I am advised, and I am left no discretion in the matter.*

The law did not say that this, that, or the other man should enforce it. It says the Sergeant-at-Arms shall do so. Now, the Sergeant-at-Arms is an officer of this House. He is under oath and bond to obey the law. Rule IV of the House, which defines the duties of the Sergeant-at-Arms, reads as follows:

1. It shall be the duty of the Sergeant-at-Arms to attend the House and the Committee of the Whole during their sittings to maintain order under the direction of the Speaker or Chairman, and, pending the election of a Speaker or Speaker pro tempore, under the direction of the Clerk; execute the commands of the House, and all processes issued by authority thereof, directed to him by the Speaker; keep the accounts for the pay and mileage of Members and Delegates, and pay them as provided by law.

SEC. 2. The symbol of his office shall be a mace, which shall be borne by him when enforcing order on the floor.

Let us go a little further, Mr. Chairman, and see how this law was enforced. You will find that in 1862 or in 1863, I forget which it was, Congress passed an act or resolution excusing the soldiers in the civil war who were Members of Congress. That was brought about by some Members coming up here who had been away fighting for their country, and the Sergeant-at-Arms refused to pay them their salary because they had been absent and could not excuse themselves because of having been sick. It reads as follows:

That until the further order of Congress the Secretary of the Senate and Sergeant-at-Arms of the House are directed to receive as a valid excuse for absence from duty in Congress active employment in military service for the suppression of the rebellion *without pay.*

Without pay. Soldiers were not allowed pay while in the military service; surely Members should not expect pay in time of peace when wrongfully absent.

At the same time, Mr. Chairman, that was passed the Hon. Charles Sumner offered a provision, which is now section 41 of the Revised Statutes, which permits the House and the Senate to excuse members under certain limitations.

SEC. 41. When any Member or Delegate withdraws from his seat and does not return before the adjournment of Congress, he shall, in addition to the sum deducted for each day, forfeit a sum equal to the amount which would have been allowed by law for his traveling expenses in returning home; and such sum shall be deducted from his compensation, unless the withdrawal is with the leave of the Senate or House of Representatives, respectively.

Now, gentlemen, what has been the effect of this law? When was any docking done? I do not intend to call names, I have not undertaken to find out who were docked in recent years,

and I do not know who were docked and do not care who were docked. In fact, if I had the names I would not print them. But I find on page 3 of a House report, when it was being enforced in the Fifty-third Congress, this statement by Mr. Wolverton, from Pennsylvania, who reported this act of 1856—section 40, Revised Statutes, was the law. The report says:

Section 6 of the act of 1856 (now section 40 of the Revised Statutes) was understood by Members of Congress to be in force long after the passage of the act of 1866, and large amounts were deducted under it on account of the absence of Members and covered into the Treasury between 1856 and 1867, inclusive. In several cases large sums were deducted.

The committee can see how far back this law has been enforced. The report goes on to say:

In several cases large sums were deducted. Among others, Hon. Francis P. Blair in one year deducted $774.55; Hon. George W. Bridges, $1,685.10; Hon. Jacob P. Blair, $205.50; Hon. Benjamin Wood, $73.98; Hon. C. C. Culver, one hundred and seventy-three days, $2,402.78. These are only a few of the instances among many.

These names have already been printed.

Now, then, in 1869 the question came up, and the Sergeant-at-Arms submitted a letter as to whether or not to dock certain Members who had not been sworn in as Members of the House, and the House again recognized the existence of this law. It has been recognized by recent Congresses, the Fifty-third Congress enforcing this law when Mr. Snow, Sergeant-at-Arms under Speaker Crisp deducted salaries to the amount of $12,000—$12,000—I presume in one session, because of absenteeism! And under the regulation that I have read to you a few moments ago the question came up in the Fifty-fourth Congress as to whether or not they would reimburse these Members who had absented themselves from the House in the Fifty-third Congress. The question was raised upon the floor of this House and defeated, and the law again vindicated and upheld by a vote of 113 yeas to 55 nays on the motion carried to strike out the appropriation. Here are the words of the item in the appropriation:

To enable the Sergeant-at-Arms of the House of Representatives to pay Members of the House of Representatives of the Fifty-third Congress the amounts withheld in their salaries on account of absence, $12,000.

This was stricken out, as stated.

At page 192 of Hinds's Parliamentary Practice you will find that these rules and practices, etc., are referred to as having been upheld. I turn now to the Manual that Mr. Hinds gets up for us, entitled "Constitution, Manual and Digest," and on page 553 of that book we find the following:

Provisions of Constitution relating to compensation of Members. (7) *Constitution, Article I, section 6, p. 6.*

Rate of pay of Member and how disbursed. (11) *Revised Statutes, sections 38, 39, 46, 47, 48; 18 Stat. L., p. 4, 389; 14 Stat. L., p. 323; 19 Stat. L., p. 145; 26 Stat. L., p. 645; 22 Stat. L., p. 108.*

The pay and mileage of Members are disbursed by the Sergeant-at-Arms. (1715, 1717) *Rule IV, section 1; 26 Stat. L., pp. 645, 646.*

Certificates of salary and mileage of Members may be signed for the Speaker by a designated employee. *33 Stat. L., p. —.*

The statutes provide for deducting the pay of Members in certain leaves of absence. *Revised Statutes, section 40.*

The above law has been enforced. *2–53, Record, pp. 3797, 4130–4133. Reports Nos. 704, 1218; 2–54, Record, pp. 2013, 2049–2057.*

Less than a quorum may not direct the enforcement of section 40, Revised Statutes, in order to secure the attendance of absent Members. (301 and footnote) *1–51, Journal, p. 1025, Record, p. 9922.*

I believe Mr. Speaker Carlisle ruled that that was the law; that is, that less than a quorum could not pass this resolution.

Mr. Chairman, I did not intend to discuss this question of law. I was simply going to discuss the usefulness of this law and these rules, the great need of both and their enforcement.

I have here a report made in the Fifty-third Congress upon a measure to repeal this law. Mr. Powers reported it from the Judiciary Committee. But the law was not repealed. It is now still the law as much as then.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. Will the gentleman from New York give me a little more time?

Mr. FITZGERALD. How much time does the gentleman want?

Mr. GAINES of Tennessee. Fifteen minutes.

Mr. GROSVENOR. Does the gentleman from Tennessee claim that a Member of Congress, in order to receive the salary of $5,000 a year, is compelled to remain in this Hall all the time?

Mr. GAINES of Tennessee. No; not at all.

Mr. GROSVENOR. In his seat?

Mr. GAINES of Tennessee. Not at all. He may be working in the committee room by an order of the House, by permission of the House. We grant these orders every day.

Mr. GROSVENOR. What does the gentleman say to the provision of the Constitution that inveighs against cruel and unusual punishment? [Laughter.]

Mr. GAINES of Tennessee. The gentleman asks me about whether or not I say a Member of Congress must be here in this Chamber to earn his salary. I said no; he may have to be in the committee room, as I was yesterday, by permission of the House, but I was at work with my committee. He may have to be in the River and Harbor Committee room, where about eighteen of the best Members of Congress are, and whose attention and advice and assistance we must necessarily lose upon the floor of this House here every day until they get their report in. Hence the greater reason for the Members of Congress to be here every day, so that when these committees sit, as they must sit from time to time and day to day, but not every day on special matters, as in my case—the greater reason, I say, for a constant and daily and perpetual attendance upon the part of the Members of this House, except in case of illness.

Now, who made these rules? The gentleman from Ohio helped to do it and perpetuate them. He is almost the king bee of ruledom, Mr. Chairman, and the rule is proper. Of course, Mr. Chairman, a Member has to be absent sometimes, but by permission of the House, attending to his committee work—special hearing's rule—but he is still here in the Hall constructively, and the courts, I think, have so ruled, and the Speakers have also, I think, in questions of Members for assault and the bringing in of contumacious witnesses, and matters of that sort, saying, in effect, a committee is a branch of the House. But let that be as it may, the point I make, Mr. Chairman, is: All Members should be here and take it turn about in this floor work and not leave the House so as to put practically all the burdens of legislation upon a few faithful men who are daily here.

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

Mr. GAINES of Tennessee. With pleasure.

Mr. PAYNE. Has the gentleman in his researches been able to find out whether the attempted enforcement of this rule had any effect?

Mr. GAINES of Tennessee. I was getting to that when interrupted a moment ago by the gentleman from Ohio, and I will proceed to show that it did compel the attendance of Members.

Mr. PAYNE. I want to say to the gentleman my recollection is—I was here at the time Speaker Crisp decided to enforce it—that the thing broke down of its own weight. It did not last a great while, and the whole thing went into what was called in those days "innocuous desuetude."

