the Republic, Department of Pennsylvania, against the abolition of the pension agencies—to the Committee on Appropriations.

Also, petition of the National Board of Trade, held in Washington, D. C., for such amendments to the interstate-commerce act as will permit proper railway traffic agreements, such agreements to be inoperative if disapproved by the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. WHARTON: Petition of the National German-American Alliance of the United States, against bill H. R. 13655 (the Littlefield bill)—to the Committee on the Judiciary.

SENATE.

THURSDAY, *February 7, 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. BURROWS, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

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 Henry J. Brown, administrator of the estate of Elmyra Brown, deceased, et al. *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, returned to the Senate, in compliance with its request, the bill (H. R. 8080) for the relief of S. Kate Fisher, with the accompanying engrossed copy of the Senate amendment thereto.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 3393) granting an honorable discharge to Galen E. Green.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented sundry memorials of citizens of Moline, Ill., remonstrating against any intervention on the part of the United States Government in the affairs of the Kongo Free State; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Rockford, Minn., praying for the enactment of legislation to permit the manufacture by consumers of denatured alcohol in small quantities; which was referred to the Committee on Finance.

He also presented a petition of the congregation of the Kingsley Methodist Episcopal Church, of New York City, N. Y., 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 petitions of the Woman's Christian Temperance Unions of Broad Ripple, Gosport, Castleton, Hamilton, Hartford City, Barbersville, Fort Wayne, Goshen, Liberty, Hillsboro, Oakland, Marshall, Bluffton, Jonesboro, North Vernon, Markle, Nottingham, and Sheridan, all in the State of Indiana, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were ordered to lie on the table.

Mr. BURKETT presented the petition of A. P. Tilley, of Osceola, Nebr., praying for the passage of the so-called "Crumpacker bill," relating to postal fraud orders; which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Clay Center, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the Merchants' Exchange of Oakland, Cal., praying for the enactment of legislation providing for the reclassification and increase in the salaries of postal clerks in all first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Fruit Growers' Association of Hanford, Cal., praying for a modification of the present Chinese-exclusion law, so as to permit the immigration of laborers irrespective of nationality; which was referred to the Committee on Immigration.

Mr. FLINT presented a petition of sundry citizens of Los Angeles, Cal., and a petition of the congregation of the Central Presbyterian Church, of Los Angeles, Cal., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Los Angeles, Cal., praying for the enactment of legislation providing for the removal of duty on works of art; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Needles, Cal., praying for the enactment of legislation to protect that city against the encroachment of the Colorado River; which was referred to the Committee on Commerce.

Mr. MILLARD presented a petition of sundry citizens of Fremont, Nebr., 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 sundry citizens of Falls City, Nebr., praying for the enactment of legislation to regulate the employment of child labor; which was ordered to lie on the table.

Mr. NELSON presented a memorial of the Press Association of Goodhue County, Minn., remonstrating against the enactment of legislation to exclude from the mails newspaper publications classed as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BLACKBURN presented a memorial of the Axton Fishers Tobacco Company, of Louisville, Ky., remonstrating against the passage of the so-called "free leaf tobacco bill;" which was referred to the Committee on Finance.

Mr. OVERMAN presented a memorial of Bailey Brothers, of Winston-Salem, N. C., and a memorial of the Ozburn Hill Company, of Winston-Salem, N. C., remonstrating against the passage of the so-called "free leaf tobacco bill;" which were referred to the Committee on Finance.

Mr. LATIMER presented a petition of the executive committee of the Interchurch Conference on Federation, of New York City, N. Y., praying for an investigation into the existing conditions in the Kongo Free State; which was ordered to lie on the table.

Mr. CLARKE of Arkansas presented petitions of sundry citizens of Heber, Magazine, Prescott, and Pocahontas, all in the State of Arkansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PENROSE presented petitions of the congregation of the Church of Christ of Sayre, of the Christian Endeavor Society of Landisville, of the Woman's Christian Temperance Union of Reading, of sundry citizens of New Holland, of the congregations of the Methodist Episcopal and First United Presbyterian churches of Kittanning, of the Woman's Christian Temperance Union of Athens, of the congregation of the Methodist Episcopal Church of Athens, and of the Christian Woman's Board of Missions of the Church of Christ of Sayre, all in the State of Pennsylvania, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented sundry papers to accompany the bill (S. 7848) for the relief of the Corn Exchange National Bank, of Philadelphia, Pa.; which were referred to the Committee on Claims.

Mr. SCOTT presented a petition of the State Board of Agriculture, of Charleston, W. Va., praying for the enactment of legislation to prohibit newspaper publishers from sending their publications through the mails after their paid subscriptions have expired; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BEVERIDGE presented petitions of sundry citizens of Hoagland, Rush County, Hamilton, Elkhart, Brazil, South Union, Marion, Connersville, Amboy, Monroeville, Richmond, Auburn, Valparaiso, Markle, Hartford City, Bedford, Fountain City, Williamsburg, and Huntington, all in the State of Indiana, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the executive committee of the Interchurch Conference on Federation of New York City, N. Y., praying for an investigation into the existing conditions in the Kongo Free State; which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Goshen, Ind., 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.

He also presented a petition of Iron Molders' Union No. 56, of Indianapolis, Ind., praying for the enactment of legislation to regulate the employment of child labor; which was ordered to lie on the table.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

He also presented a petition of the Central Labor Union of Lafayette, Ind., praying for the extension of the provisions of the Chinese-exclusion laws so as to include Japanese and Koreans; which was referred to the Committee on Immigration.

He also presented petitions of sundry Hebrew citizens of South Bend, Ind., the Hebrew Sick Benefit Society of South Bend, Ind., and the Alliance of German Societies of Indiana, praying for the enactment of legislation to further restrict immigration; which were referred to the Committee on Immigration.

He also presented a petition of the Central Labor Union of Lafayette, Ind., praying for an investigation into the conditions of woman and child workers of the country; which was ordered to lie on the table.

Mr. KNOX presented petitions of M. P. Kennedy, of Pittsburg; C. D. Walton, of North Wales; L. E. Walton, of Greensburg; W. H. Swoap, of Sackett; F. I. Dickert, of Pittsfield; H. W. Thayer, of Philadelphia; S. E. Miller, of Corry; H. A. Spangler, of Allegheny; Lillie C. Doty, of Youngsville; G. H. Daron, of Dover; H. E. Naegrle, of Philadelphia, all in the State of Pennsylvania, and of the Gardner Nursery Company, of Osage, Iowa, praying for the passage of the so-called "Crumpacker bill" relating to postal fraud orders; which were referred to the Committee on the Judiciary.

He also presented memorials of Arthur Edwin Brown and Edwin G. Conklin, of Philadelphia, Pa., remonstrating against the enactment of legislation abolishing the Bureau of Biology in the Department of Agriculture; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of the directors of the Fayette City National Bank, of Fayette City; the Keystone National Bank, of Pittsburg; the First National Bank of Allegheny, all in the State of Pennsylvania, praying for the enactment of legislation providing for the issue and redemption of national bank guaranteed credit notes; which were referred to the Committee on Finance.

He also presented petitions of the Civic Club, of Pittsburg; B. M. Neill, of Philadelphia; E. M. List, of Philadelphia; W. W. Fiske, of Philadelphia; Consumers' League of Philadelphia, all in the State of Pennsylvania, praying for the enactment of legislation to regulate the employment of child labor; which were ordered to lie on the table.

He also presented petitions of J. F. McMullen, of Wilkinsburg; C. W. Cantrell, of Pittsburg; Edward Hull, of Pittsburg; James Melvin, of Pittsburg; E. V. Foster, of Pittsburg; George W. Comfour, of Pittsburg; H. C. Reese, of Pittsburg; Rev. G. H. Flinn, of Pittsburg; Frank Kronz, of Pittsburg; J. S. Asbeck, of Pittsburg; George F. McConnell, of Millvale, all in the State of Pennsylvania, praying for the enactment of legislation providing for an increase in the salaries of letter carriers and postal clerks; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Woman's Christian Temperance Union of Reading; St. Paul's Methodist Episcopal Church, of Lancaster; First United Presbyterian Church of Newcastle; sundry citizens of Carbondale; Presbyterian Church of Conneautville; First Baptist Church of Kittanning; the Religious Society of Friends, of Darby; trustees of Christ Methodist Episcopal Church, of Pittsburg; Robert R. Fritsch, of Allentown, all in the State of Pennsylvania, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented memorials of Edwin M. Stanton Post, No. 208, Department of Pennsylvania, Grand Army of the Republic, of New Brighton; Lieutenant Ezra S. Griffin Post, No. 139, Department of Pennsylvania, Grand Army of the Republic, of Scranton; C. S. Davis Post, No. 148, Department of Pennsylvania, Grand Army of the Republic, of Selinsgrove; Colonel Gus. W. Town Post, No. 46, Department of Pennsylvania, Grand Army of the Republic, of Philadelphia; George Smith Post, No. 79, Department of Pennsylvania, Grand Army of the Republic, of Conshohocken; George G. Meade Post, No. 1, Department of Pennsylvania, Grand Army of the Republic, of Philadelphia; General Alex. Hays Post, No. 3, Department of Pennsylvania, Grand Army of the Republic, of Pittsburg; Grand Army Association of Philadelphia and Vicinity, Philadelphia; M. A. Gherst, commander, Department of Pennsylvania, Grand Army of the Republic, of Reading, all in the State of Pennsylvania, remonstrating against the enactment of legislation abolishing pension agencies throughout the country; which were referred to the Committee on Pensions.

He also presented petitions of James S. Whitney, of Philadelphia; A. Booth, of Haverford; L. Booth, of Haverford; M. E. Booth, of Haverford; Everett Stuart, of Philadelphia; R. B. Haines, jr., of Philadelphia; H. B. Gerhardt, of Harrisburg; S. J. Anderson, of Allegheny; Friends Intelligencer, of Philadelphia; John H. Converse, of Philadelphia; C. S. Albert, of Philadelphia; W. E. Shipley, of Philadelphia; Wayland Hoyt, of Philadelphia; John W. Cadbury, of Philadelphia; H. W. Cadbury, of Philadelphia; A. F. Anderson, of Harrisburg; Agnes Kemp, of Swarthmore; Eva J. Smith, of Warren; Rev. A. Kelly, of Erie; W. W. Bacon, of Philadelphia; W. A. Levering, of Germantown; W. C. Warren, of Germantown, Rev. H. B. Hartzler, of Harrisburg, all in the State of Pennsylvania, and of the executive committee, Inter-Church Conference on Federation, New York, N. Y., praying for an investigation into the existing conditions in the Kongo Free State; which were ordered to lie on the table.

Mr. LODGE presented a petition of the Preachers' Association of Boston, Mass., 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 Woman's Christian Temperance Union and the congregation of the John Nelson Memorial Church, of Leicester, Mass., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. CURTIS presented the petition of Arthur B. Schaeffer, of Kansas, 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.

REPORTS OF COMMITTEES.

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

A bill (H. R. 20688) granting an increase of pension to Joseph M. Storey;

A bill (H. R. 20732) granting an increase of pension to Le Roy Benson;

A bill (H. R. 20738) granting a pension to Sarah A. Hawkes;

A bill (H. R. 20740) granting an increase of pension to Guthridge L. Phillips;

A bill (H. R. 20823) granting an increase of pension to William H. Webb;

A bill (H. R. 20858) granting an increase of pension to William C. Thompson;

A bill (H. R. 20953) granting an increase of pension to James D. Walker;

A bill (H. R. 20957) granting an increase of pension to William Chagnon;

A bill (H. R. 21121) granting an increase of pension to Marcus Wood;

A bill (H. R. 21133) granting an increase of pension to James W. Cosgrove;

A bill (H. R. 21022) granting an increase of pension to Thomas N. Gootee;

A bill (H. R. 21025) granting an increase of pension to Enoch May;

A bill (H. R. 21039) granting an increase of pension to Nelson J. Weller;

A bill (H. R. 21087) granting an increase of pension to Albert Manice;

A bill (H. R. 21097) granting an increase of pension to Henry W. Martin;

A bill (H. R. 21103) granting an increase of pension to Jacob Palmer;

A bill (H. R. 21111) granting an increase of pension to Arthur Graham;

A bill (H. R. 21115) granting an increase of pension to Sylvester Bickford;

A bill (H. R. 21118) granting an increase of pension to Jacob Hartman;

A bill (H. R. 21120) granting an increase of pension to John Lynch;

A bill (H. R. 21249) granting a pension to Minnie Scheele;

A bill (H. R. 21238) granting an increase of pension to John W. Gahan;

A bill (H. R. 21134) granting an increase of pension to Frederick Kriner;

A bill (H. R. 20687) granting an increase of pension to John M. Dixon;

A bill (H. R. 20684) granting an increase of pension to William M. Neal;

A bill (H. R. 20713) granting an increase of pension to Timothy Quinn; and

A bill (H. R. 21257) granting an increase of pension to Thomas Morris.