Mr. GAINES of Tennessee. I understand. I am accused of digging up this "innocuous desuetude." I do that because I believe I am right, and I am quite sure the gentleman from New York will join in trying to relieve himself of his unceasing floor work here. I see that gentleman, rich with honors and blessed with the wisdom of at least the beginning of old age, coming here at 12 o'clock every day and staying until 5, 6, sometimes 7, looking after bills good, bad, and indifferent. The gentleman has asked me whether or not the enforcement of this law "broke down." In 1890 the House did not have a quorum, and the House would not adjourn. This resolution was offered by Mr. HAUGEN:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such Members as are now absent without leave of absence.

Mr. Buchanan, of New Jersey, a Republican, offered an amendment, as follows:

Resolved, That the Sergeant-at-Arms be, and he is hereby, directed to enforce the provisions of section 40 of the Revised Statutes of the United States.

This amendment was accepted. Then Mr. Buckalew, of Pennsylvania, made an observation, and the present Speaker of the House, Mr. CANNON, made this reply:

Does not the gentleman from Pennsylvania think that it would be a very *effective*——

The word "effective" is italicized in this report. I imagine Mr. CANNON italicized it by both manner and voice.

Effective way to procure the attendance of gentlemen.

Mr. BUCKALEW. Yes.

That is what the Speaker, Mr. CANNON, said and thought in 1890.

In 1862 Mr. Sumner said that the absenteeism of the Senate and House was so great that they could not keep a quorum, and this statute of 1862 was to compel them to remain and do business.

I want to state what Mr. MALLORY said on the floor of this House during the enforcement of that law in the Fifty-third Congress, as follows:

I believe that the regulation has worked well. I think it has done just what we have been striving vainly heretofore to accomplish; *that is to say, to secure a quorum on the floor of the House at all times,* and whether it is the law and whether it is just or right or not, I think it

a good rule, and we would be guilty of a great wrong and be doing ourselves gross injustice if, after adopting the rule and adhering to it through the last and this session, we should now abrogate it. It would simply give an excuse for subsequent Congresses to do the same thing.

That is the language of Mr. MALLORY in 1895. Judge DE ARMOND in his report in the Fifty-third Congress, filed in July, said it had the effect to bring Members in. Then we have this statement of Mr. CANNON, our present Speaker, that it was an "effective" means of procuring the attendance of gentlemen here. Why, I will say to my friend from New York that since the news of the resurrection of this old statute by myself a few days ago went all over the country for the first time since the vote on the salary question some three weeks ago we had about 210 or 215 Members of the House a few days ago. The Speaker counted that many, but we have had a handful here to-day and for several days.

I think I have recently seen Members of Congress here who had not been here at all this session of Congress except to get their mileage, perhaps, and to get their salaries. Others have not appeared at all. I have seen Members here since I raised this question, Mr. Chairman, who were not here before. It is immaterial to me. I have been criticised and abused about my action in this matter, but I can not permit that to drive me from my post of duty. I have no feeling in this matter, absolutely none. I am doing my duty under the law which we all swear that we will uphold and enforce. Now, without any ill-feeling in the world, I want to say to the distinguished gentleman from Pennsylvania [Mr. MOON], and I want to say to my good friend from Kentucky [Mr. SHERLEY], who have in charge this criminal-code revision that we are to take up here in a few days, that certainly we should have at least a quorum here to revise criminal laws. Surely we should have all the Members here when we tear up the criminal laws of this country and put them back in place in about forty-eight working days, and do the balance of the business of this country. It is very opportune for this law to be enforced, and I hope it will be. And I want to say to these distinguished gentlemen, as I started to say, that we must have a quorum here to do that work.

I am not going to have the criminal laws of this country revised by a handful of Members. The people are not suffering for revised criminal laws. But the lawyers suffer because of unrevised codes.

You remember that in 1874 the "revisers" revised into our coinage laws a provision that stripped existing silver dollars of their legal tender, and but few knew anything about it. The revisers "changed" the "existing" law. In 1873 there was a "demonetization of silver," and even Speaker Blaine confessed he did not know the bill enacted did so. The "watchdog of the House," Mr. Holman, said the same thing, and a number of celebrities said the same thing. It is because, gentlemen, Members of Congress are not here during these dry debates, but the "whips" get them here by force when a roll call is expected. I know they are dry. I make a dry speech myself. I am a dry man, Mr. Chairman, in some respects. [Laughter.]

Mr. BURLESON. Are we to understand from what the gentleman states that he proposes to insist on a quorum being present?

Mr. GAINES of Tennessee. I certainly shall insist on a quorum being present to revise the criminal laws of my country.

Mr. BURLESON. And the gentleman intends to make that statement good?

Mr. GAINES of Tennessee. I do, sir. If I can get the Speaker to stand with me and stand by the Constitution, I am going to have it.

Mr. BURLESON. I hope the gentleman may.

Mr. GAINES of Tennessee. I hope the gentleman from Texas will help me. I join hands with him on that.

I feel that it is my duty to do what I have done. I have done it without offending anyone, I hope, but if I have I want to say this, if anybody takes it as personal, Mr. Chairman, then they must simply take it, for I will not retreat or retract. I have stayed inside of the four corners of the RECORD, as I understand it. If I have misstated a single fact I will correct it if you will show me in error. I am standing by the law that the Democrats enforced and I am standing by the judgment on that law that a Republican Congress enforced, the Fifty-fourth Congress, that refused to refund this money. They refused by a heavy vote to refund it, and I remember what the present Speaker of this House said when that matter was up, and if I can turn to it promptly I will read it. His words are in the RECORD. He said that Congress had adjudged that this act of 1856 was the law and enforced it, and now if we go along and permit this appropriation to be allowed in this bill then it is repudiating that and repudiating the law and saying it is not the law. The House stood by that position and refused to appropriate this money. So, gentlemen, there is nothing partisan in this matter. Both Republicans and Democrats have enforced it. It is the law to-day. It is our duty to the people of this country to stay here, as a few of the men of this House have done, from the time the House is called to order in December, day in and day out, until it adjourns, except in case of sickness. There may be other proper excuses for leaving, but the grace of the House in that respect has been abused and the public service suffered.

Mr. SMITH of Iowa. I yield ten minutes to the gentleman from Pennsylvania.

Mr. MAHON. Mr. Chairman, this fight was fought out in the Fifty-third Congress. The Reed rules had been adopted in the Fifty-first Congress. The Democrats came in and in the Fifty-third Congress the Republicans made up their minds they should adopt the Reed rules, which Congress did. In the Fifty-third Congress Speaker Crisp issued that order docking Members. I was very prompt in that fight. I resisted that order. The act of Congress in 1854 gave to Members $5,000 a year salary, and that was not divisible at the option or by the decision of any Speaker of the House. Some men docked themselves; I did not. I had $7,000 in the office here and Speaker Crisp very kindly gave me a certificate, and I got it at the end of the Fifty-third Congress.

Mr. SMITH of Iowa. Mr. Chairman, I yield ten minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Chairman, perhaps it would be well to spend time enough to find out what the facts are in regard to the so-called "docking of salaries." It would hardly be worthy of discussion now, I think, if it had not been for the fact that the newspapers have again taken up the subject recently and have been discussing the question as to whether these absences should be deducted for under existing law. In the Fifty-third Congress Mr. Crisp attempted to hold a quorum by enforcing section 40 of the Revised Statutes and requiring each Member to certify that he had not been absent from the House except in case of sickness of himself or in his family. Most of the Members simply changed that certificate and certified that they had "not been absent any time for which deduction could legally be made," and on that certificate most of them drew their salaries. There were a few exceptions. I remember where a gentleman from the West, whom I will not name, but who was then commonly known as "Uncle Joe," attempted to reason it out in his pay certificate. He put the statement in the certificate that he had been absent so many days and that he had been "absent by leave of the House;" but Mr. Speaker Crisp refused to certify his pay, so he lost $39.40. There was a report current here in the House at that time that in a subsequent conversation on the streets of the gentleman's home town two farmers got to talking about this circumstance, and one of them said: "I understand that 'Uncle Joe' is a losin' of his mind." The other one said: "No! What's the matter?" "Well, they say he ain't got sense enough to draw his pay." [Laughter.] That was a common story in the cloakroom here for some time. The gentleman lost his $39.40, which has never been paid.

When the question of payment of this previously deducted item came up in the Fifty-fourth Congress the House refused to allow the payment of this $39.40 in an appropriation bill, more for a joke on the Member who did not know how to draw his pay rather than for any other reason. It was voted out of the legislative appropriation bill in the subsequent Congress in a spirit of fun.