Mr. HANSBROUGH, from the Committee on Public Lands,

to whom was referred the bill (S. 7494) to provide for the disposal of timber on public lands chiefly valuable for timber, and for other purposes, reported it with amendments.

Mr. CLARK of Wyoming. I ask leave to file at a future day a minority report with the bill just reported from the Committee on Public Lands.

The VICE-PRESIDENT. Leave is granted.

Mr. PILES, from the Committee on Commerce, to whom was referred the bill (H. R. 24760) authorizing the construction of a dam across the Pend d'Oreille River, in the State of Washington, by the Pend d'Oreille Development Company, for the development of water power, electrical power, and for other purposes, reported it without amendment.

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

A bill (H. R. 23686) granting an increase of pension to William H. Kehlbeck;

A bill (H. R. 23684) granting an increase of pension to Harry C. Cadwell;

A bill (H. R. 23683) granting an increase of pension to Thomas Phillips;

A bill (H. R. 23656) granting an increase of pension to John Kilpatrick;

A bill (H. R. 23653) granting an increase of pension to Dewitt C. Chapman;

A bill (H. R. 23652) granting an increase of pension to William H. Zimmerman;

A bill (H. R. 23651) granting an increase of pension to John W. Wilson;

A bill (H. R. 23645) granting an increase of pension to Isaac L. Griswold;

A bill (H. R. 23644) granting an increase of pension to Charles J. Schreiner;

A bill (H. R. 23624) granting an increase of pension to Albina M. Williams;

A bill (H. R. 23622) granting an increase of pension to Benjamin Maple;

A bill (H. R. 23608) granting an increase of pension to John Manley;

A bill (H. R. 23599) granting an increase of pension to Alfred B. Stansil;

A bill (H. R. 23593) granting an increase of pension to Charles M. Buck;

A bill (H. R. 23550) granting an increase of pension to Elizabeth C. Smith;

A bill (H. R. 23549) granting an increase of pension to Isaiah Carter;

A bill (H. R. 23528) granting an increase of pension to John M. Smith;

A bill (H. R. 23527) granting an increase of pension to Joseph E. Knighten;

A bill (H. R. 23526) granting an increase of pension to Stephen D. Jordan;

A bill (H. R. 23522) granting an increase of pension to George W. Shacklett;

A bill (H. R. 23495) granting an increase of pension to Adam Sliger;

A bill (H. R. 23481) granting an increase of pension to John G. Price;

A bill (H. R. 23477) granting an increase of pension to Caroline Vick;

A bill (H. R. 23475) granting an increase of pension to Thomas J. Green;

A bill (H. R. 23468) granting an increase of pension to Martin Becker;

A bill (H. R. 23458) granting an increase of pension to Edgar D. Ellis;

A bill (H. R. 23423) granting an increase of pension to Elbridge Simpson;

A bill (H. R. 23371) granting an increase of pension to Clark Crecelius;

A bill (H. R. 23365) granting an increase of pension to William Seitz; and

A bill (H. R. 23357) granting an increase of pension to James M. Houston.

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

A bill (H. R. 20107) granting an increase of pension to William A. Brown;

A bill (H. R. 24017) granting an increase of pension to Timothy Hanlon;

A bill (H. R. 23984) granting an increase of pension to Jacob Miller;

A bill (H. R. 23981) granting an increase of pension to Sarah Elizabeth Fuller;

A bill (H. R. 23973) granting an increase of pension to Henry Loor Reger;

A bill (H. R. 23969) granting an increase of pension to William Morson;

A bill (H. R. 23958) granting an increase of pension to Thomas W. Parsons;

A bill (H. R. 23957) granting an increase of pension to John Heinrichs;

A bill (H. R. 23915) granting a pension to William Stegal;

A bill (H. R. 23899) granting an increase of pension to James P. Hanna;

A bill (H. R. 19650) granting an increase of pension to Alexander W. Taylor;

A bill (H. R. 20615) granting an increase of pension to Julia T. Baldwin;

A bill (H. R. 22853) granting an increase of pension to Burden H. Barrett; and

A bill (H. R. 21294) granting an increase of pension to Lissie D. Allen.

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

A bill (H. R. 23339) granting an increase of pension to Martha L. Burnham;

A bill (H. R. 16389) granting a pension to Jefferson Wilcox;

A bill (H. R. 23281) granting an increase of pension to William T. Fisher;

A bill (H. R. 23279) granting an increase of pension to David H. Moore;

A bill (H. R. 23278) granting an increase of pension to James M. Morris;

A bill (H. R. 23265) granting an increase of pension to Henry Helton;

A bill (H. R. 23250) granting a pension to Georgie A. Mercer;

A bill (H. R. 23234) granting an increase of pension to James W. Walsh, alias James Powers;

A bill (H. R. 23195) granting an increase of pension to Aurora Garwood Ellis;

A bill (H. R. 23182) granting an increase of pension to Martha Ella Wrenn;

A bill (H. R. 22842) granting an increase of pension to William C. Hodges;

A bill (H. R. 22838) granting an increase of pension to W. Ira Templeton;

A bill (H. R. 22820) granting an increase of pension to George S. Schmutz;

A bill (H. R. 22772) granting an increase of pension to Mary S. Sanders;

A bill (H. R. 22764) granting an increase of pension to Samuel V. Carr;

A bill (H. R. 22762) granting an increase of pension to John M. Gilbert;

A bill (H. R. 22750) granting an increase of pension to William Jenkins;

A bill (H. R. 22747) granting a pension to Celestia E. Outlaw;

A bill (H. R. 22746) granting an increase of pension to Felix G. Cobb;

A bill (H. R. 22715) granting an increase of pension to Terrance Doyle;

A bill (H. R. 23327) granting an increase of pension to Paul Sheets;

A bill (H. R. 23299) granting an increase of pension to Henry Goodlander;

A bill (H. R. 23247) granting an increase of pension to George I. Stults;

A bill (H. R. 23241) granting an increase of pension to Mary Loomis;

A bill (H. R. 23197) granting an increase of pension to Agnes E. Brown;

A bill (H. R. 23187) granting a pension to Jennie E. Luckenbach;

A bill (H. R. 23153) granting an increase of pension to George Quien;

A bill (H. R. 23143) granting an increase of pension to John H. Robbins;

A bill (H. R. 23136) granting an increase of pension to Sylvanus Sloat;

A bill (H. R. 23121) granting an increase of pension to Frank Vroman;

A bill (H. R. 23096) granting an increase of pension to James L. Colding;

A bill (H. R. 23057) granting an increase of pension to James M. Davidson;

A bill (H. R. 22990) granting an increase of pension to Francis A. Lander;

A bill (H. R. 22985) granting an increase of pension to Henry Bauerlin;

A bill (H. R. 22978) granting an increase of pension to Thomas Adams;

A bill (H. R. 22951) granting an increase of pension to Alice E. Ragan;

A bill (H. R. 22929) granting an increase of pension to John O. McNabb;

A bill (H. R. 22927) granting an increase of pension to William A. Leach; and

A bill (H. R. 22846) granting an increase of pension to Martin Holmes, alias George Langin.

Mr. MALLORY, from the Committee on Commerce, to whom was referred the bill (S. 8075) to provide for the construction and equipment of a revenue cutter, with headquarters at New Orleans, La., reported it without amendment, and submitted a report thereon.

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

A bill (H. R. 3720) granting an increase of pension to Joseph McNulty;

A bill (H. R. 13706) granting an increase of pension to Albert C. Roach;

A bill (H. R. 8816) granting a pension to Mary Schoske;

A bill (H. R. 22022) granting an increase of pension to Josiah H. Shaver;

A bill (H. R. 22036) granting a pension to Emma A. Hawkes;

A bill (H. R. 23877) granting an increase of pension to Mary A. Edwards;

A bill (H. R. 23874) granting an increase of pension to William R. Horn;

A bill (H. R. 23872) granting an increase of pension to Charles Blacker;

A bill (H. R. 23858) granting an increase of pension to Hugh M. Cox;

A bill (H. R. 23846) granting an increase of pension to Sarah Ann Kendig;

A bill (H. R. 23845) granting an increase of pension to George W. Cassle;

A bill (H. R. 23812) granting an increase of pension to Joseph Dewhurst;

A bill (H. R. 23811) granting an increase of pension to Theron Cross;

A bill (H. R. 23810) granting an increase of pension to Ira J. Everson;

A bill (H. R. 23805) granting an increase of pension to Thomas Hamilton;

A bill (H. R. 23804) granting an increase of pension to Phoebe E. Sparkman;

A bill (H. R. 23803) granting an increase of pension to David C. Jones;

A bill (H. R. 23795) granting an increase of pension to Patrick McMahon;

A bill (H. R. 23792) granting an increase of pension to Zeurial McCullock;

A bill (H. R. 23783) granting an increase of pension to George W. Buzzell;

A bill (H. R. 23781) granting an increase of pension to Honora Higgins;

A bill (H. R. 23778) granting an increase of pension to Henry Clapper;

A bill (H. R. 23777) granting an increase of pension to James Marshall;

A bill (H. R. 23774) granting an increase of pension to James Kelley;

A bill (H. R. 23772) granting an increase of pension to Temperance Davis;

A bill (H. R. 23770) granting an increase of pension to Henry D. Combs;

A bill (H. R. 23764) granting an increase of pension to Joseph C. Fisher;

A bill (H. R. 23762) granting an increase of pension to Adeliade Wagner;

A bill (H. R. 23739) granting an increase of pension to Elizabeth Pillow;

A bill (H. R. 23705) granting an increase of pension to Frederick P. Gaudineer;

A bill (H. R. 23703) granting an increase of pension to Clarendon Kelly;

A bill (H. R. 23699) granting an increase of pension to Joseph Countryman; and

A bill (H. R. 23687) granting a pension to Blanche C. Polk.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (S. 8170) amending an act to create a customs district of the Territory of Arizona, approved April 29, 1890, reported it with an amendment, and submitted a report thereon.

Mr. SMOOT, from the Committee on Claims, to whom was referred the bill (S. 1217) for the relief of the estate of Henry Ware, deceased, reported it without amendment, and submitted a report thereon.

Mr. HEYBURN, from the Committee on Manufactures, to whom was referred the bill (S. 4633) authorizing Government assistance in the development and encouragement of ramie fiber, silk, and flax preparation and manufacture and their production and profitable home market in the United States, under the supervision of the Secretary of Commerce and Labor, reported it without amendment, and submitted a report thereon.

ST. JOHN'S (FLA.) LIGHT AND POWER COMPANY.

Mr. TALIAFERRO. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 8128) granting to the St. John's Light and Power Company a right of way for street railroad purposes through the United States military reservation of Fort Marion, in St. Augustine, Fla., and through other Government property in said city, to report it favorably with amendments, and I submit a report thereon. I ask unanimous consent 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 first amendment was, at the end of section 2, to insert:

And if said company shall fail or refuse to remove its tracks, poles, wires, and other structures and appurtenances from the reservation within said period of sixty days after notification so to do, then, and in that event, the Secretary of War may cause the same to be removed at the expense of the said company and without liability to damages therefor.

The amendment was agreed to.

The next amendment was, to insert as an additional section the following:

SEC. 3. That said company shall pay such reasonable annual rental for such right of way, and at such time as may be fixed by the Secretary of War.

The amendment was agreed to.

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

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

TRANSFER OF SCHOOL FUNDS TO SOUTH CAROLINA.

Mr. ALLISON. I am directed by the Committee on Appropriations, to whom was referred the bill (S. 8065) to provide for the transfer to the State of South Carolina of certain school funds for the use of free schools in the parishes of St. Helena and St. Luke, in said State, to report it favorably with an amendment.

Mr. TILLMAN. It is a matter of some importance that the bill should be passed immediately, and I ask unanimous consent for its consideration.

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

The amendment was, on page 2, line 4, after the words "South Carolina," to strike out the remainder of the bill in the following words:

The interest on which is applied to the support of said schools, shall, on the 1st day of July, 1907, be paid over to the State of South Carolina, which State shall set apart said sum as a separate interest-bearing trust fund and administer the same in such manner as it may elect for the benefit of free public schools in the parishes of St. Helena and St. Luke, in said State, as provided in the act of Congress approved March 3, 1873.

And in lieu thereof to insert:

In trust for the purposes of carrying out the provisions of an act entitled "An act to amend an act entitled 'An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes,'" approved March 3, 1873, and the said sum of $50,490 is hereby appropriated to carry out the provisions of this act.

So as to make the bill read:

Be it enacted, etc., That the sum of $50,450, heretofore invested in United States registered 4 per cent bonds of the funded loan of 1907, and the sum of $40, invested in United States registered 3 per cent bonds of the loan of 1908 to 1918, an aggregate of $50,490, invested by the Secretary of the Treasury under the provisions of the act of Congress of March 3, 1873 (17 Stat., p. 600), as a fund for the use and support of free public schools in the parishes of St. Helena and St. Luke, S. C., in trust for the purpose of carrying out, etc.

The amendment was agreed to.

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

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

COLUMBIA VALLEY (WASHINGTON) RAILROAD COMPANY.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 6691) granting to the Columbia Valley Railroad Company a right of way through Fort Columbia Military Reservation, at Scarborough Head, in the State of Washington, and through the United States quarantine station in section 17, township 9 north, range 9 west of Willamette meridian, in said State of Washington, and for other purposes, to report it favorably, with an amendment in the nature of a substitute, and I submit a report thereon.

Mr. FULTON. I ask unanimous consent for the present consideration of the bill just reported.

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

The amendment was to strike out all after the enacting clause and to insert:

That the Secretary of War may authorize the Columbia Valley Railroad Company to build a railroad and telegraph line through the Military Reservation at Scarborough Head, known as Fort Columbia, Wash., and to that end may set aside for occupancy by said Columbia Valley Railroad Company such ground, and no more, as is actually required for the track, embankment, trestle, and necessary buildings: *Provided*, That the ground so occupied shall remain the property of the United States under such police and other military control as the military authorities may deem it necessary to exercise: *Provided further*, That the location and grade of said railroad, the design and location of the station house and other buildings, and all other details of construction within the limits of the reservation, also all matters pertaining to the operation and maintenance of said railroad shall be under such regulations as the Secretary of War may from time to time establish: *Provided further*, That nothing in this act shall be construed as authorizing the use of any portion of the reservation as a borrow pit for fills and embankments: *Provided further*, That the said railroad company shall pay such reasonable annual rental for such right of way as may be fixed by the Secretary of War.

SEC. 2. That the Secretary of the Treasury may authorize the said Columbia Valley Railroad Company to build a railroad and telegraph line through the United States quarantine station grounds in section 17, township 9 north, range 9 west of the Willamette meridian, in the State of Washington, and to that end may set aside for occupancy by said Columbia Valley Railroad Company such ground, and no more, as is actually required for the track, embankment, trestle, and necessary buildings: *Provided*, That the location and grade of said railroad and all other details of construction within the limits of said quarantine station, and also all matters pertaining to the operation and maintenance of said railroad shall be under such regulations as the Secretary of the Treasury may from time to time establish: *And provided further*, That nothing in this act shall be construed as authorizing the use of any portion of the reserve as a borrow pit for fills and embankments: *And provided further*, That the said railroad company shall pay such reasonable annual rental for such right of way as may be fixed by the Secretary of the Treasury.

The amendment was agreed to.

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

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

LEAVES OF ABSENCE TO ENTRYMEN.

Mr. HANSBROUGH. I am authorized by the Committee on Public Lands, to whom was referred the bill (S. 8277) providing for stated leaves of absence to entrymen under the homestead laws, to report it favorably with amendments, and 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 amendments were on page 1, line 5, after the word "hereafter" to insert the word "actually," and after the word "*Provided*," in line 7, to strike out the remainder of the bill and insert:

That nothing in this act shall be so construed as to relieve homestead entrymen of the duty of residence during the months not herein named: *Provided further*, That in commutation homestead proofs no credit for the period of actual absence under this act shall be allowed.

So as to make the bill read:

Be it enacted, etc., That no homestead entry shall be canceled and no final proof shall be rejected because of any failure of the entryman named therein to hereafter actually reside upon the lands covered by his entry during the months of December, January, February, and March, or any portion of such months: *Provided*, That nothing in this act shall be so construed, etc.

The amendments were agreed to.

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

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

CUSTOMS COLLECTION DISTRICT OF PUGET SOUND.

Mr. BURROWS. I am directed by the Committee on Finance, to whom was referred the bill (S. 7502) providing for the appointment of an appraiser of merchandise for the customs collection district of Puget Sound, State of Washington, to report it favorably with an amendment. 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 amendment was, in line 6, before the word "thousand," to strike out "four" and insert "three;" so as to make the bill read:

Be it enacted, etc., That there shall be in the customs collection district of Puget Sound, State of Washington, an appraiser of merchandise, to be appointed by the President, and by and with the consent of the Senate, and with compensation at the rate of $3,000 per annum.

The amendment was agreed to.

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

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

LIGHT-SHIP FOR NARRAGANSETT BAY, RHODE ISLAND.

Mr. HOPKINS. I am directed by the Committee on Commerce, to whom was referred the bill (S. 8186) to construct and place a light-ship at or near Ohio Shoal, Narragansett Bay, Rhode Island, to report it favorably without amendment, 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.

SNAKE RIVER DAM, WASHINGTON.

Mr. PILES. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 24928) authorizing the construction of a dam across the Snake River, in the State of Washington, by the Benton Water Company, to report it favorably without amendment, and I submit a report thereon. I ask for the present consideration of the bill.

The Secretary read the bill.

Mr. HEYBURN. I desire to inquire of the Senator from Washington at what point in the river it is proposed to construct the dam?

Mr. PILES. It is a House bill, and it is accompanied by the report of the House committee. The report shows at what point in the river the dam is to be constructed.

Mr. HEYBURN. The bill came from the committee this morning. The construction of dams across navigable rivers is sometimes a matter of considerable local importance.

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

Mr. HEYBURN. I think the bill had better go over until I can examine the report and see where the dam is to be constructed.

Mr. PILES. I have no objection to its going over for the present.

The VICE-PRESIDENT. The bill will go over.

Mr. HEYBURN subsequently said: I withdraw the objection which I interposed to the present consideration of House bill 24928.

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

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

Mr. HEYBURN subsequently said: I desire to enter a motion to reconsider the vote by which the bill (H. R. 24928) authorizing the construction of a dam across the Snake River, in the State of Washington, by the Benton Water Company, was passed.

The VICE-PRESIDENT. The motion to reconsider will be entered.

Mr. HEYBURN. I move that the House be requested to return the bill to the Senate.

The motion was agreed to.

CHARLES E. DANNER & CO.

Mr. DANIEL. I am instructed by the Committee on Finance, to whom was referred the bill (H. R. 8685) for the relief of Charles E. Danner & Co., to report it favorably without amendment, and I submit a report thereon. The bill carries an appropriation of $240. It remits a penalty under the recommendation

of the Commissioner of Internal Revenue. I ask leave 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. It proposes to pay to Charles E. Danner, John N. Wallace, and W. Porter Danner, copartners trading under the name of Charles E. Danner & Co., $240, the amount paid by them for a wholesale dealer's license for the sale of oleomargarine, and the penalty thereon.

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

REVISION OF COPYRIGHT ACTS.

Mr. MALLORY. On behalf of the minority of the Committee of Patents, I submit in writing the views of that minority in opposition to certain features of the bill (S. 8190) to consolidate and revise the acts respecting copyrights, and I ask that the views of the minority be printed.

The VICE-PRESIDENT. It is so ordered.

S. W. PEEL.

Mr. CLAPP. I am directed by the Committee on Indian Affairs, to whom was referred the bill (H. R. 19930) referring the claim of S. W. Peel for legal services rendered the Choctaw Nation of Indians to the Court of Claims for adjudication, to report it favorably without amendment, and I submit a report thereon.

Mr. CLARKE of Arkansas. I ask unanimous consent for the present consideration of the bill.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

Mr. SPOONER rose.

Mr. ALDRICH. I think the bill had better not be considered at this time.

The VICE-PRESIDENT. Under objection, the bill will go to the Calendar.

Mr. CLARKE of Arkansas. Let me inquire if that rule is to be applied to all bills or if it is to be applied simply to this one?

Mr. SPOONER. I rose not for the purpose of objecting to the bill, but for the purpose of inquiring of the Senator what rate of interest the bill carries.

Mr. CLARKE of Arkansas. The rate of interest mentioned in the bill. If it is not mentioned, it will not carry any interest.

Mr. SPOONER. If it is not mentioned?

Mr. CLARKE of Arkansas. Then it will carry none.

Mr. SPOONER. The bill requires the payment of interest.

Mr. CLARKE of Arkansas. Let the Secretary read that particular provision of the bill, so that we may know about it.

The VICE-PRESIDENT. The Secretary, without objection, will read the provision, at the request of the Senator from Arkansas.

The Secretary read as follows:

And in case the said court finds any sum or amount due the claimant for his services and disbursements as aforesaid, it shall thereupon direct the same to be paid with interest from the funds of said nation now in the Treasury of the United States.

Mr. CLARKE of Arkansas. If there is no interest found due, of course it will render that part nugatory.

Mr. SPOONER. I suppose the Senator would not fix the rate in the bill?

Mr. CLARKE of Arkansas. No; I do not care anything about it.

Mr. SPOONER. Then that clause ought to be stricken out.

Mr. CLARKE of Arkansas. There is no objection to that.

The VICE-PRESIDENT. The bill goes to the Calendar.

Mr. CLARKE of Arkansas. I wish to inquire of the Senator from Rhode Island if that rule is to be applied to all bills or to this particular bill? Does the objection arise from some provision of this bill or is it to be the rule not to consider any bills under unanimous consent from now on?

Mr. ALDRICH. I never heard of the bill until it was read at the desk. It seems to be a bill to provide for sending a case to the Court of Claims in which the United States is not a party and apparently has no interest except perhaps in some kind of relation which it may have toward the Indian tribe. It provides also for the payment of interest on a claim. I do not know anything about the amount. It has never been customary for the United States, when the Government has any interest in the matter or any control over it, to pay interest on claims.

Mr. CLARKE of Arkansas. That matter can be satisfactorily arranged.

Mr. ALDRICH. I do not know anything about the amount involved. It seems to me that it is too important a bill to be disposed of in this way. Therefore I interposed an objection, which I presume I had a right to do, and it had no reference to any other bill.

Mr. CLARKE of Arkansas. I suppose the Senator overlooked the fact that the matter has been considered by the Committee on Indian Affairs and favorably reported by that committee.

Mr. ALDRICH. I did not. I understood that it was reported from that committee.

The VICE-PRESIDENT. The Chair will remind Senators that the debate is proceeding entirely by unanimous consent. The bill goes to the Calendar.

IMMIGRATION STATION AT GALVESTON, TEX.

Mr. CULBERSON. On the 5th instant I introduced a bill (S. 8327) to provide for the establishment of an immigration station at Galveston, in the State of Texas, and the erection in said city, on a site to be selected for said station, of a public building, and asked its reference to the Committee on Immigration. In some way the bill was referred to the Committee on Public Buildings and Grounds instead, and improperly referred. I move that that committee be discharged from the further consideration of the bill and that it be referred to the Commitee on Immigration.

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

BILLS INTRODUCED.

Mr. ALDRICH 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. 8347) granting an increase of pension to Ervin F. Mann;

A bill (S. 8348) granting an increase of pension to Cornelius E. Bliss; and

A bill (S. 8349) granting a pension to Mary Ellen Van Amringe.

Mr. BLACKBURN introduced a bill (S. 8350) for the relief of the legal representatives of John Hoey, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 8351) to correct the military record of Christian Heinze; which was read twice by its title, and referred to the Committee on Military Affairs.

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

A bill (S. 8352) granting a pension to Thomas J. Parker (with accompanying papers);

A bill (S. 8353) granting an increase of pension to R. M. Musser;

A bill (S. 8354) granting an increase of pension to Joseph N. Croak, alias Joseph N. Croke (with accompanying papers);

A bill (S. 8355) granting an increase of pension to William Martin (with accompanying papers);

A bill (S. 8356) granting an increase of pension to Peter Grace; and

A bill (S. 8357) granting a pension to Pamelia Roberts.

Mr. PENROSE introduced a bill (S. 8358) for the relief of parties from whom cigars were seized on account of bearing counterfeit stamps; which was read twice by its title, and referred to the Committee on Claims.

Mr. ANKENY introduced a bill (S. 8359) extending the time for making final proof in certain desert-land entries; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Lands.

Mr. GAMBLE introduced a bill (S. 8360) granting an increase of pension to John C. Roth; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SMOOT introduced a bill (S. 8361) granting an increase of pension to Clarrissa Whitney; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 8362) to authorize the city council of Salt Lake City, Utah, to construct and maintain a boulevard through the military reservation of Fort Douglas, Utah; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

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

A bill (S. 8363) for the relief of Lizzie Dickson, administratrix of Archibald D. Palmer, deceased; and

A bill (S. 8364) for the relief of the estate of Edward Gaudin (with an accompanying paper).