Now, let us get at the actual facts, and I will only detain the committee for a few minutes to call attention to what the situation really is, because there are many gentlemen in this House to-day who were not members of the Fifty-third Congress. This question has become ancient history. In 1856 the law was changed increasing the salary of Congressmen to $3,000 a year, with the provision that they should deduct for each day's absence, unless the absence was caused by sickness or sickness in their families. In 1873 the "salary grab," so called, was passed, in which the salary, including back salary, was raised to $7,500, and this old section of the act of 1856 was incorporated into the Revised Statutes. In 1866 the law had been changed, raising the salary from $3,000 to $5,000, without preserving the limitation of the section of the act of 1856 which provided for the deduction. Consequently, from 1866 to 1893, Congressmen all drew their full pay without deduction for absence. This section 40 of the Revised Statutes was repealed subsequently, and the repealing law provided that the compensation of Members be the same as in existence before the act of 1873. This repealed the provision as to deduction for absence, and every Congressman, from 1866 down to 1893, drew his full pay without deduction for absence, and Mr. Speaker Crisp, in

order to force Members to attendance at a time when he was trying to hold a quorum, and in order to evade the necessity for adopting the Reed rules for counting a quorum, revived the operation of this old statute. After a long struggle Speaker Crisp was compelled to bring in a rule adopting the Reed rules, and we have been following them ever since, and no attempt has been made to revive the repealed act of 1856.

I will incorporate into my remarks the acts of 1856 and of 1866. The act of 1866 was revived by the subsequent act of Congress which repealed the $7,500 salary act of 1873. There was a division of opinion in the Judiciary Committee in the Fifty-third Congress as to whether or not section 40 of the Revised Statutes remained in force. Many eminent lawyers held that it was not. Judge Ray, of New York, afterwards the chairman of the Judiciary Committee; Mr. Stone, afterwards governor of Pennsylvania; Judge Broderick, and Thomas Updegraff, of Iowa, all gave it as their opinion, in a report to the House, that that provision had been repealed. Mr. Reed was of the same opinion. It was a debatable question, but Congress has invariably acted upon the assumption that when the act of 1873, raising the salary to $7,500, was repealed section 40 went with the repeal, and the act of 1866 was revived, and I doubt whether there is any gentleman on either side of the Chamber who has deducted a dollar from his salary in the present Congress or in the last or in any Congress since this flurry that occurred in the Fifty-third Congress. I think it is only just to the Members of this House, in view of the revival of this question, that these sections of the statute should go into the record for the convenience and examination of those who have been commenting upon the question. Those sections are as follows:

The act of March 16, 1856 (Stat. L., Vol. 11., p. 48) fixing compensation for Members of Congress, provides—

"That the compensation of each Senator, Representative, and Delegate in Congress shall be $6,000 for each Congress, and mileage as now provided by law, for two sessions only, to be paid in manner following, to wit: On the first day of each regular session each Senator, Representative, and Delegate shall receive his mileage for the first session, and on the first day of each month thereafter during such session at the rate of $3,000 per annum during the continuance of such session, and at the end of such session he shall receive the residue of his salary due to him at such time at the rate aforesaid still unpaid; and at the beginning of the second regular session of the Congress each Senator, Representative, and Delegate shall receive his mileage for such second session, and monthly during such session compensation at the rate of $3,000 per annum, until the 4th of March terminating the Congress, and on that day each Senator, Representative, and Delegate shall be entitled to receive the balance of the $6,000 not theretofore paid in the monthly installments above directed."

The sixth section of that act, now known as section 40 of the Revised Statutes, provides—

"*And be it further enacted*, That it shall be the duty of the Sergeant-at-Arms of the House and Secretary of the Senate, respectively, to deduct from the monthly payments of Members, as herein provided for, the amount of his compensation for each day that such Member shall be absent from the House or Senate, respectively, unless such Representative, Senator, or Delegate shall assign as the reason for such absence the sickness of himself or of some member of his family."

A joint resolution was passed by Congress, approved December 23, 1857, which changed the act of 1856 only in regard to the payment of all compensation which had matured up to the beginning of the sessions of Congress at the beginning of the Congress instead of at the end of the session.

In 1866 Congress passed an act relating to the compensation of Members (see Stat. L., vol. 14, p. 23), which provides—

"That the compensation of each Senator, Representative, and Delegate in Congress shall be $5,000 per annum, to be computed from the first day of the present Congress, and in addition thereto mileage at the rate of 20 cents per mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session."

When the Revised Statute as to $7,500 salary was repealed the repealing act provided that the law in force at the time of the passage of the act, which was incorporated in the Revised Statutes, and the law in force from 1866 to 1873, made no provision for deductions on account of absence.

Mr. SMITH of Iowa. Mr. Chairman, I yield ten minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Chairman, I think it would be well that there should go to the country in this connection a few words of explanation in regard to this subject which seems to have been the burden of the speech of the gentleman from Tennessee [Mr. GAINES]. I have heard a great deal of talk upon that topic, and about once in a certain length of time, in a sort of cycle of events, we hear sprung upon the floor of the House a suggestion in effect the same as that of the gentleman from Tennessee, and the country is liable to be very greatly misled about the matter of the absenteeism of the Members of the House of Representatives. People are very apt to read in the papers these fiery and eloquent and well-intended denunciations. Sometimes I have thought that they were made for home consumption exclusively, and were intended for effect neither upon the House nor yet to affect any conditions outside of perhaps a few Congressional districts.

I was a Member of the House of the Fifty-third Congress, and I had great respect for the Speaker of that House, Mr. Crisp. I think there is no Member here who served in that House who would go back to the system that was attempted to be enforced there. I do not say there was no such occasion, but I have no recollection that any Member asked for a leave of absence and did not get it without a word of hesitation on the part of the House. And when that condition exists in a House of Representatives, the question of deducting pay of the Members does not have the slightest effect upon the presence of the body of the membership. All a Member has to do is to file with the Speaker a request for leave of absence indefinitely on account of important business, and that is the end of it.

Mr. PAYNE. Did not the law formerly in force provide that no Member should be absent except from sickness—that is, if he was absent except from sickness his pay should be forfeited?

Mr. GROSVENOR. Yes; that is very true.

Mr. PAYNE. I think that was the law. If any gentlemen were absent and were not excused, they were forced under this certificate to lose part of their pay.

Mr. GROSVENOR. Yes; and I will tell you how that was done. It was one of the most simple propositions ever known to ingenious Congressmen. A Congressman then put his construction upon the law, and he put the word "legally" just before the word "deducted," and that was all there was of it. There never was one of those certificates that failed to be honored in the Speaker's room and in the office of the Sergeant-at-Arms. Is it a very great misfortune to the country that Members of Congress do not stay always in the House of Representatives? I have seldom known any harm to come from it. Some of the wisest legislation we have had has been largely prepared in the committee room and brought in here, and, in a very large part, the work of Congress is done in the rooms of the committees. So that little good comes from forcing an attendance. And the attendance under the rules of the Fifty-third Congress did not average a satisfactory answer.

Then there is another thing. I am going out of Congress, and it doesn't make a particle of difference to me. I expect to be present every day until the end of this session, but I shall have to be a little better physically than I am now if I stay very closely. Does it sound well—and I appeal to my friend from Tennessee [Mr. GAINES]—is it a nice thing for a body of gentlemen, elected throughout the United States and answerable to their constituents at home, men charged with the duty of legislating for the greatest country in the world, that they should be mustered, that there should be reveille in the morning and tattoo at night and "taps" finally when we go to bed, and have an orderly sergeant to report our presence or absence? For when the American Congress reaches that point, so that the constituency can not trust the Members of Congress to do their duty without interference of this sort of a provision, it will be time to consider some other sort of a House than the present one. The Members of this House are men of honor and do not need this system of espionage and censure.

I say it did not do any good, and if any man will take the proceedings of the Fifty-third Congress and read them carefully he will find there has been no Congress from that date that did more harm and less good than that one. The people got a chance at that Congress, and in the Fifty-fourth Congress the majority was changed into a very insignificant minority, and the business of the Fifty-fourth Congress rose up and blessed the country. I shall have something to say about that at a later date.

So I deem it absurd. The law has been ignored by common consent; it has been condemned by the common judgment of the House of Representatives. It has been ignored by the press and the country, and for the simple reason that there are plenty of Congressmen here to-day to do the work of Congress. We never have any serious difficulty in bringing together substantially the whole force of the House of Representatives when it is necessary. I think there is no body of men in the world that answers more promptly to the suggestion of the necessity for their presence on special occasions than do the Members of the House of Representatives. A circular from the whip on the Republican side, a circular from the Democratic whip on the other side, brings into this House at the specified time practically all the Members of the House who are in the city; and then the pairs that we have equalize the business, and there is little or no trouble. So I think that the provision suggested by the gentleman from Tennessee [Mr. GAINES], made, as it undoubtedly has been, in perfect good faith, and made under the distinct belief by him that he is doing a patriotic duty, in my humble judgment, Mr. Chairman, has nothing in it worthy of the consideration of the House of Representatives. [Loud applause.]

Mr. FITZGERALD. Mr. Chairman, I yield two minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Chairman, I rise simply to ask permission to have printed in the RECORD views of the minority of the Judiciary Committee of the Fifty-third Congress upon the proposal to repeal section 40 that we have talked about this afternoon.