Mr. NEWLANDS introduced a bill (S. 8365) authorizing the Secretary of the Interior to cancel certain Indian allotments and substitute therefor smaller allotments of irrigable land, and

providing for compensatory payments to the irrigation fund on lands so allotted within the Truckee-Carson irrigation project; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CLARKE of Arkansas 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. 8366) for the relief of the Mount Pleasant Masonic Lodge, No. 99, of Austin, Lonoke County, Ark.; and

A bill (S. 8367) for the relief of the estate of William H. Lindsay, deceased.

Mr. WHYTE introduced a bill (S. 8368) to amend an act to authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia, approved June 8, 1896; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BURROWS introduced a bill (S. 8369) granting an increase of pension to Simeon F. Dickinson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 8370) granting an increase of pension to Elizabeth Sweat; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 8371) granting an increase of pension to Rose L. Gibbon; which was read twice by its title, and refered to the Committee on Pensions.

Mr. HALE introduced a bill (S. 8372) granting an increase of pension to Elizabeth G. Illsley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CURTIS introduced a bill (S. 8373) granting an increase of pension to Robert McVay; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

CLAIMS UNDER THE NAVY DEPARTMENT.

Mr. PENROSE submitted two amendments intended to be proposed by him to the bill (H. R. 13605) to satisfy certain claims against the Government arising under the Navy Department; which were referred to the Committee on Naval Affairs, and ordered to be printed.

AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. PENROSE submitted an amendment intended to be proposed by him to the omnibus claims bill; which was referred to the Committee on Claims, and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MALLORY submitted two amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. SIMMONS submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BURROWS submitted an amendment proposing to appropriate $3,500 to enable the Commissioners of the District of Columbia to employ special counsel to enforce, by proceedings in the proper courts, the lien of the District of Columbia for unpaid taxes etc., intended to be proposed by him to the District of Columbia appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. DICK submitted an amendment proposing to appropriate $195,260.43 to pay amounts found due the several States for expenses incurred and paid by them under the act of July 27, 1861, etc., intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. LODGE submitted two amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

ADMINISTRATOR OF EPHRAIM PERKINS.

Mr. LODGE submitted the following resolution; which was referred to the Committee on Claims:

Resolved, That the bill (S. 7986) entitled "A bill authorizing the payment to the administrator of the late Ephraim Perkins, captain, of the value of his three-fourths of brigantine Eliza and cargo, illegally captured by the French, as ascertained by the Court of Claims," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate their findings of fact and law.

CHARLES S. HANKS.

Mr. TILLMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General and the Secretary of Commerce and Labor are hereby severally directed to report whether Charles S. Hanks has at any time been paid from public funds for service in either of their Departments, and, if so, by whom he was employed and what sums have been paid to him and for what service; and they are also severally directed to send to the Senate copies of any reports he may have made with reference to matters he may have been required to investigate.

PRINTING OF SERVICE PENSION LAW.

On motion of Mr. MCCUMBER, it was

Ordered, That 10,000 copies of the "Act granting pensions to certain enlisted men, soldiers and officers, who served in the civil war and the war with Mexico," approved February 6, 1907, be printed in bill form and with good-sized black-faced type, for the use of the Senate document room.

PRESIDENTIAL APPROVALS.

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

On February 6:

S. 976. An act granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico;

S. 4350. An act for the relief of Arthur A. Underwood;

S. 7099. An act granting an increase of pension to Esther A. Cleaveland; and

S. 7760. An act to authorize the Albany Railroad Bridge Company or the Chicago and Northwestern Railway Company to reconstruct a bridge across the Mississippi River.

JOHN M'KINNON, ALIAS JOHN MACK.

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

To the Senate:

In compliance with the resolution of the Senate (the House of Representatives concurring) of the 5th instant, I return herewith Senate bill No. 1160, entitled "An act to correct the military record of John McKinnon, alias John Mack."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 7, 1907.*

THE PHILIPPINE ISLANDS.

Mr. CLAPP. I move that the Senate proceed to the consideration of the Indian appropriation bill.

Mr. CLAY. I ask the Chair if it is not true that the resolution which I introduced yesterday, and which went over on objection, should come up this morning as part of the morning business?

The VICE-PRESIDENT. The Chair lays before the Senate the resolution submitted by the Senator from Georgia [Mr. CLAY] on a previous day, which will be read.

The Secretary read the resolution, submitted by Mr. CLAY on the 6th instant, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate the following:

A statement of the amount of money expended by the United States for equipment, supplies, and military operations in the Philippine Islands each year from July 1, 1902, to the present time. Said statement to include the amount of money paid by the United States for and on account of railway transportation for troops to and from the Philippine Islands since July 1, 1902, and the several railway companies to which it was paid and the sums paid each of them. Said statement to include a full and complete account of all our expenditures in the Philippine Islands since July 1, 1902, up to the present time.

The Secretary is also directed to inform the Senate the number of United States soldiers now stationed in the Philippine Islands, and how long, in his judgment, it will be necessary for the United States to maintain an army in the Philippine Islands, and what number of soldiers will be required to maintain law and order in said islands, and what will probably be our annual expenditures in maintaining such army in said islands.

He is also directed to inform the Senate what progress, if any, has been made by the people of the Philippine Islands in qualifying themselves for self-government.

Mr. LODGE. Let that resolution go over, Mr. President.

Mr. BURROWS. The resolution was offered yesterday and went over.

The VICE-PRESIDENT. The resolution went over yesterday.

Mr. LODGE. I did not know that when I made the request. Then I move that the resolution be referred to the Committee on the Philippines.

Mr. CLAY. Will the Senator withdraw his motion for a minute?

Mr. LODGE. Certainly.

Mr. CLAY. I call the Senator's attention to the fact that in the year 1902 a similar resolution was introduced and unanimously adopted by the Senate, and the information then asked for was sent to the Senate. Since 1902 no annual statement

appears, so far as the Senate knows, as to our expenditures in the Philippine Islands. I believe that Congress ought to know exactly what is going on in the Philippine Islands. We are informed that we are spending from forty to fifty million dollars a year, and we ought to know how much our Army and our Navy are costing us every year in the Philippine Islands. Congress ought to be informed as to all of our expenditures in those islands. It is extremely difficult, Mr. President, to ascertain how much our Army expenses have been increased by reason of the retention of those islands, and how much our naval expenditures have been increased on that account.

As I have said, there was no objection to the adoption of a similar resolution in 1902, and I feel sure that if this resolution shall go to the committee, in all probability we will not be able to get any action upon it during the present session of Congress.

Mr. LODGE. Mr. President——

Mr. CLAY. I sincerely hope that my friend the Senator from Massachusetts will allow this resolution to be adopted either to-day or to-morrow, or at some other early day in the future.

Mr. LODGE. Mr. President, all the expenditures about which the Senator speaks are published now. This resolution calls for merely additional work on the part of the Department, as I understand the resolution from hearing it read. I think everything is in print that can have any bearing upon the matter at all, and I think the resolution ought to be referred to the Committee on the Philippines before we agree to it. The committee should have an opportunity to look into the question and see whether there is any need of such an inquiry and whether the information can not be obtained in the document room, the reports having already been printed.

Mr. CLAY. Mr. President, I will say to the Senator that, in my opinion, this information ought to be forwarded to the Senate in tabulated form, in order that the Senate may have it printed as a document and in order that the country may know exactly what we are doing in the Philippine Islands, and what progress we are making in those islands in regard to the civilization of those people and preparing them for self-government.

Mr. LODGE. That information is reported in full every year by the Secretary of War.

Mr. CLAY. I understand that, Mr. President, but if you go over the report of the Secretary of War, involving many hundreds of pages, you will find it almost impossible to obtain the exact information in a form in which it can be sent to the country. If this information can be furnished to the Senate, itemized in short form and presented to the country, then the country will know exactly what we are doing in the Philippine Islands.

Mr. LODGE. Mr. President, the Philippine Commission reports fully and elaborately on everything in the islands, and that report is a public document before Congress for distribution—a report made annually. Nothing more can be added to it. All the information is in the report of the Philippine Commission and the report of the Secretary of War, and the expenses are all to be found stated in their proper places in those reports. Our expenditures and the expenditures made by the Philippine government are all returned in the reports, and every particle of this information is before us.

As to the general condition of the people there, a report is sent in every year by the Philippine Commission.

Mr. CLAY. Mr. President——

Mr. SPOONER rose.

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

Mr. CLAY. Certainly I yield to the Senator from Wisconsin.

Mr. SPOONER. I rose for the purpose of asking the Senator from Georgia to allow this resolution to go over until to-morrow.

Mr. CLAY. I am willing to do that; but I first want to say a word in reply to the Senator from Massachusetts [Mr. LODGE].

Mr. SPOONER. That might go over with it. If the Senator will permit me, I think there are one of two items of information called for by the resolution of the Senator which ought to be eliminated from it on two or three grounds. The general scope of the resolution, so far as I am concerned, I do not care anything about; but there are matters which ought not to be discussed here, and if the Senator will allow the resolution to go over until to-morrow I should think perhaps he might conclude to modify it in that regard.

Mr. CLAY. I have no objection to the resolution going over, but I should like it to go over without losing its place.

I want to say, in reply to the Senator from Massachusetts, that I am exceedingly anxious to ascertain how much of our naval expenditures can be chargeable to the Philippine Islands. We are spending $100,000,000 a year for the purpose of maintaining a navy; and I want to ascertain, if I can, how much of those expenses can be charged to the Philippine Islands.

Mr. ALDRICH. Mr. President——

Mr. CLAY. Just one moment. I believe last year we spent nearly $100,000,000 for the purposes of war, and the Army appropriation bill of this year will carry about $82,000,000. I want to ascertain, if I can, how much of this expenditure can be charged to the Philippine Islands. It is a very difficult task to find out exactly how much we are spending in the Philippines and how much more the Navy costs by reason of the retention of those islands. By critical examination of the report of the Philippine Commission it is impossible to secure the information which I desire. I am perfectly willing, however, that the resolution shall go over until to-morrow.

Now I yield with pleasure to the Senator from Rhode Island [Mr. ALDRICH].

Mr. ALDRICH. The Senator from Georgia says he wants to know how much more is the present cost of the Navy than it would be if we did not have the Philippine Islands. Who is to determine that? Whose opinion does the Senator from Georgia propose to ask on that subject—the opinion of the Secretary of War or that of the Philippine Commission, or whose?

Mr. CLAY. The Philippine Commission is really under the Secretary of War. I propose to ask the Secretary of War to give us an estimate of how much of the expenses of the War Department can be chargeable to the Philippine Islands.

Mr. ALDRICH. How about the expenditures of the Navy?

Mr. CLAY. That I propose to find out by another resolution asking the Secretary of the Navy to inform the Senate how much of the naval expenditures can be chargeable to the Philippine Islands. It is exceedingly important that the American people should know what is going on in our possession 8,000 miles away from us, how much money we are expending there, how much we may have to expend in the future, and the exact situation in those islands.

Mr. ALDRICH. The Senator from Georgia, of course, desires some accurate information upon this subject, and he is asking about a subject upon which accurate information can not be furnished by anybody. It is purely a matter of opinion. The Secretary of War can give no better information as to the increased cost of the Navy on account of the possession of the Philippines than can the Senator from Georgia himself, and his opinion would be worth no more to the American people than would the opinion of that distinguished Senator. The Senator could make a statement here on the floor that would have all the force and authority that any other man's opinion would have as to what would be the cost outside the actual expenditures for the Army in the Philippines and the cost of transportation. The discussion here shows very clearly that the resolution ought to be referred to some committee to be considered, in order that we may ask for positive and accurate information on subjects on which such information is obtainable, and not pass a resolution asking for the opinion of people on subjects on which they have no right to express an opinion.

Mr. CLAY. Mr. President, it is inconceivable to me that the Secretary of the Navy could not give a correct idea as to how much money we are spending on account of our Navy in the Philippine Islands, and I am sure that the Senator from Rhode Island is mistaken in his statement.

Mr. President, I have never known a resolution of this kind heretofore referred to any committee; and the Senator will find that a resolution exactly like this was heretofore introduced and unanimously adopted by this Senate, and the Senator from Rhode Island did not then object to it.

I do not desire to consume the time of the Senate this morning, for I know that time is precious to the Senate, and the Senator from Minnesota [Mr. CLAPP] is anxious that the Indian appropriation bill shall be proceeded with. I am willing, therefore, that the resolution shall go over until to-morrow morning.

The VICE-PRESIDENT. Without objection, the resolution will lie over.

STATE PUBLIC SCHOOL SYSTEMS.

Mr. FRAZIER. Mr. President, I had given notice that to-day immediately after the conclusion of the morning business I would address the Senate on Senate resolution 183. I realize, however, the wish of the Senator from Minnesota [Mr. CLAPP] in reference to the Indian appropriation bill and his desire to make progress with it. I am informed by that Senator that the bill will probably be concluded to-day. I therefore transfer my notice to to-morrow morning immediately after the conclusion of the morning business.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. I move that the Senate proceed to the consideration of House bill 22580, making appropriations for the Indian Department, etc.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 22580) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1908.

Mr. STONE. Mr. President, I would not consume the very valuable time of the Senate now by further discussion of the pending amendment except for the fact that it is one of the important questions before the Senate. I do not say it is "the most important," for that would be an exaggeration; but it is a question of high moment, and I feel that as a minority member of the Committee on Indian Affairs I ought to say something regarding it.

The fundamental question here is, Whether the Congress has power to change the title under which allottees in the Indian Territory hold their land by imposing new or additional restrictions upon the right of alienation. In order to arrive at a correct conclusion as to that Senators ought to understand the exact status. They ought to be familiar with the legislation heretofore enacted affecting the relation of the United States to these tribes and the legislation under which they hold title to their lands.

By an act of Congress, indeed by several acts so far as these Indians are concerned, citizenship was conferred upon the people belonging to the Five Civilized Tribes—citizenship in all its amplitude and with all the rights, privileges, and immunities enjoyed by any and all citizens of the United States, and they are in the full enjoyment of those dignities, privileges, and prerogatives now. After this was done—this was in 1902—an agreement was entered into between the Indians of these tribes and the Government of the United States concerning the disposition of their lands. There had been previous agreements of recent date—in 1898, for instance—which had been ratified by the tribes and by Congress and which, by virtue of the action of Congress, had become laws of the United States. But all former agreements and laws were finally merged into the agreement of 1902.

Under the agreement or act of 1902 it was provided, among other things, that the Indians of these tribes should take their lands in severalty. For a long time they had been held as tribal or communal property. The Indians agreed to take the lands in severalty and have them allotted. A certain part of each allotment was to be set aside as a homestead; the remainder was to be what was designated as surplus land. Restrictions upon the right of alienating these lands, whether homesteads or surplus lands, were imposed by the terms of these agreements, which were afterwards passed into the form of law by the act of Congress. All homesteads were made inalienable during the life of allottees or for twenty-one years. As to the alienation of surplus lands, different restrictions were imposed on the lands of different tribes.

As to the Cherokees it was provided that they might alienate their surplus lands—lands outside of their homesteads—five years from the date of their allotments; the Creeks in five years from the approval of the agreement of 1902—that is, on June 30, 1902. The Seminoles by act of July 1, 1898, were authorized to receive their patents and convey their lands when their tribal government was dissolved, and it was provided that that tribal government should be dissolved March 4, 1906. The Choctaws and Chickasaws were authorized to sell one-fourth of their surplus lands in one year after the issuance of the patents, one-fourth in three years, and the remainder in five years after the same date.

Mr. President, these restrictions up to 1904 applied to all allottees, whites and freedmen, as well as to citizens of Indian blood. But by an act of Congress passed April 21, 1904, restrictions upon the alienation of allotments to white intermarried citizens and freedmen were removed, except as to their homesteads. In 1904 that privilege was granted the whites and the freedmen of the Territory. But no change was made respecting the restrictions resting on the allotments of Indian lands. So far as those restrictions were concerned, they remained as they were fixed by the act of 1902, under which the allotments were made.

It was further provided in the act of 1902 and in previous laws and agreements that the tribal governments and tribal relations existing in these several nations should be dissolved and that the Indians should be citizens of the United States. Their tribal governments have been, for all practical purposes, dissolved, substantially dissolved, in pursuance of the agreements made. If they exist at all it is only in a nominal sense. They are exercising no authority, no governmental function. If they exist at all, it is chiefly so by virtue of the resolution adopted by Congress last session continuing the tribal relations for the sole purpose of preventing the Missouri, Kansas and Texas land grant becoming effective. They are practically dissolved.

So the matter stood up to 1906. On April 26, 1906, a provision was inserted in the act relating to the Five Civilized Tribes under which it was provided that restrictions on the alienation of any land belonging to Indians of full blood in the Indian Territory should be extended for a period of twenty-five years.

Mr. President, under this provision, if a valid law, all lands allotted to full-blood Indian citizens, whether homesteads or surplus lands, are made inalienable for twenty-five years. This, of course, is a radical change of the former law under which the allotments were made and received. In the Five Tribes there are somewhere between 18,000 and 24,000 full bloods, the exact number not being definitely known. There are in these tribes between 80,000 and 90,000 people of Indian blood all told, both mixed and full bloods, and of these about one-fourth are full bloods and three-fourths mixed bloods. So it follows that about one-fourth of the Indians and one-fourth of the land belonging to them are affected by this provision of the law of April 26, 1906.

Mr. President, at the time this provision was proposed I said that I did not believe that it was constitutional, and I still adhere to that view. While Congress might remove restrictions on the alienation of lands owned by these Indians, I did not believe and do not now believe that Congress could impose new or additional restrictions of this kind on property held and owned by these Indians in severalty and in fee, they being citizens of the United States, having all the privileges and immunities of other citizens by the very terms of the law. These Indians of the Five Tribes held their respective lands for many years in common as tribal or communal property. As I have already stated——

Mr. CLAPP. Mr. President——

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

Mr. STONE. Certainly.

Mr. CLAPP. I suggest to the Senator from Missouri that he incorporate right here, for the sake of plainness, the additional statement that they held those lands absolutely in fee. Perhaps the Senator was going to do it.

Mr. STONE. I was about to make substantially that statement. They did have a very excellent title as tribes to this communal property, both as a matter of morals and good faith as well as a matter of law.

Take the Choctaws and Chickasaws for example. For long years these tribes held, occupied, and owned large areas of land east of the Mississippi River. They surrendered those lands to the Government of the United States and went over to what is now known as the Indian Territory, and there took possession of certain lands which the Government conveyed to them by a patent deed, or patent deeds, in exchange for the lands they surrendered in Mississippi and Tennessee. Under that deed and under the solemn compact and treaty which they made with our Government they were entitled to occupy and hold that territory as long as they existed as tribes. For seventy years, covering two generations, these Indians have lived on those lands, having and maintaining local tribal governments, with governors or head chiefs, with legislative assemblies and judicial bodies. They were engaged in numerous useful and profitable industries; for the most part, of course, in agriculture, and had churches, schools, and whatever betokens civilized communities.

Some ten years ago the Government adopted the policy of inducing the Indians of these Five Tribes to dissolve their tribal governments and tribal relations and to have their property partitioned and allotted to the members of the tribes in severalty. Conferences looking to this end were held between representatives of the Government and representatives of the several tribes, and agreements were reached under which these Indians consented to the proposal of the Government.

Under the very terms of those agreements, written in plain English and afterwards ratified by the Government and the tribes, so that the agreements were crystallized into the statute law of the nation, the lands were allotted in severalty. It was provided in the agreements and the law that the freedmen, former slaves of these Indians, and their descendants, should each be given 40 acres of land, and that the remainder of the land held by the several tribes should be allotted in equal parts to the members of the tribes respectively, men, women, and children; and it was provided that a certain amount of each allotment should be selected and designated as the homestead of the allottee, and that the remainder should be held as surplus lands.

The number of acres constituting a homestead differs in different tribes, that being regulated by the agreement made by each tribe with the Government. There was necessarily a difference in the acreage covered by the homesteads in the

different tribes, because of the fact that there was a large difference in the areas owned by the different tribes, and the number of persons in the several tribes also differed largely.

It was provided in the agreements and the law that the homestead of all allottees should be inalienable for a long period of time, I believe in every instance during the life of the allottee, with the exception in some cases that it should not extend beyond twenty-one years from the date of the patent; and restrictions upon the sale of the surplus lands were imposed for short periods, differing in the several tribes, as already shown. After the expiration of these periods the surplus lands were to be open for sale.

Under these agreements and laws lands have been allotted and large numbers of patents to allottees have been issued and delivered. All this work of allotting was practically completed long ago. The lands are held and occupied in severalty and in fee simple, subject only to the restrictions imposed by the law under which the allotments were made and the patents issued.

Mr. President, in this state of the case could the Congress step in and impose new or additional limitations upon the title of those people, or what is the same thing in effect, enlarge and extend the restrictions imposed at the beginning, and which were a part of the original agreement and law? I do not believe that that lies within the constitutional power of the Congress, or that the power to do any such thing is vested in this or any other legislative body under our form and theory of government.

I do not deny that the restrictions on alienation imposed at the time the Indians agreed to adopt the allotment policy of the Government, and which existed at the time the allotments were made, will run with the land. I do not deny that such restrictions are valid and enforceable. But to assert that after these agreements were made and enacted into law, and after the allotments were made to the Indians and rights and titles had become vested in the allottees, the Government could then deal with these Indians as if this were trust property, still held by the Government and over which the Government might still exercise a plenary power and control, so as to change the very title under which the allottees received their land, is to assert something I believe to be absolutely unsound. If we can extend restrictions on alienation from the very day the old restrictions ended to a further period of twenty-five years, then we could pass a law prohibiting alienation forever. I do not believe that any such law could be upheld. It would be a remarkable and dangerous rule to establish. Restrictions laid upon alienation at the time the selection of allotments was made may stand, but that is the end of it.

Mr. President, if a man enters a homestead on the public domain or preempts land, as might have been done under former laws, there were and are restrictions imposed by law upon his right to dispose of the homestead or preemption or whatever the claim may have been. There were certain things the homesteader or the preemptor was obliged to do, and there were certain limitations as to time. These had to be complied with before an alienable title was vested. Would it be maintained that after a citizen had taken a homestead or made a preemption Congress could divest him of his title by new legislation or impose additional restrictions upon the title so as to destroy or impair its value? The two cases are not wholly analagous, but the one does serve to illustrate the other.

These Indians are as much citizens of the United States as any homesteader on the public domain. They gave up and surrendered rights and privileges dear to them and valuable to them, and in pursuance of a solemn agreement made with the Government of the United States, which agreement was crystallized into a statute law of the United States, took their lands in severalty upon terms well understood, and subject to fixed limitations and restrictions. I can not agree to the proposition that the Government can now change the title by which these Indians hold their estates. I have read the Heff case, the Rickert case, the Lone Wolf case, and the others that have been cited, and I feel absolutely confident that there is nothing in any of those cases that will warrant or support the contention which is here made that these allotments are still so far under the jurisdiction of the United States that the Congress may deal with them as it pleases. The Senator from Kansas [Mr. LONG] demonstrated that on yesterday in his discussion of these adjudicated cases. For the most part they are wholly inapplicable to the present consideration——

Mr. CLAPP. Will it disturb the Senator if I make a suggestion?

Mr. STONE. No.

Mr. CLAPP. I will ask the Senator if it is not a fact that the Lone Wolf case was the earliest case, and as far back as the Lone Wolf case the court expressly safeguarded against the suggestion of interfering where the title had finally passed to an Indian individual?

Mr. STONE. That is true.

Mr. President, the Lone Wolf case and the others, for the most part I say, are inapplicable to this consideration, but so far as they are applicable without exception they tend to support the view that Congress can not extend the restrictions as was done by the act of 1906. Even the able Senator from North Dakota [Mr. MCCUMBER], who is leading this fight on the other side as a matter of sentiment—a sentiment that does more credit to his heart, if I may say it, than to his judgment—concedes that much. If we can enlarge the original restrictions, now in some instances already expired, and prohibit the alienation of these lands forever, why could we not with equal right repeal the act of 1904, which removed restrictions on the lands of intermarried white citizens of the tribes, and impose restrictions on those lands at our pleasure?

The junior Senator from Kansas [Mr. CURTIS] said we could not do that because the Government by removing the restrictions on the lands of white citizens lost jurisdiction over them, but that it has not lost jurisdiction over the lands of Indian citizens because we acted and assumed to extend restrictions before those already existing had expired. There might be something more in this contention if it were true——

Mr. CURTIS. Mr. President——

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

Mr. STONE. I do.

Mr. CURTIS. I am afraid the Senator from Missouri did not quote me correctly. I stated that we lost jurisdiction over the intermarried whites and freedmen, because when we removed the restrictions the removal applied immediately. As soon as the bill became a law the restrictions were removed. So far as the Indian is concerned, we did not remove the restrictions, but we held control of the land for five years, we will say, in the Cherokee and Creek nations. Now, my contention is that at any time within the five years we, being the guardian of the Indian, have the right to extend that period, if we think it to be for the best interest of the Indian, no outside rights having been attached.