The CHAIRMAN. The gentleman from Missouri asks leave to print in the RECORD the minority views indicated. Is there objection? [After a pause.] The Chair hears none.

The following is the matter referred to:

[House Report 1218, Part 2, Fifty-third Congress, second session.]

SECTION 40, REVISED STATUTES.

July 13, 1894.—Referred to the House Calendar and ordered to be printed. Mr. DE ARMOND, from the Committee on the Judiciary, submitted the following views of the minority [to accompany H. R. 7274]:

A majority of a quorum of the Committee on the Judiciary have reported to the House with a favorable recommendation the bill (H. R. 7274) to repeal section 40 of the Revised Statutes of the United States, and the undersigned, members of the committee, being unable to concur in the conclusion of those who favor the repeal of said section, very respectfully submit some of the views upon which they rest their dissent.

Section 40 of the Revised Statutes is as follows:

"SEC. 40. The Secretary of the Senate and Sergeant-at-Arms of the House, respectively, shall deduct from the monthly payments of each Member or Delegate the amount of his salary for each day that he has been absent from the Senate or House, respectively, unless such Member or Delegate assigns as the reason for such absence the sickness of himself or of some member of his family."

The purpose of this provision of the law is so clearly apparent from a reading of the section itself that nothing is left for explanation or interpretation. Section 40 rests upon the proposition that Members of Congress are paid for attendance upon the sessions of the body to which they respectively belong, and for a discharge of their representative duties. Whenever, on account of sickness of himself or of a member of his family, a Congressman is absent from his post of duty in the House of which he is a Member, the law, as a matter of grace rather than of right, permits him to draw his salary, without diminution on account of his absence. But when absent otherwise than on account of sickness of himself or of some member of his family, the law requires a surrender of the compensation to which the Congressman would be entitled if present, discharging his public duties as a Senator or Member of the House. We do not see how this provision of the law can be challenged as lacking in justice or propriety. If a Member of Congress chooses to neglect his public duties to attend to private business or for personal recreation and enjoyment, there does not seem to be any injustice in requiring him to forfeit the salary which he might earn and might be entitled to, but which he prefers not to earn, and to which he certainly is not entitled.

It is known to all the Members of the House, as well as to the general reading public, that it was deemed necessary some months since to require the Sergeant-at-Arms of the House to enforce the law as contained in section 40, in order to insure the attendance of a quorum of the Members of the House, and thus prevent unreasonable and inexcusable delay in the transaction of the public business. Hardly had the enforcement of the law fairly begun until certain Members made the valuable discovery, as they thought, that this section had been repealed by implication, and that, therefore, no law exists for withholding from absent Members a part of the salary, to the whole of which those present and discharging legislative duties are entitled. When the bill providing for the legislative, executive, and judicial expenses of the Government was under consideration in the House, an amendment was adopted in the Committee of the Whole (where there is no roll call, and where Members can vote as they please without making a record upon which responsibility for their votes can be fixed), as follows:

"And it is hereby declared that section 6 of the act approved August 16, 1856, and section 40 of the Revised Statutes, have been heretofore repealed."

But when the yea-and-nay vote was taken upon this amendment in the House, on the 24th of last May, the amendment was rejected by a vote of 104 yeas to 128 nays. The record of this vote is found on page 6230 of the CONGRESSIONAL RECORD, of date May 25, 1894. Reference to it will satisfy anyone that the vote was practically a party vote. All the Republicans who voted upon the proposition voted in the affirmative to sustain the declaration that section 40 had been theretofore repealed, and nearly all the Democrats voting voted in the negative, thereby declaring, as the Committee on the Judiciary had reported, that the section had not been repealed, but remains in force. The correctness of the decision of the House, recorded on page 6230 of the RECORD, is fully and formally recognized in this bill now under consideration to repeal section 40, reported by the approving votes of those members of the Judiciary Committee who heretofore solemnly and at length advised the House that section 40 had already been repealed.

As before stated, the majority party in the House determined to insist upon the enforcement of the law as found in section 40, and as the result of that determination the law has been enforced for some time. The good results flowing from its enforcement are found, in part, in the larger average attendance of the Members upon the sessions of the House and in the more rapid consideration and dispatch of business in the House. It is believed by the undersigned that the reason and occasion for the observance and enforcement of the law is quite as great now as when this famous section was brought from the realm of disregarded laws, to which, possibly, the interest of Members of Congress and the complacency of officials of their creation had consigned it for the benefit of Congressmen and to the injury of their constituents. The present session, it is hoped, is nearing its end, and it seems to us that it would be folly in the majority—to employ no harsher or more expressive term—to deprive the House of this valuable and legitimate agency for maintaining a quorum. We believe that if this section be repealed, so that Members who choose to do so may absent themselves at will without forfeiting any portion of their salary on account of such absence, the House will often be without a quorum and therefore powerless to do business when there is the greatest occasion for dispatching business promptly. It is not to be wondered that the Republican minority are ready and eager to repeal a law which they so long disregarded, for they are not responsible at this time for the transaction in the House of the public business. That responsibility rests upon the Democratic party, having a majority of the Members of the House. This section can not be repealed, or its efficiency destroyed by amendment in the interest of absentee Members of Congress, unless a considerable number of Democrats join with the compact body of Republicans in Congress to repeal it or render it worthless.

In the report which recommends the repeal of this section 40, it is suggested that many Members evade the law by falsely assigning sickness as the cause for absence from the House. Without pausing to speculate upon this suggestion, and without knowing whether there are or are not sufficient facts to warrant it, we content ourselves with the observation that if Members are taking unearned money from the Treasury by a sacrifice of veracity and a violation of law, the cure for so gross an evil should be found in a more rigid enforcement of the law rather than in its repeal. And we are constrained to remark that if such disregard of truthfulness and violation of law may justly be imputed to any considerable number of Members of the House, it is much to be regretted that the Sergeant-at-Arms of the House and other custodians of the certificates of the several Members, upon which their salaries are drawn monthly, have seen fit to regard such statements as confidential, and have thus far failed to communicate them to the House and denied them to the public. A Member's statement, upon which his monthly allowance of salary is certified and paid, is in no sense a privileged communication or document, and in justice to him, if his statement is an honest one, and in justice to all the people of the United States, if it is dishonest, the statement should be made public. We believe that in this unauthorized and indefensible secrecy is found the basis for suggestions, whether true or false, that Members are drawing salaries to which they are not entitled, upon statements of which they should and, perhaps, would be ashamed. Whatever the facts may be, those facts ought to be made public, for the protection and justification of the innocent, as well as for the detection and condemnation of the guilty, if any.

We suppose no one will pretend that there is anywhere in the country, among any class of the people represented upon the floor of the House, a sentiment in favor of the repeal, or practical nullification by amendment, of this section 40. The legislation proposed in this repeal bill, as well as other legislation suggested to indirectly destroy this section, is in the interest of Congressmen, and in the interest of no other persons whatsoever. It seems a little strange, and is a symptom of which the people, we believe, will take note, that when employment is not easily secured by those willing to work, and when wages, in many instances, are insufficient, some Members of Congress will interest themselves to a greater extent in endeavors to obtain for themselves salaries which they have not earned but have voluntarily refrained from earning, than in efforts, by speedy, practical legislation, to lighten the burdens and better the condition of the masses of their constituents. Thus far the Democratic party has not lent itself, in committee or in the House, to efforts to enable Congressmen or others to filch from the Treasury money of their constituents to which they have neither moral nor legal right. It is hoped that the House, in passing upon the bill to repeal section 40, will regard the good of the public rather than the private, selfish interests of Senators and Representatives in Congress.

Too many Members are away regularly and generally, though they visit the House occasionally. We do not believe they should have the same pay as other Members who lay aside private business, and deny themselves the attractions of the seashore and of mountain resorts, in order that they may be in the House, as a proper discharge of their duties require. Nor do we believe the present or other session should be prolonged at the expense of the public, to the inconvenience of the faithful, and for the benefit of delinquent Members. So long as the philosophy that "the laborer is worthy of his hire" holds good, section 40, or something practically equivalent to it, may well have a place in the law and be enforced, without apology or concealment.

DAVID A. DE ARMOND.
JOSEPH W. BAILEY.
EDWARD LANE.
F. C. LAYTON.
W. L. TERRY.

I join in the foregoing as far as to say that section 40 ought not to be repealed.

T. R. STOCKDALE.

Mr. SMITH of Iowa. Mr. Chairman, I am satisfied that the consideration of the Army bill and the deficiency bill immediately following it has resulted in arousing a great deal of the combative character of Members, and in this moment of peace I would not ask the House to return to the consideration of this to-day, and therefore I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 23821, the fortifications appropriation bill, and had come to no resolution thereon.

REVISION OF LAWS.