Mr. STONE. The Senator from Kansas evidently did not follow me in what I said, for I said exactly what he has said, at least in substance.

Mr. CURTIS. Then I beg the Senator's pardon. I must have misunderstood him.

Mr. STONE. I was remarking when interrupted that there might be more in the contention made by the Senator from Kansas if it were true that the lands of these Indians were held by the Government in trust and that the relation of guardian and ward still existed. But that is not true. Most certainly the Government has no jurisdiction as a guardian over the person of these Indians any more than it has over the person of white citizens of the tribe. It can not control the movements of the Indian citizen any more than it can of the white citizen. After the allotments were made the Government did not hold the lands of Indians, whites, or freedmen in trust. On the contrary, a fee-simple title under the very terms of the law was vested in the allottees. If after this fee-simple title was vested in the allottees, and if within an hour before the expiration of the three or five year restriction on the right of alienation the Congress could so far change the title of these Indian citizens to their lands as to prohibit them from alienating it at all at any time in the future—and it could prohibit forever if it could for twenty-five years—it would seem to me that with equal right the Congress might reassert jurisdiction and control over the lands of the whites and the freedmen; and yet to attempt to do that would be admittedly absurd.

So, Mr. President, it seems perfectly clear to me that the Government holds no such interest in these lands, as trustee or otherwise, as gives to it the right to direct their disposition beyond the conditions and limitations imposed when the allotments were made and accepted.

But, Mr. President, after this question of law comes the question of policy. As the matter now stands, under the law of last year the title to all these Indian lands is clouded and the value of the lands thereby lessened, although sales are being constantly made.

If the provision of law known as the "McCumber amendment" is not a valid provision, if it will not stand the test of the courts, and if lands are being sold in spite of it under clouded titles and at depreciated valuations, every day it remains upon the statutes of the country it is a source of immeasurable detriment to the people it was intended to benefit.

Mr. President, it is said this law was intended to protect the improvident. No doubt it was so intended, and it may have

that effect to a limited extent. But while you are protecting the improvident you are doing harm to an equal or greater number who are just as much entitled to your consideration.

There are between 80,000 and 90,000 Indians belonging to these tribes in the Territory, and of these between 18,000 and 20,000 are full bloods. If it were possible to separate the incompetent from the competent, and if it were constitutionally permissible, it might be a wise and humane exercise of power to deny to those who are incompetent the right of alienating any part of their lands.

I am in sympathy with the wish and purpose of the Senator from North Dakota. It is a humane purpose, and it challenges the respect and sympathy of every man. The poor and ignorant, whether in the Indian Territory or elsewhere, appeal to us. This class is not confined to Indians or the Indian Territory. I venture to say, and I do not believe it will be denied, that relatively there are no more incompetent, ignorant people among the Indians of the Five Civilized Tribes than can be found in the Territory of New Mexico and in other States and Territories.

To protect these people against themselves, so that they may not become paupers and be sent adrift without a penny and without any employment, ignorant and helpless, the imposition of these restrictions is urged. It is all based on sentiment and conjecture. Why, Mr. President, these people could not become paupers. If this committee amendment should be adopted, and if under it they should sell all their surplus lands, they would still have their inalienable homesteads; and the homesteads represent at least one-half of their land possessions. With the proceeds of the sale of their surplus lands they could improve their homesteads and greatly improve their condition; but even if they wasted the surplus lands, they would still be far from paupers or from suffering. The homesteads would be secure to them for life.

Mr. McCUMBER. I think the Senator is in error when he states that in any number of these homesteads the restriction is only limited to the lifetime of the holder. I believe in every instance they do not run beyond twenty-one years, and those twenty-one years have already run to the extent of from one to five or six years.

Mr. STONE. In the Choctaw and Chickasaw nations the provision is that the homestead shall not be sold during the lifetime of the allottee or homesteader, not to exceed twenty-one years.

Mr. SPOONER. That makes the limit twenty-one years.

Mr. STONE. It does make it twenty-one years.

Mr. SPOONER. If he lives.

Mr. STONE. Twenty-one years if he lives.

Mr. SPOONER. If he dies, it is shorter.

Mr. STONE. But with the other tribes my remembrance is that the homestead is for life. I may be mistaken, but I think not. But a homestead for twenty-one years, with from sixteen to twenty years still remaining, ought certainly to be enough to give assurance that there is no danger of that want and suffering my friend from North Dakota seems to dread so much.

Now, the area of land held by the homesteads is equal to the area covered by the surplus. So, I say, if these Indians should dispose of their surplus lands and improvidently waste the proceeds of the sales, they would still have their munificent homesteads, which they could not alienate or encumber.

Mr. DEPEW. For fifteen years?

Mr. STONE. The Senator from North Dakota says from sixteen to twenty years.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER (Mr. BULKELEY in the chair). Does the Senator from Missouri yield to the Senator from Kansas?

Mr. STONE. Certainly.

Mr. CURTIS. The agreement says "not exceeding twenty-one years from the date of the certificate of allotment," and those certificates——

Mr. STONE. What tribe is that?

Mr. CURTIS. The Cherokees; and that was substantially the provision in each of the agreements, except with the Seminoles.

Mr. SPOONER. Will the Senator read that provision, with the permission of the Senator from Missouri?

Mr. STONE. Certainly.

Mr. CURTIS. Section 13 of the act of July 1, 1902, is as follows:

Each member of said tribe shall, at the time of the selection of his allotment, designate as a homestead out of said allotment land equal in value to 40 acres of the average allottable lands of the Cherokee Nation, as nearly as may be, which shall be inalienable during the lifetime of the allottee, not exceeding twenty-one years from the date of the certificate of allotment. Separate certificate shall issue for said homestead. During the time said homestead is held by the allottee the same shall be nontaxable and shall not be liable for any debt contracted by the owner thereof while so held by him.

It is not limited to twenty-one years, as I thought it was.

Mr. STONE. Suppose all homesteads were limited to twenty-one years. In the name of common sense would you want to give a greater privilege to any man enjoying the rights and dignities of American citizenship than to give him his homestead for twenty-one years free from all taxation? If these people can ever learn to care for themselves, they can certainly do it in twenty-one years. In the course of nature not many of the older class will be living twenty-one years from now. It is reasonable to say that the greater number of the older full bloods who have taken these homesteads will be gathered to their fathers before the twenty-one years have ended; and if the younger ones who have nontaxable homesteads, the boys and girls who are now children, have twenty-one years of schools in a populous State with a wise Government, and with the activities of a splendid civilization all around them, can not be sufficiently advanced in the industrial arts to live, then their case is simply hopeless.

Mr. President, Oklahoma is about to be admitted as a State. Half the land of this great empire known as Indian Territory, which constitutes half the State, is held as homesteads, made inalienable for many years, and exempted from taxation; and the proposition here is, by those who oppose this amendment, to make a large part if not the whole of the other half of that empire inalienable for twenty-five years—a quarter of a century—so that no homes can be acquired by honest settlers, and thus block the progress and development of one of the greatest States ever born into the Union.

The VICE-PRESIDENT. Will the Senator from Missouri kindly suspend? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. Table Calendar No. 26, Senate resolution No. 214, by Mr. CARTER. "That a duly qualified entryman is entitled to a patent for land," etc.

Mr. CARTER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The Senator from Missouri will proceed.

Mr. BACON. With the permission of the Senator from Missouri, I desire to ask him, purely for information, whether he understands that the effect of this amendment will in any manner interfere with the allotment, or does it simply restrict the power of alienation?

Mr. STONE. It does not interfere with the allotment.

Mr. BACON. The Indians would still have their allotments?

Mr. STONE. Oh, yes. The Senator is speaking of the committee amendment?

Mr. BACON. I am speaking of the amendment the Senator is now discussing. Is there any other amendment which in any manner proposes to interfere with allotments?

Mr. STONE. No amendment. This amendment would simply remove——

Mr. BACON. The power of final alienation.

Mr. STONE. After July 1 next all restrictions on the alienation of the surplus land of allottees would be removed, the restriction still continuing on the homesteads.

Mr. BACON. If the restriction continues, will that operate in any manner to interfere with the allotment, or does it affect anything except the power of final alienation?

Mr. STONE. No; it does not affect the allotments. The allotments have been made already, and the title vested in the allottees.

Mr. BACON. It does not restrain or interfere with the right of the Indian to lease his land in any way or make any disposition of it other than a final disposition?

Mr. STONE. It does not, except that he can not encumber or in any wise dispose of it now. The land of an Indian is simply locked up under the present law.

Mr. BACON. He can lease it.

Mr. STONE. He can lease it, with the consent of the Secretary of the Interior.

Mr. CLAPP. The full bloods can not.

Mr. STONE. No; but the mixed bloods can.

Now, Mr. President, I am about through. Some letters were read here yesterday from prominent members of the Creek tribe. Among the writers was General Porter, who is the titular head of that tribe, if they have such an official at this time. I know General Porter. He is a very estimable gentleman, prominent in the public affairs of his people and of the Indian Territory.

He is being prominently mentioned, and with a good deal of favor, as a possible representative in this body of the new State of Oklahoma. The Senator from Wyoming [Mr. CLARK] said yesterday in the debate that this distinguished son of the Creek Nation is the fortunate possessor of something like 100 improved farms.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Missouri yield to the Senator from Wyoming?

Mr. STONE. Certainly.

Mr. CLARK of Wyoming. If I did not state at that time I meant to be understood as referring to the time when the Indians held all this land in common. Of course, when it was allotted General Porter could only take his allotment as prescribed by law, surrendering the balance of it.

Mr. STONE. At all events, I am of opinion that these gentlemen believe that their lands would be exempt from taxation under the State government, and they believe it with some good reason, if the law remains as it is under the act of 1906. If these restrictions are removed and the lands opened to sale there can be no question then but that they will be subject to taxation, and they ought to be.

Mr. CLAPP. Will the Senator from Missouri pardon a question?

Mr. STONE. Certainly.

Mr. CLAPP. I should like to ask the Senator if he thinks that in 1906 Congress could pass a law which would carry into a State and challenge the sovereignty of a State as to its taxing power and exempt lands from taxation the title to which the United States had absolutely parted with fifty years before, as it did in the case of these lands?

Mr. STONE. I do not.

Mr. CLAPP. No; I presume not.

Mr. SPOONER. Suppose they were exempted before it becomes a State?

Mr. CLAPP. Exempted by whom?

Mr. SPOONER. By Congress.

Mr. CLAPP. That is just the gist of my inquiry. Can Congress, as to lands to which the Government has parted with the title fifty years ago, to which it retains to-day no shadow of title, now, in 1906, before the State is admitted, pass a law regarding those lands which will carry the exemption from taxation of those lands into a State after the State is organized?

Mr. McCUMBER. May I interject a question right there to the Senator from Minnesota [Mr. CLAPP]?

Mr. CLAPP. Yes, sir; if the Senator from Missouri is willing.

Mr. STONE. Certainly.

Mr. McCUMBER. If Congress has no title whatever in the land, then could Congress make any restriction whatever if it parted with its title fifty years ago? If the one is illegal is not the very restriction that we have made illegal on the ground that Congress had no ownership in the property?

Mr. CLAPP. Except for one thing, that as to these lands in 1902 the Indians who owned the fee, because it was a fee title they got fifty years ago, consented to Congress passing a law, not for the creation of trust deeds, but an act of Congress under which the restriction would exist. Had it not been for that I undertake to say as a lawyer that the restriction as to those lands would not be worth the paper it was written on.

Mr. McCUMBER. It seems to me——

Mr. STONE. Mr. President, I do not just now care for that discussion. For the present purpose it is immaterial whether the lands are or are not taxable or would or would not be taxable under existing law when the State of Oklahoma is admitted; that does not specially affect the point to which I am now adverting. But the gentlemen who are assuming to speak, no doubt with authority, for the Creek Indians (I say neither "yea" nor "nay" as to that, for I do not know) are undoubtedly of the opinion, which prevails there, that if the restrictions are not removed and if the law remains as it was enacted last year the lands will not be subject to taxation, and that they can live in the State, be citizens of it, enjoy all its benefits, be eligible to its offices, become governor, Congressman, Senator, make laws, and execute laws, and yet pay not a farthing for the support of the Commonwealth——

Mr. CLARK of Wyoming. Will the Senator yield to me a moment?

Mr. STONE. Yes, sir.