Mr. SMYSER. Mr. Speaker, on behalf of Mr. MOON of Pennsylvania, from the Joint Committee on Revision of the Laws, I submit the following bill and report.

The SPEAKER. The gentleman from Ohio, from the Joint Committee on Revision of the Laws, submitted a bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 23946) to revise, codify, and amend the penal laws of the United States.

The SPEAKER. Referred to the House Calendar.

Mr. SMITH of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 27 minutes) the House adjourned until to-morrow 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 Acting Secretary of the Treasury, transmitting a copy of a letter from the Surgeon-General of the Public Health and Marine-Hospital Service submitting an estimate of appropriation for quarantine station at Pensacola, Fla.—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 the Navy submitting an estimate of appropriation for payment of a judgment in favor of Francisco R. Cruz—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting, with a copy of a letter from the Attorney-General, a list of judgments rendered against the United States in circuit and district courts of the United States—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmiting a copy of a letter from the Secretary of the Interior submitting an amended estimate of appropriation for maintenance of Howard University—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 President of the Spanish Treaty Claims Commission submitting an estimate of appropriation for award in favor of Peter Duarte—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 Surgeon-General of the Public Health and Marine-Hospital Service submitting an estimate of appropriation for completion of public buildings at quarantine station, Portland, Me.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, submitting a report of the amount and postage rates on mail matter sent out from the War Department under the penalty provisions from July 1 to December 31, 1906—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the secretary and treasurer of Howard University, submitting a statement of the amount and rates of postage of mail matter sent out by the institution under the penalty provisions from July 1 to December 31, 1906—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Postmaster-General submitting recommendation for legislation relative to the bequest of Dr. Charles F. Macdonald—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Margaret A. Proctor, administratrix of estate of Samuel K. Proctor, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of Agriculture, submitting report of the weight and postage rate of mail matter entered at the Washington city post-office from his Department under the penalty provision from July 1 to December 31, 1906—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mary E. Martin, widow (remarried) of Samson M. Archer, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William A. Attersall against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Martha A. Mullery, widow of James W. Mullery, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Benjamin R. Waller against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Benjamin F. Lutman against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Lucius E. Gould, Abby E. Allison, and Mary I. Todd, children of Ebenezer Gould, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of George W. Northup against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John W. Robbins against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Charles H. Simmons against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mary Speak, widow of Jesse C. Speak, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William Ashworth and Adam I. Ashworth, heirs of estate of James Ashworth, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Hiram F. Lyke against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John F. Wells against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Abram Treadwell against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William J. Worthington against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bill of the following title was reported from Committee, delivered to the Clerk, and referred to the Calendar therein named, as follows:

Mr. SMITH of California, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 21567) extending time for making final proof in desert-land entries, reported the same without amendment, accompanied by a report (No. 6202); 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. SAMUEL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2294) granting a pension to John J. Berger, reported the same with amendment, accompanied by a report (No. 6122); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9673) granting a pension to Oliver H. Griffin, reported the same with amendment, accompanied by a report (No. 6123); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14046) granting a pension to Jimison F. Skeens, reported the same with amendment, accompanied by a report (No. 6124); 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. 14983) granting an increase of pension

to R. T. D. Zimmerman, reported the same with amendment, accompanied by a report (No. 6125); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15860) granting an increase of pension to Sarah C. Morris, reported the same with amendment, accompanied by a report (No. 6126); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17484) granting an increase of pension to John E. Gillispie, alias John G. Elliott, reported the same without amendment, accompanied by a report (No. 6127); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17988) granting a pension to Edward G. Hausen, reported the same with amendment, accompanied by a report (No. 6128); 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. 19263) granting an increase of pension to John Ingram, reported the same with amendment, accompanied by a report (No. 6129); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19271) granting an increase of pension to Joseph J. Branyan, reported the same with amendment, accompanied by a report (No. 6130); 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. 19384) granting an increase of pension to Susan E. Hernandez, reported the same with amendment, accompanied by a report (No. 6131); 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. 19385) granting an increase of pension to Agnes E. Calvert, reported the same with amendment, accompanied by a report (No. 6132); 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. 19628) granting an increase of pension to Elizabeth Mooney, reported the same with amendment, accompanied by a report (No. 6133); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19869) granting an increase of pension to John E. Bowles, reported the same with amendment, accompanied by a report (No. 6134); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19994) granting a pension to Kitty M. Lane, reported the same with amendment, accompanied by a report (No. 6135); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 20079) granting an increase of pension to Richard F. Barret, reported the same with amendment, accompanied by a report (No. 6136); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 20291) granting an increase of pension to Emma F. Buchanan, reported the same with amendment, accompanied by a report (No. 6137); 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. 20356) granting an increase of pension to Mary T. Mathis, reported the same with amendment, accompanied by a report (No. 6138); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 20581) granting an increase of pension to Nettie G. Kruger, reported the same with amendment, accompanied by a report (No. 6139); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 20605) granting a pension to Mary E. P. Barr, reported the same without amendment, accompanied by a report (No. 6140); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21033) granting an increase of pension to William P. Huff, reported the same with amendment, accompanied by a report (No. 6141); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21043) granting a pension to Robert J. Dewey, reported the same with amendment, accompanied by a report (No. 6142); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21046) granting a pension to Jesse Harral, reported the same with amendment, accompanied by a report (No. 6143); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21047) granting an increase of pension to Jesse J. Melton, reported the same with amendment, accompanied by a report (No. 6144); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21274) granting an increase of pension to Jeremiah Buffington, reported the same with amendment, accompanied by a report (No. 6145); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21279) granting an increase of pension to Martin Heiler, reported the same with amendment, accompanied by a report (No. 6146); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21322) granting an increase of pension to Elizabeth Wilson, reported the same with amendment, accompanied by a report (No. 6147); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21432) granting an increase of pension to Benjamin Bragg, reported the same without amendment, accompanied by a report (No. 6148); 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. 21470) granting an increase of pension to Mary R. Carroll, reported the same with amendment, accompanied by a report (No. 6149); 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. 21471) granting an increase of pension to Adaline H. Malone, reported the same with amendment, accompanied by a report (No. 6150); 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. 21472) granting an increase of pension to Wiley H. Jackson, reported the same with amendment, accompanied by a report (No. 6151); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21481) granting an increase of pension to Lucy Cole, reported the same with amendment, accompanied by a report (No. 6152); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21496) granting an increase of pension to Samuel B. Davis, reported the same with amendment, accompanied by a report (No. 6153); 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. 21497) granting an increase of pension to Mary E. Hobbs, reported the same with amendment, accompanied by a report (No. 6154); 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. 21529) granting a pension to Charlotte Game, reported the same without amendment, accompanied by a report (No. 6155); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21579) granting a pension to Sarah R. Harrington, reported the same with amendment, accompanied by a report (No. 6156); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21598) granting a pension to Roy L. Jones, reported the same with amendment, accompanied by a report (No. 6157); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21606) granting an increase of pension to Felix G. Morrison, reported the

same with amendment, accompanied by a report (No. 6158); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21612) granting an increase of pension to James S. Hart, reported the same with amendment, accompanied by a report (No. 6159); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21761) granting an increase of pension to John Tims, reported the same with amendment, accompanied by a report (No. 6160); 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. 21882) granting an increase of pension to Frank Breazeale, reported the same with amendment, accompanied by a report (No. 6161); 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. 21883) granting an increase of pension to George W. Saunders, reported the same with amendment, accompanied by a report (No. 6162); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21886) granting an increase of pension to John Bryant, reported the same with amendment, accompanied by a report (No. 6163); 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. 21887) granting an increase of pension to James H. Hayman, reported the same with amendment, accompanied by a report (No. 6164); 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. 21888) granting an increase of pension to Andrew Canova, reported the same with amendment, accompanied by a report (No. 6165); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22024) granting an increase of pension to Eldrige Underwood, reported the same with amendment, accompanied by a report (No. 6166); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22073) granting an increase of pension to Eliza M. Scott, reported the same with amendment, accompanied by a report (No. 6167); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22241) granting an increase of pension to Stephen Robinson, reported the same with amendment, accompanied by a report (No. 6168); 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. 22243) granting an increase of pension to James W. Campbell, reported the same with amendment, accompanied by a report (No. 6169); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22264) granting an increase of pension to Sibby Barnhill, reported the same with amendment, accompanied by a report (No. 6170); 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. 22265) granting an increase of pension to Elizabeth Jane Hencher, reported the same with amendment, accompanied by a report (No. 6171); 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. 22266) granting an increase of pension to Delphie Thorne, reported the same without amendment, accompanied by a report (No. 6172); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22306) granting an increase of pension to Louisa Duncan, reported the same with amendment, accompanied by a report (No. 6173); 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. 22310) granting an increase of pension to Mary A. Kerr, reported the same without amendment, accompanied by a report (No. 6174); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22409) granting an increase of pension to Margaret A. McAdoo, reported the same with amendment, accompanied by a report (No. 6175); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22420) granting an increase of pension to Edward Wesley Ward, reported the same with amendment, accompanied by a report (No. 6176); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22422) granting an increase of pension to William J. Johnson, reported the same with amendment, accompanied by a report (No. 6177); 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. 22444) granting an increase of pension to W. O. Anderson, reported the same with amendment, accompanied by a report (No. 6178); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22827) granting an increase of pension to Mary Kirk, reported the same with amendment, accompanied by a report (No. 6179); 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. 22829) granting an increase of pension to George Spalding, reported the same with amendment, accompanied by a report (No. 6180); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22881) granting an increase of pension to Thomas L. Williams, reported the same with amendment, accompanied by a report (No. 6181); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22941) granting an increase of pension to Lucinda Davidson, reported the same with amendment, accompanied by a report (No. 6182); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22993) granting an increase of pension to Emily Hebernia Trabue, reported the same with amendment, accompanied by a report (No. 6183); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23307) granting an increase of pension to Andrew Casey, reported the same with amendment, accompanied by a report (No. 6184); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 5138) granting a pension to Jane Metts, reported the same without amendment, accompanied by a report (No. 6185); 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. 6001) granting an increase of pension to Emily Killian, reported the same without amendment, accompanied by a report (No. 6186); 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. 6230) granting an increase of pension to Nellie Paxton, reported the same without amendment, accompanied by a report (No. 6187); 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. 6266) granting an increase of pension to Paul Baker, reported the same without amendment, accompanied by a report (No. 6188); 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. 6368) granting an increase of pension to Sherrod Hamilton, reported the same without amendment, accompanied by a report (No. 6189); 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. 6538) granting an increase of pension to Betsey A. Hodges, reported the same without amendment, accompanied by a report (No. 6190); 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. 6833) granting an increase of pension to Bettie May Vose, reported the same with amendment, accompanied by a report (No. 6191); 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. 6978) granting an increase of pension to Samuel Jackson, reported the same without amendment, accompanied by a report (No. 6192); 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. 822) granting a pension to Michael V. Hennessy, reported the same with amendment, accompanied by a report (No. 6194); 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. 4510) granting an increase of pension to Rufus C. Allen, reported the same without amendment, accompanied by a report (No. 6195); 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. 4542) granting an increase of pension to Aaron Daniels, reported the same without amendment, accompanied by a report (No. 6196); 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. 4908) granting an increase of pension to William H. Kimball, reported the same with amendment, accompanied by a report (No. 6197); 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. 5001) granting an increase of pension to Louis A. Baird, reported the same with amendment, accompanied by a report (No. 6198); 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. 5041) granting an increase of pension to George A. Tucker, reported the same with amendment, accompanied by a report (No. 6199); 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. 5084) granting a pension to John W. Connell, reported the same without amendment, accompanied by a report (No. 6200); 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. 6367) granting an increase of pension to Joseph Johnston, reported the same without amendment, accompanied by a report (No. 6201); 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. PUJO: A bill (H. R. 23926) authorizing a survey of Plaquemine Brule Bayou, in Acadia Parish, La.—to the Committee on Rivers and Harbors.

By Mr. MARTIN: A bill (H. R. 23927) excepting certain lands in Pennington County, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves"—to the Committee on the Public Lands.

By Mr. BRICK: A bill (H. R. 23928) to incorporate the Hungarian Reformed Federation of America—to the Committee on the Judiciary.

By Mr. BEDE: A bill (H. R. 23929) for the establishment of a light-house on Knife Island, north shore of Lake Superior—to the Committee on Interstate and Foreign Commerce.

By Mr. STANLEY: A bill (H. R. 23930) authorizing a survey of Pond River, Kentucky, and for other purposes—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 23931) authorizing a survey of Tradewater River, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. DE ARMOND: A bill (H. R. 23932) to provide for the marking of rates of tariff duty upon manufactured articles and to fix the punishment for the violation of the provisions thereof—to the Committee on Ways and Means.

By Mr. TAYLOR of Alabama (by request): A bill (H. R. 23933) to authorize the Mobile Railway and Dock Company to dredge a channel from the 30-foot curve on the west side of the deep water in Mobile Bay into Dauphin Island Bay, through Pass Drury—to the Committee on Rivers and Harbors.

By Mr. GREGG: A bill (H. R. 23934) making an appropriation for construction of sea walls and embankments for the protection of the sites of fortification works for the defense of Galveston, Tex.—to the Committee on Appropriations.

By Mr. LEE: A bill (H. R. 23935) to provide for a public building in the city of Cedartown, Ga.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 23936) to provide for the erection of a public building in the city of Cartersville, Ga.—to the Committee on Public Buildings and Grounds.

By Mr. COOPER of Wisconsin: A bill (H. R. 23937) to provide for the establishment of an agricultural bank in the Philippine Islands—to the Committee on Insular Affairs.

By Mr. MOORE of Texas: A bill (H. R. 23938) to establish a subtreasury at Houston, Tex.—to the Committee on Ways and Means.

By Mr. CRUMPACKER: A bill (H. R. 23939) to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Calumet River in the State of Indiana—to the Committee on Interstate and Foreign Commerce.

By Mr. ALLEN of Maine: A bill (H. R. 23940) for the extension of Albemarle street, NW., District of Columbia—to the Committee on the District of Columbia.

By Mr. BABCOCK: A bill (H. R. 23941) to amend section 14 of the act approved July 29, 1892, entitled "An act for the preservation of the public peace and the protection of property within the District of Columbia"—to the Committee on the District of Columbia.

By Mr. PEARRE: A bill (H. R. 23942) for the erection of a public building at Rockville, Md.—to the Committee on Public Buildings and Grounds.

By Mr. OVERSTREET of Georgia: A bill (H. R. 23943) to provide for the purchase of additional ground at Savannah, Ga.—to the Committee on Public Buildings and Grounds.

By Mr. GREGG: A bill (H. R. 23944) to establish a subtreasury at Galveston, Tex.—to the Committee on Ways and Means.

By Mr. AIKEN: A bill (H. R. 23945) to abolish the Spanish Treaty Claims Commission and transfer its jurisdiction to the Court of Claims—to the Committee on the Judiciary.

By Mr. MOON of Pennsylvania, from the Joint Committee on Revision of the Laws: A bill (H. R. 23946) to revise, codify, and amend the penal laws of the United States—to the House Calendar.

By Mr. CALDER: A bill (H. R. 23947) to provide for the flagging of the sidewalk in front of the navy-yard at Brooklyn, N. Y.—to the Committee on Naval Affairs.

By Mr. MADDEN: A resolution (H. Res. 739) requesting certain information from the Postmaster-General—to the Committee on the Post-Office and Post-Roads.

By Mr. MURPHY: A resolution (H. Res. 741) providing for an investigation as to discrimination and arrests of officials and employees of the Baltimore and Ohio Railroad Company in connection with the Terra Cotta disaster—to the Committee on Rules.

By Mr. ROBINSON of Arkansas: A resolution (H. Res. 742) requesting certain information from the President of the United States concerning a letter addressed to Thomas E. Drake, superintendent of insurance for the District of Columbia—to the Committee on Interstate and Foreign Commerce.

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. ALEXANDER: A bill (H. R. 23948) granting an increase of pension to Edward N. Havens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23949) granting leave to the executors or administrators of the estate of Isadore Termini, deceased, to commence an action against the United States of America for the alleged wrongful act in causing his death—to the Committee on the Judiciary.

By Mr. ANDRUS: A bill (H. R. 23950) granting a pension to Mary Elizabeth McCann—to the Committee on Invalid Pensions.

By Mr. BANNON: A bill (H. R. 23951) granting an increase of pension to Hiram Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23952) granting an increase of pension to Hiram N. Wallace—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 23953) granting a pension to William J. Shedd—to the Committee on Pensions.

Also, a bill (H. R. 23954) granting a pension to Sarah L. Bowen—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 23955) granting an increase of pension to Faris McFarland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23956) granting an increase of pension to William Applegate—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23957) granting an increase of pension to John Heinricks—to the Committee on Pensions.

Also, a bill (H. R. 23958) granting an increase of pension to Thomas W. Parsons—to the Committee on Pensions.

Also, a bill (H. R. 23959) granting an increase of pension to Henry R. Snapp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23960) granting an increase of pension to Delmore Daulton—to the Committee on Invalid Pensions.

By Mr. BRANTLEY: A bill (H. R. 23961) granting an increase of pension to Oscar N. Cowell—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 23962) granting an increase of pension to Peter Selner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23963) granting an increase of pension to Jesse Dell—to the Committee on Invalid Pensions.

By Mr. BRUMM: A bill (H. R. 23964) granting an increase of pension to James D. Bartholomew—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23965) granting an increase of pension to Charles Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23966) granting an increase of pension to Hugh Stevenson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23967) granting an increase of pension to Henry Hill—to the Committee on Invalid Pensions.