Mr. CLARK of Wyoming. I desire to say in this connection that that particular feature was especially brought out during the visit of the committee to the Indian Territory at every meeting that they held. With the vast majority of the full bloods, as well as the mixed bloods, who were opposed to the removal of restrictions the one ground of their opposition to that policy was that it would bring their land thus released under taxation.

Mr. STONE. Mr. President, I have not any doubt that there is a "nigger in the wood pile," and that considerations of this kind are influencing the activity of these distinguished representatives of the Creeks here in making their eloquent protests. Here is my friend, and he is my friend, General Porter, a splendid man, capable of representing his State anywhere, a man with a fine history and fine character. It would be a great thing for him and his people if they could live in the State of Oklahoma, enjoy all the benefits of its government, be eligible to any of the honors within the gift of its people, participating in the conduct of the public affairs of the Commonwealth, and yet be exempt from every burden of the government. No wonder they protest. Indeed, they do protest too much. There is good reason for their course.

Mr. President, in conclusion, I want to say that I do not believe that the progress of the State of Oklahoma ought to be blocked by putting unnecessary obstacles in its pathway. We owe something to the people who are to go there and who have gone there to live by our permission and invitation to build up a great Commonwealth. We owe something to them as well as to a comparatively few ignorant, unfortunate Indians, pitiful remnants of these ancient tribes. God knows, I pity them as much as anyone, and I would do nothing to harm them; but it does seem to me that it is enough, under the conditions and circumstances confronting us, if we assure their homesteads to them for life—homesteads adequate for their support, being never less than 40 acres to every man, woman, and child, and in some instances stretching out into great baronial estates so far as area goes, amounting even to ten or twelve thousand acres to a family. It seems to me that we keep faith and do justice when we do that.

Mr. SPOONER. Ten or twelve thousand acres?

Mr. STONE. Yes; in some instances. The Choctaws and Chickasaws have an average homestead of 320 acres, and it may run up to several times that amount, depending upon the character and value of the lands; and it may fall below 320 acres. It depends upon the value of the land. But whether one or two or more constitute the family there is a homestead for each, and the larger the family the larger is the aggregate amount of the family homestead possession. These homesteads represent, as I have said, one-half the total area of the Territory—inalienable for years and years to come and nontaxable.

Mr. President, it seems to me that when we give to these people this much we do them no harm; we are not unjust; we are not unmindful of duty, and we subject them to no unnecessary danger by giving to them the power and right to sell the other half of their lands to settlers, who go in there to live and strive among them. The people who go there are not grafters or thieves, but for the most part they are excellent and worthy people, who have gone there from all our States. To be sure, there may be speculators, grafters if you wish it so, in the Indian Territory as there are elsewhere, who seek to take advantage and to amass dishonestly; but such men constitute the exception and not the rule in the population.

The white men and women who have gone to the Indian Territory to live are as intelligent, as worthy, as patriotic, and as honest as the average run of citizens in any of the States, and nobody familiar with them and with the condition there can controvert that statement. The Senator from Connecticut, whom I see before me [Mr. BRANDEGEE], went down there from New England as a member of this special committee, went over the Territory, which was new and strange to him, and he comes back here to give his testimony as to the high character, as a rule, of the people residing there.

I believe, Mr. President, that if moral, worthy, intelligent, industrious men and women take homes among these Indians and give to them, by their example, lessons of industry, economy, and prudence, nothing will do more to civilize and advance them. We could not do anything better calculated to promote the welfare and elevate and civilize the Indian. The best civilizer is contact with civilization.

Mr. President, it seems to me that from every point of view, whether it relates to the right and power of Congress to impose these additional restrictions or relates to the question of policy to be pursued by the Government—whether from the one point or the other we view it—the amendment proposed by the Committee on Indian Affairs ought to be embodied in the law.

Mr. McCUMBER. Mr. President, those Senators who are seeking by the amendment in this bill to controvert the constitutionality of a law passed by this Congress a year ago have removed from the crown of their argument its most precious jewel, that of consistency. The Senator from Missouri [Mr.

STONE] bases his assumption upon the broad ground that has been adopted by every Senator who has taken that side of this subject, that we have made citizens of these people, that they hold the same relation to the Government and to the State that any other people in the State hold to the respective sovereignties, and that, therefore, we can make no law regarding their property rights that we could not make in reference to the property rights of any white citizen of any State of the Union.

The weakness of that proposition in this case is this: Senators seek to strike at the constitutionality of a past law by a bill which they themselves acknowledge by their own arguments to be absolutely unconstitutional from top to bottom, every page of which has written and printed upon it the word "unconstitutional." Why? This bill in the very first portion of it provides irrigation for these Indians. It imposes upon the white citizen burdens that it fails to impose upon the Indian citizen. It compels the white citizen to pay immediately, while the Secretary of the Interior may protect the red citizen. Thus we have the distinguishing characteristics between those citizens.

I know the Senator from Missouri will say that Congress has no right, and would not have under the Heff case, to make the color of the skin of any citizen the basis of distinct legislation in his favor. I agree with that if we have lost control of that citizen with the peculiar color to his skin. But let us take this proposition: We educate the brown-colored citizen of North Dakota. Does the Senator believe that the Government of the United States can educate the yellow-haired people of North Dakota and exclude from its schools those of darker hair? If they can do that, then they can impose certain conditions and restrictions upon citizens of one class differing from citizens of another class, and thereby impose conditions which they prohibit the State from imposing upon this special class of citizens.

Again, I find by this very bill that it is proposed to provide for a certain sum of money to be paid to judges of Indian courts. Is it possible that any Senator espousing that side of the case will admit that we can provide a court in a State for people having blue eyes and not for those with black eyes? Does the Senator contend that that is constitutional? Yet we are voting for that character of legislation. If one is unconstitutional, Mr. President, every one of these provisions of like character must be unconstitutional.

Again, we are, on every page of this bill, providing for an appropriation of so much money for the support and civilization of the Shoshones, the Kickapoos, the Sioux, the Oneidas, and the other tribes of Indians all over the country. Can the Congress of the United States vote an appropriation for the civilization of citizens based entirely upon their color if there is no other inequality than that of color or previous condition? The Senator who makes the constitutional argument in this case must answer that also in the negative.

So, Mr. President, we can follow through every one of these schools. Here is an appropriation to educate 700 pupils at the Haskell Institute, in the State of Kansas. What right have we to segregate a certain class of the citizens of Kansas and educate them and refuse to open the doors of the school buildings to other citizens? We can not do it if the contention of the Senator from Kansas is correct.

Mr. President, I have not gone so far in my argument against this particular phase of the bill. I admit that it is a serious question whether the courts will hold the McCumber amendment of last year to be constitutional. There are many doubts surrounding it. I only say in support of it that the Supreme Court has never yet decided, nor has any other court, so far as I can learn, decided directly, that we can not, so long as an Indian tribe exists as a tribe and continues its tribal relations, although it is given the right of citizenship, still increase or extend the limitation upon the power of alienation. That is as far as I need to go in this case; but every case that has been considered has been based upon the theory that these citizens are still wards of the Government. The court declared in the Rickert case that, notwithstanding the fact that we had given full citizenship to the Indians of Roberts County, S. Dak., they were still the wards of the Government. I asked the Senator from Kansas yesterday if he denied that the court which pronounced that sentence had made an error. He would not say whether it had or not. I understand his position, and he bases it exactly as my position upon this other proposition is based, that it is a matter of doubt. Then if it is a matter of doubt, I am going to resolve that doubt in favor of the Indian.

The Senator from Missouri has stated that we have no right to block the progress of the great State of Oklahoma by keeping so much of its territory free from taxation; that we owe to the citizens of the new State that we give them the opportunity to raise on all the lands alike the necessary funds to conduct their government. I can answer the Senator from Missouri with the simple proposition that we should not under any circumstances accelerate the progress of the State of Oklahoma by the sacrifice of our Indian population. I know, and every Senator, I believe, knows, that the removal of restrictions would absolutely destroy the Indian; and to the extent that we remove them just to that extent have we committed an irreparable injury against them.

It is more than a mere matter of sentiment with me. It is a matter of eternal justice. I for one can not look upon the fast-disappearing tribes of Indians, who once owned this country as much as any people on the face of the earth ever owned any country, being driven out of it, paupers and vagabonds, without an atom of sympathy on the part of the great American people who have robbed them of their ancient heritage.

I want to protect every full-blooded Indian just as long as the Government can possibly protect him, and when the limitations have expired, when the white man will be in possession of the last acre of his property in the United States, I want him to have a little fund sufficient to buy a home at some other place in the universe, where he may live as long as God Almighty will allow him to live, as an Indian, and where he will not be compelled to live the life of a white man, which means the death of the red man. There is no other sentiment that I have upon this case than that.

So, Mr. President, I submit this matter, so far as I am concerned, with the single proposition that we are not in a position to challenge any other law upon the ground of constitutionality while the very bill that challenges it is loaded from top to bottom with unconstitutional items upon the same basis and for the same reason that we would declare the old law unconstitutional.

Mr. BACON. Mr. President, before the Senator from North Dakota takes his seat——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. McCUMBER. With pleasure.

Mr. BACON. As I understand the argument of those in favor of this amendment, it is based mainly upon the ground that the restriction heretofore imposed by the McCumber amendment was illegal, being inconsistent with the previous legislation granting full rights of citizenship without any restriction.

Mr. McCUMBER. That is the extended restriction.

Mr. BACON. I understand. Now, what I want to ask—and it is in this case largely to have the views of other Senators, because I do not profess to be familiar with the Indian question—as I understand the amendment of the committee found on pages 34 and 35, it proposes to retain the restriction so far as it applies to homesteads.

If I am incorrect in this, of course Senators will correct me, but it seems to me that the assumption of the power to impose that restriction must necessarily be based upon the legality of the McCumber amendment——

Mr. McCUMBER. It certainly must.

Mr. BACON. Because it is simply carving out of the McCumber amendment a lesser restriction; in other words, the argument of Senators is that any restriction is illegal.

Mr. McCUMBER. In other words, it continues the unconstitutional law so far as it affects homesteads and repeals it so far as it affects surplus lands.

Mr. BACON. It seems to me, if the Senator will pardon me a moment—and if I am wrong, the Senator from Minnesota will correct me—to my mind it seems that the committee in proposing that there shall be the restrictions to the extent of the homesteads, necessarily recognizes the legality of the McCumber amendment.

Mr. CLARK of Wyoming. Not at all.

Mr. BACON. I may be in error. I am merely making the suggestion for the purpose of getting information, rather than submitting it as an argument. Having made the suggestion, I will not continue further, but leave it to other Senators to discuss it.

Mr. McCUMBER. Whatever view the Senator may take of it, my view is this: It does not repeal the McCumber amendment, which continued the restriction twenty-five years, except as to surplus lands. If it related to other lands, I will ask the Senator from Wyoming whether the amendment of last year related also to homesteads?

Mr. CLARK of Wyoming. Yes.

Mr. McCUMBER. Then, if it related to homesteads and it continued the restriction on homesteads for a few years at least, say from fifteen to twenty or twenty-five years, that part is not repealed by the provision in this bill, but still continues in force.

Mr. CLARK of Wyoming. That part was largely reenacted by other laws and agreements with the Indians.

Mr. McCUMBER. Except it continued the period of restriction, which was beyond the original agreements and the original laws.

Mr. CLARK of Wyoming. Not very far in the case of homesteads.

Mr. McCUMBER. It continued it for twenty-five years, and none of the others continued it, as I understand, beyond twenty-one years from the date of the allotments, and the allotments have been made from time to time for the last five or six years. That is correct, is it not?

Mr. CLARK of Wyoming. No, Mr. President; it is not correct; and the theory upon which the discussion has been going on is to my notion an incorrect one. The proposition of those opposed to this amendment is not altogether based upon the ground that all our acts have been unconstitutional in treating with the property of these Indians. I expressly stated in the few remarks that I made yesterday that whether or not we had the power cuts little figure in my mind. I based it upon the ground that we had made certain agreements with the Indians, and the mere fact, if it did exist, that we had the power to break that agreement and impose additional restrictions ought not to be exercised by us according to any rule of good morals or good faith. That was the proposition upon which my argument was based, if I made myself clear in any respect. I was not taking into consideration the question as to the power of Congress over these lands; but assuming, for the sake of the argument, that we had the power, I maintained that it was an immoral and an unjust thing to do to exercise that power.

Mr. President, before this point of order is decided, I have a few more suggestions that I desire to make, in view of the debate as it progressed yesterday. Some letters were put in the RECORD by the Senator from North Dakota [Mr. McCUMBER], and also some letters, without reading, at the close of the discussion by the junior Senator from Wisconsin [Mr. LA FOLLETTE]. I only call the attention of the Senate to the latter letters, because they reflect in some degree upon the work of the special committee in the Indian Territory.