By Mr. BURKE of Pennsylvania: A bill (H. R. 23968) granting an increase of pension to Alexander McWhorter—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 23969) granting an increase of pension to William Morson—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 23970) granting a pension to James Megher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23971) granting an increase of pension to Mary E. C. Butler—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 23972) granting a pension to Keziah C. Woods—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 23973) granting an increase of pension to Henry L. Reger—to the Committee on Pensions.

By Mr. CUSHMAN: A bill (H. R. 23974) granting an increase of pension to John P. Bennett—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 23975) granting an increase of pension to William H. Watson—to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 23976) granting an increase of pension to Henry J. Remington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23977) granting an increase of pension to James Murphy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23978) granting an increase of pension to Alexander Herrin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23979) granting an increase of pension to William Powers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23980) granting an increase of pension to Russell B. Hollingsworth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23981) granting an increase of pension to Sarah Elizabeth Fuller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23982) granting an increase of pension to Thomas A. Seed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23983) granting an increase of pension to Elisha R. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23984) granting an increase of pension to Jacob Miller—to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 23985) granting an increase of pension to Jeremiah McIntosh—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 23986) granting an increase of pension to Henry Perry—to the Committee on Invalid Pensions.

By Mr. FLOOD: A bill (H. R. 23987) granting an increase of pension to Lucy Scott West—to the Committee on Pensions.

By Mr. FLOYD: A bill (H. R. 23988) to authorize a patent to be issued to Martha Sanders, widow of Levi B. Sanders, for certain lands therein described—to the Committee on the Public Lands.

By Mr. GOULDEN: A bill (H. R. 23989) for the relief of Harvey B. Denison—to the Committee on Military Affairs.

By Mr. GRANGER: A bill (H. R. 23990) granting an increase of pension to Thomas Rice—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 23991) granting an increase of pension to Nathaniel T. Carrington—to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 23992) for the relief of the estate of William R. Poole, deceased—to the Committee on War Claims.

By Mr. HOWELL of Utah: A bill (H. R. 23993) for the relief of Harry A. Young—to the Committee on Military Affairs.

Also, a bill (H. R. 23994) granting an increase of pension to William Q. Anderson—to the Committee on Invalid Pensions.

By Mr. KELIHER: A bill (H. R. 23995) granting a pension to Timothy B. Sprague—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23996) granting a pension to Stella Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23997) granting an increase of pension to Michael M. Field—to the Committee on Pensions.

Also, a bill (H. R. 23998) granting an increase of pension to John J. Shea—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23999) granting an increase of pension to John F. Gough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24000) granting an increase of pension to Mary Holle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24001) granting an increase of pension to Isabella A. Bowdlear—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24002) granting an increase of pension to Michael F. Gilrain—to the Committee on Pensions.

Also, a bill (H. R. 24003) granting an increase of pension to Nora Burke—to the Committee on Pensions.

Also, a bill (H. R. 24004) granting an increase of pension to Margaret Drum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24005) granting an increase of pension to James Farus—to the Committee on Invalid Pensions.

By Mr. KLINE: A bill (H. R. 24006) granting an increase of pension to Augustus Shiery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24007) granting an increase of pension to James M. Deiner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24008) granting an increase of pension to Augustus Ritter—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 24009) granting an increase of pension to Calvin J. Ripley—to the Committee on Invalid Pensions.

By Mr. LAW: A bill (H. R. 24010) granting a pension to Charles F. Pereira—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 24011) for the relief of the estate of Aleck Baswell, deceased—to the Committee on War Claims.

Also, a bill (H. R. 24012) for the relief of the estate of Gunther Peters—to the Committee on War Claims.

Also, a bill (H. R. 24013) for the relief of the estate of Nancy Cates, deceased—to the Committee on War Claims.

Also, a bill (H. R. 24014) for the relief of the estate of William B. Quinn, deceased—to the Committee on War Claims.

By Mr. LILLEY of Connecticut: A bill (H. R. 24015) granting a pension to Aaron C. Sanford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24016) granting a pension to Joanna Gloster—to the Committee on Invalid Pensions.

By Mr. McKINLAY of California: A bill (H. R. 24017) granting an increase of pension to Timothy Hanlon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24018) granting an increase of pension to John Adams Miller—to the Committee on Pensions.

Also, a bill (H. R. 24019) granting an increase of pension to John Brown—to the Committee on Pensions.

By Mr. MACON: A bill (H. R. 24020) to carry out the findings of the Court of Claims in the case of Richard D. Lamb for himself and, as administrator of Ira M. Lamb, heirs of Ira M. Lamb and Caroline, his wife—to the Committee on War Claims.

By Mr. MADDEN: A bill (H. R. 24021) granting an increase of pension to John Ampey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24022) to correct the military record of Morris H. Walker—to the Committee on Military Affairs.

By Mr. MARTIN: A bill (H. R. 24023) granting an increase of pension to Joseph N. Clark—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 24024) for the relief of the estates of W. M. Purcell and Martha Purcell, deceased—to the Committee on War Claims.

By Mr. PATTERSON of South Carolina: A bill (H. R. 24025) granting an increase of pension to Nehemiah Tindall—to the Committee on Pensions.

Also, a bill (H. R. 24026) for the relief of the heirs of Dr. John W. Kirk, deceased—to the Committee on War Claims.

By Mr. REYNOLDS: A bill (H. R. 24027) granting a pension to Jonathan Derno—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24028) granting a pension to George H. Boney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24029) granting an increase of pension to Jacob A. Glass—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24030) granting an increase of pension to Andrew J. Foor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24031) granting an increase of pension to John Downey—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 24032) for the relief of E. Scott Arrington—to the Committee on Claims.

By Mr. SHARTEL: A bill (H. R. 24033) to carry out the findings of the Court of Claims in the case of Abram Jones—to the Committee on Claims.

By Mr. SHEPPARD: A bill (H. R. 24034) granting an increase of pension to Mary I. Banta—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 24035) granting a pension to Mary A. Whitcomb—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 24036) granting an increase of pension to James B. Lyon—to the Committee on Invalid Pensions.

By Mr. SMYSER: A bill (H. R. 24037) granting an increase of pension to Theodore Teeple—to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 24038) granting an increase of pension to Julia Bourdon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24039) granting an increase of pension to Joseph Bogart—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 24040) granting an increase of pension to Joseph A. Harkins—to the Committee on Invalid Pensions.

By Mr. TRIMBLE: A bill (H. R. 24041) granting an increase of pension to S. F. South—to the Committee on Pensions.

By Mr. WATSON: A bill (H. R. 24042) relating to a plaster model of an equestrian statue of Gen. John A. Rawlins—to the Committee on Appropriations.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committee was discharged from the consideration of bill of the following title; which was thereupon referred as follows:

A bill (H. R. 8912) granting a pension to Anson Greenwood—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

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

By Mr. BANNON: Petitions of Gallia Council, No. 114, Daughters of America, and Kyzer Council, No. 154, Junior Order United American Mechanics, for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BARCHFELD: Petitions of citizens of Alvarado, Tex.; Adams County, Ohio; Lebanon, Mo., and Allegheny, Pa., against bill S. 5221, relative to practice of osteopathy in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BARTHOLDT: Petition of New Immigrants' Protective League, against the Lodge-Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. BELL of Georgia: Paper to accompany bill for relief of Cynthia M. Bryon—to the Committee on Invalid Pensions.

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

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of John Heinricks—to the Committee on Invalid Pensions.

Also, petition of Big Sandy News, Louisa, Ky., against tariff on linotype machines—to the Committee on Ways and Means.

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

Also, paper to accompany bill for relief of W. P. Adkins—to the Committee on Military Affairs.

Also, papers to accompany bills for relief of Henry R. Snapp, Carl F. Reickert, and Faris McFarlane—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of George Ingram—to the Committee on Military Affairs.

By Mr. BIRDSALL: Petition of citizens of Hampton and Waverly, Iowa, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BROOKS of Colorado: Petitions of the Herald Printing Company, the Victor Daily Record, and the Daily Oklahoman, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of citizens of Colorado Springs, Colo., for free-art legislation in accordance with bill H. R. 15268—to the Committee on Ways and Means.

By Mr. BURKE of Pennsylvania: Petitions of General Putnam Council, No. 61, Daughters of Liberty; Saratoga Council, No. 262; Bainbridge Council, No. 128, and Aleguippa Council, No. 567, Junior Order United American Mechanics; Golden Rule Council, No. 32, and Lucy Webb Hayes Council, No. 35, Daughters of Liberty; and General Putnam Council, No. 125, and Sherwood Council, No. 160, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

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

Also, paper to accompany bill for relief of George W. Stormer—to the Committee on Invalid Pensions.

Also, petition of Laughlin Lodge, No. 633, Brotherhood of Locomotive Firemen, of Pittsburg, Pa., indorsing the Merchant Marine Commission's shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Colloynium Club, of Pittsburg, Pa., for repeal of the duty on works of art—to the Committee on Ways and Means.

Also, petition of the New Era Club of Western Pennsylvania, of Pittsburg, for repeal of the duty on art works—to the Committee on Ways and Means.

By Mr. BURLEIGH: Papers to accompany bills for relief of Michael Andrews, jr., Hollis M. Payson, and Ripley C. Whitcomb—to the Committee on Invalid Pensions.

By Mr. BURTON of Ohio: Petition of the Hiawathas, of Cleveland, Ohio, for the enactment of bill H. R. 17949, for maintenance of the Betsy Ross House, Philadelphia—to the Committee on Appropriations.

Also, paper to accompany bill for relief of James J. Erwin—to the Committee on War Claims.

By Mr. BUTLER of Pennsylvania: Petition of citizens of Haverford, Pa., for investigation of affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. CAMPBELL of Kansas: Paper to accompany bill for relief of Keziah C. Wood—to the Committee on Invalid Pensions.

By Mr. DUNWELL: Petition of the Seamen's Union of America, against the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of American artists, for free art and against duty on art works—to the Committee on Ways and Means.

By Mr. FLOYD: Paper to accompany bill for relief of Graham Williams—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of J. W. Richardson & Son, for an amendment to the interstate-commerce law permitting contracts to exchange advertising for transportation—to the Committee on Interstate and Foreign Commerce.

Also, petition of Cincinnati ex-prisoners of war, for the Dalzell bill to pension Union ex-prisoners of war—to the Committee on Invalid Pensions.

Also, petition of the Mission Promotion Association of San Francisco, for removal of the duty on building material for rebuilding of said city—to the Committee on Ways and Means.

By Mr. HARDWICK: Paper to accompany bill for relief of Charles Blaeker—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: Petition of officers of the Navy in the civil war and the Spanish war, for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. HILL of Connecticut: Petition of the Evening Sentinel, of South Norwalk, and Eaton & Mains, of New York City, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HOUSTON: Paper to accompany bill for relief of William Truett—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of residents of Hamilton, N. J., for the McCumber-Sperry-Tirrell bill—to the Committee on Alcoholic Liquor Traffic.

Also, paper to accompany bill for relief of Mary H. Patterson—to the Committee on Invalid Pensions.

By Mr. KAHN: Petition of the Spanish War Veterans of San Francisco, Cal., for repeal of the anticanteen law—to the Committee on Military Affairs.

By Mr. KELIHER: Petition of governors of New England States and prominent business houses, for establishment of eastern forest reservation—to the Committee on Agriculture.

Also, petition of the State board of agriculture of Massachusetts, for a more liberal appropriation for the suppression of the gipsy and brown-tail moths—to the Committee on Agriculture.

Also, petition of the State Camp of New Mexico, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the Boston Marine Society, for bill S. 528 (the subsidy shipping bill)—to the Committee on the Merchant Marine and Fisheries.

By Mr. KLINE: Paper to accompany bill for relief of Augustus Shiery—to the Committee on Invalid Pensions.

Also, petitions of the Reading (Pa.) Telegram and the Welt Bote and Frieden's Bote, of Allentown, Pa., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LEE: Paper to accompany bill for relief of Benton Freeman—to the Committee on War Claims.

By Mr. LILLEY: Papers to accompany bills for relief of Aaron C. Sanford and Joanna Gloster—to the Committee on Invalid Pensions.

By Mr. McCARTHY: Petitions of the Omaha Commercial Club and the Omaha Grain Exchange, for an appropriation for improvement of Missouri River near Omaha—to the Committee on Rivers and Harbors.

By Mr. McKINLAY of California: Petition of Veterans of the Civil and Spanish Wars, for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. McKINNEY: Paper to accompany bill for relief of Clarence A. McIntosh—to the Committee on War Claims.

By Mr. MARTIN: Petition of citizens of Deadwood, S. Dak., for restoration of the Army canteen—to the Committee on Military Affairs.

Also, petition of citizens of Cascade Springs, S. Dak., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MOORE: Paper to accompany bill for relief of Jacob B. Haslam—to the Committee on Invalid Pensions.

By Mr. MOUSER: Petition of the Daily Register, Sandusky, Ohio, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of R. J. Kistner Council, No. 3, of Fostoria, Ohio; Bucyrus Council, No. 184; Seneca Council, No. 58; Wyandot Council, No. 95, and Sycamore Council, No. 333, Junior Order United American Mechanics, for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. NORRIS: Paper to accompany bill for relief of Benjamin J. McConnell—to the Committee on War Claims.

By Mr. PATTERSON of South Carolina: Paper to accompany bill for relief of heirs of Dr. John W. Kirk—to the Committee on War Claims.

Also, paper to accompany bill for relief of Nehemiah Tindall—to the Committee on Pensions.

By Mr. PEARRE: Petition of the Brotherhood of St. Paul of the First Methodist Episcopal Church of Baltimore, Md., for investigation of affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. RAINEY: Petition of citizens of Arenzville, Ill., for an appropriation for deepening the channels of the Illinois and Mississippi rivers—to the Committee on Rivers and Harbors.

Also, petition of citizens of Calhoun County, Ill., for a deep waterway from the Lakes to the Gulf—to the Committee on Rivers and Harbors.

By Mr. REYNOLDS: Papers to accompany bills for relief of the widow of Joseph S. Bussard, Daniel Lamberton, Jacob Glass, Jonathan Derno, Capt. John Downey, George H. Boney, and Andrew J. Foor—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Arkansas: Petition of R. W. Dunway et al., for an appropriation of $50,000,000 for improvement of waterways—to the Committee on Rivers and Harbors.

Also, petition of S. A. Miller et al. and citizens of Arkansas, against the Dillingham-Gardner immigration bill—to the Committee on Immigration and Naturalization.

Also, petitions of A. J. Walls, of Lonoke, Ark; D. E. Baker et al., and T. W. Abbott et al., for cotton demonstration work—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Walter C. Hudson—to the Committee on War Claims.

By Mr. SHEPPARD: Petitions of citizens of Clarksdale, Tex.; Sterrett, Ind. T.; Petty, Tex., and Hugo, Ind. T., for an appropriation for improvements in the upper Red River—to the Committee on Rivers and Harbors.

By Mr. TAYLOR of Ohio: Paper to accompany bill for relief of Washington Kurtzman—to the Committee on War Claims.

By Mr. ZENOR: Paper to accompany bill for relief of Hiram G. McLemore—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, *January 11, 1907.*

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

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

The VICE-PRESIDENT. The Journal stands approved.

AGRICULTURAL DEPARTMENT MAIL MATTER.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a record of mail matter entered at the Washington City post-office under the penalty privilege by the Department of Agriculture; which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

GEORGETOWN BARGE, DOCK AND ELEVATOR RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Georgetown Barge, Dock and Elevator Railway Company for the fiscal year ended December 31, 1906; which was referred to the Committee on the District of Columbia, and ordered to be printed.

FINDINGS BY 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 Harry N. Stearns, administrator of Francis Josselyn, deceased, *v.* The United States;

In the cause of Adelaide B. Lindenberger *v.* The United States; and

In the cause of James Boro and Mary Boro, heirs of James Boro, deceased, *v.* The United States.

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

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented resolutions adopted by the Catholic Federation of Cleveland, Ohio, relative to the treatment by the Republic of France of Catholics in that country; which was referred to the Committee on Foreign Relations.

He also presented a petition of the National Business League of Chicago, Ill., praying for the enactment of legislation to revise the public-land laws of the United States; which was referred to the Committee on Public Lands.

He also presented a petition of the National Business League of Chicago, Ill., praying for a reorganization of the consular service of the United States; which was referred to the Committee on Foreign Relations.

Mr. FRYE presented a petition of the congregation of the Friends Church of Winthrop Center, Me., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of the Medical Society of the District of Columbia, of Washington, D. C., praying for the enactment of legislation providing for the reclamation of Anacostia Flats in that District; which was referred to the Committee on the District of Columbia.

Mr. KEAN presented memorials of sundry citizens of Trenton, Jersey City Heights, Elizabeth, Bridgeton, Washington, and Gloucester County, all in the State of New Jersey, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented the petition of Rev. John E. Parmly, of Atlantic Highlands, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was ordered to lie on the table.

He also presented a petition of the New Jersey State Federation of Women's Clubs, praying for the enactment of legislation to regulate child labor in the District of Columbia; which was ordered to lie on the table.

Mr. PERKINS presented a petition of the Farmers' Institute of Glendora, Cal., praying for the enactment of legislation for the protection of animals, birds, and fish in the forest reserves of California; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented memorials of sundry citizens of Los Angeles, Cal., remonstrating against the enactment of legislation requir-