Mr. McCUMBER. May I ask the Senator if he refers to the letters I submitted?

Mr. CLARK of Wyoming. No; I am speaking only with reference to the latter letters. The letters which the Senator introduced did not so reflect.

Mr. McCUMBER. I read them over and I thought they did not. If I had thought they did, I certainly should not have submitted them.

Mr. CLARK of Wyoming. Not at all; but the letters which were later introduced did, in a measure, reflect upon the work of that committee. I desire to call attention to the letters appearing on pages 2360 and 2361 of the RECORD. The first is a letter written from Tulsa, Ind. T., December 17, 1906, signed C. H. Cook—undoubtedly a very worthy man, though I am not acquainted with him. He says:

TULSA, IND. T., *December 17, 1906.*

Hon. ROBERT M. LA FOLLETTE,
Washington, D. C.

DEAR SENATOR: If the papers have not misquoted you, you support the Hitchcock policy of continuing supervision over the Indians' lands.

I was at South McAlester during the sitting of the Senate committee. The country was ransacked for testimony to decry that policy and to put the friends of the Indians on the defense.

There is a plain intimation that the work of the committee was "packed" with reference to the particular feature embodied in this amendment.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Wisconsin?

Mr. CLARK of Wyoming. Certainly.

Mr. LA FOLLETTE. I think, Mr. President, that the Senator is drawing an absolutely unwarranted inference from that sentence of the letter. I do not think it was the intention of the writer to imply that the committee was ransacking the country for testimony. I think the writer of that letter means that there were those interested in presenting to the committee witnesses who would testify in favor of the sale of these lands. I think that is all that was intended by the writer. I certainly would not have offered that letter here if I had thought that it implied any desire on the part of the committee to secure partisan testimony.

Mr. CLARK of Wyoming. As a member of that committee I may be unduly sensitive. If I am, it is because the work of that committee has been so fully and completely misrepresented in the public press and in public documents, and certainly when the writer says that on the visit of the committee the country was ransacked for testimony to decry a certain policy, it would indicate at least that the committee itself who summoned the witnesses before it asked them to come in order to sustain a previously conceived notion as to the legislation which ought to be accomplished. But further on in this same letter, Mr. Presirent, I see this:

I have canvassed this Territory from one end to the other the past month getting information from all sorts and conditions of people, and my conclusion is the wiser ones dreading the coming of statehood, with its implied control of them, with a dread as bitter and relentless as when under the leadership of Boudinot and Ross they fought the right of way concessions for the first roads entering the Territory.

If anybody has been ransacking it for testimony from house to house and through the length and breadth of that Territory in support of a certain declared policy, it seems to me the writer of this letter lays himself liable to that imputation. But further in the letter I imagine the gentleman who wrote it is correcting his statement that he was at South McAlester, because he says:

Rev. J. S. Murrow, who protested so earnestly at the McAlester sitting of the Indian Committee, had less of culture, perhaps, than some of the refined scoundrels who sought to decry his statements.

Mr. President, the only men of the committee at South McAlester who sought to decry the statements of this clergyman were members of that select committee. The only decrying statements made at that sitting at South McAlester to the statement of Rev. J. S. Murrow were made by individual members of that committee of five appointed by this body. "Refined scoundrels!" I am willing to tell the Senate what the statement of the Rev. J. S. Murrow that they found fault with was. Deliberately making the statement before that committee he expressed the opinion that it was the deliberate purpose of the twelve hundred thousand white inhabitants of the magnificent State of Oklahoma to rob the Indians of that land, of their heritage, and of their money.

The chairman of the committee said, "Mr. Murrow, do you make that statement deliberately and do you believe it?" He said, "I make it deliberately and I do believe it." Then the chairman of the committee and others decried his statement; not for one moment would they believe such a statement or accept it as to the whole citizenship of that country. That is the statement of the Rev. J. S. Murrow which was decried, and the only one, and the only people finding fault with that statement were the members of the committee.

Mr. President, I will pass on to another of these communications; and I want the Senator from Wisconsin not to think for one moment that I believe he was conscious of these facts when these letters were introduced. It was quite proper for him to place the letters upon the record, and I am willing they shall remain there, but I am unwilling that they shall remain without some explanation of these most extraordinary statements in the letters. The next letter is from Mr. T. H. Witthome. It is a reasonable and proper letter in the discussion. But the next purports to be a letter written by Carlton Weaver, a member of the constitutional convention now sitting at Guthrie, Okla., with reference to the action or the nonaction of that convention upon this very question of restrictions. I desire to read it, if the Senate will bear with me. It is headed "The convention to form a constitution for the State of Oklahoma." I assume it is written on the official paper of that convention:

DEAR SIR: Since you have in the past demonstrated an interest in fair play for the Five Civilized Tribes in the Indian Territory, I take the liberty of sending you a copy of a resolution which was introduced in the constitutional convention last week—

This was written January 25. "Last week" would have brought it to January 18, at the latest—

and which was referred to a committee the chairman of which is not in sympathy with its purpose. It is destined to die there or be reported after it is too late to accomplish the desired result. Please consider same and bear in mind that every citizen of the Indian Territory—except land sharks—is anxious to see Congress fix a just and equitable limitation on the sale of Indian surplus. There is a single firm in the Chickasaw Nation who have 30,000 acres of Indian surplus under lease, who are waiting for the removal of restrictions, when they expect to make a wholesale purchase at insignificant prices. Land monopolies and a hellish system of tenantry will result unless Congress does not prohibit the wholesale purchase by these land companies and grafters.

See to this, Senator, and the whole of the Indian Territory citizenship will thank you.

Please hand the additional copy inclosed to the chairman of Committee on Indian Affairs.

I am, very truly, CARLTON WEAVER.

I assume that Mr. Weaver is a member of the constitutional convention; and then follows a copy of a memorial, or what purports to be a memorial. Mr. Weaver was probably ignorant of the fact that the constitutional convention of Oklahoma had already by memorial to this Congress passed on this very question, and before he wrote this letter, ten days before he wrote it, there had been presented in this body a memorial, duly considered and passed by the constitutional convention of the State of Oklahoma, sitting at Guthrie, certified to by the officers of the convention, asking for far greater legisla-

tion along the line of the removal of restrictions than is embodied in this amendment. Upon the files of the Indian Committee, referred to it after reading and going into the RECORD here, is the following memorial:

Memorial by the constitutional convention of the proposed State of Oklahoma concerning removal of restrictions upon Indian lands, introduced by Hon. O. P. Brewer, district 77, on the 8th day of January, A. D. 1907, and adopted by unanimous vote of the convention.

MEMORIAL.

To the President of the United States and to the Senate and House of Representatives in Congress assembled:

We, the representative delegates of the people of Oklahoma and Indian Territory in constitutional convention assembled, respectfully request that the restrictions imposed upon the sale and lease of lands allotted to and held by citizens of the United States in the proposed State of Oklahoma, whether of Indian blood or not, full-blood homesteads excepted, be removed without delay, as a necessary means to the development of our State and the development and welfare of our citizens of Indian blood.

WM. H. MURRAY, *President.*

Attest:
JNO. M. YOUNG, *Secretary.*

CERTIFICATE.

I hereby certify that the within memorial was introduced and passed by the constitutional convention on the date and in the manner above stated.

JNO. M. YOUNG, *Secretary.*

It was passed on the 8th day of January. There could have been no purpose in the writer of this letter, he being a member of the constitutional convention, in forwarding the letter except for the effect it might have upon the Senate of the United States and upon others who are not aware that the convention had acted, and with a view of creating the impression that the convention had not considered this matter and that a memorial had been presented there protesting against such action and that the chairman of the committee or the convention was smothering it in committee.

Mr. SPOONER. Mr. President——

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

Mr. CLARK of Wyoming. Certainly.

Mr. SPOONER. I did not understand what the Senator said. Did the Senator say that the constitutional convention had memorialized Congress for the removal of these restrictions?

Mr. CLARK of Wyoming. The constitutional convention has memorialized Congress. The memorial was sent to me. The memorial was passed by the constitutional convention on the 8th day of January, 1907, was sent to me, and was presented by me on the 16th day of January, 1907, ten days before the letter was dated which comes from the gentleman who, I suppose, is a member of that convention.

I will say that the memorial of the constitutional convention of Oklahoma goes further than the provision reported by the committee, in that the memorial asks that restrictions be removed upon all lands except the full-blood homestead lands. The committee amendment proposes to remove the restrictions only from the surplus lands, whether of full bloods or mixed bloods, retaining the homesteads of the mixed bloods as well as the homesteads of the full bloods.

I wanted to make that explanation, Mr. President, in regard to these matters merely because I felt that the writers of these letters had reflected in a measure upon the work of the committee in the Territory.

I will say, further, that if the writer of the letter was a member of that convention he failed to attempt to impress the convention with his views, because the memorial shows that it was adopted by the unanimous vote of the convention, and in that convention, of course, are Indians from the eastern half of the proposed new State; how many of them I do not know.

Mr. SPOONER. Mr. President, is there a point of order pending against the amendment?

Mr. CLARK of Wyoming. The Senator from Kansas [Mr. CURTIS] interposed a point of order.

The VICE-PRESIDENT. A point of order was interposed at a former session.

Mr. SPOONER. I will not take any of the time of the Senate in discussing this matter, if the amendment is to be held by the Chair out of order.

The VICE-PRESIDENT. The Chair will submit to the Senate, under subdivision 2 of Rule XX, the question whether the amendment is in order.

Mr. LA FOLLETTE. The proposed amendment is still open to discussion, I understand. I am in order, am I not?

The VICE-PRESIDENT. The Senator from Wisconsin is in order.

Mr. LA FOLLETTE. I desire to occupy just a moment in making brief response to the remarks of the Senator from Wyoming [Mr. CLARK].

With respect to the letter which I offered last night, signed by Mr. Cook, I will say that the writer of that letter is a resident of Mondovi, Wis. He has written me occasionally with respect to matters in the Indian Territory, where he has spent a considerable period of time within the last year. I think the Senator from Wyoming has put an entirely forced construction upon that portion of his letter in which he speaks of having traversed up and down the Indian Territory. It is clear that the writer simply uses that form of expression to indicate his thorough acquaintance with the Territory. It does not mean that he was in search of witnesses. Indeed I do not think that Mr. Cook offered his testimony as a witness or that his testimony was taken at all.

I supposed, of course, that the reference made in the letter later to the testimony of Rev. J. S. Murrow and to those who sought to decry his testimony was as to witnesses who presented themselves before the committee. As the testimony has not yet been printed, excepting the committee no one has had opportunity to know what is contained in that testimony.

Now, with reference to the letter from Mr. Weaver, transmitting the memorial introduced in the constitutional convention now in session in Oklahoma. That memorial is not at all in conflict with the one heretofore passed by that convention and presented by the Senator from Wyoming.

The memorial transmitted by Mr. Weaver is one that may well have been introduced in the constitutional convention, after the memorial was passed which the Senator from Wyoming has read into the RECORD. The memorial inclosed in the letter from Mr. Weaver and printed in the RECORD immediately following it is as follows:

To the Congress of the United States, to the President, Theodore Roosevelt:

Whereas the special Senate Committee on Indian Affairs has recommended the removal of the restrictions upon the alienation of surplus allotments and other lands in the Indian Territory; and

Whereas the material interest of all the people of the Indian Territory, as well as the State at large, depends upon a broad and equitable distribution of the landed interest; and

Whereas a great amount of said lands are at present controlled by land companies and speculators under an obnoxious lease system; and

Whereas unless prohibited by the Congress said land companies and speculators will gain control of a vast amount of Indian lands, which will result in large holdings and land monopolies: Therefore, be it

Resolved, That we, the representatives of the people of the Indian Territory and Oklahoma, in convention assembled, do respectfully pray that the sale of all said alienated lands be restricted so as to prohibit land or lease monopolies and to permit only natural persons to become purchasers or lessees thereof, and then only of such limited amounts as will guarantee a broad and equitable distribution.

Resolved, That a copy of this memorial be forwarded to both Houses of Congress and the President of the United States.

Mr. CLARK of Wyoming. Will the Senator from Wisconsin permit me for a moment?

Mr. LA FOLLETTE. Certainly.

Mr. CLARK of Wyoming. I think the Senator is entirely correct as to the subject-matter of that memorial, and probably of the letter also, except that, making its appearance on the discussion of this particular amendment, I assumed that it was thought to refer to the removal of restrictions as well as to the sale of the lands afterwards.

Mr. LA FOLLETTE. I think it may well have reference to just exactly what is proposed in this amendment. I think that members of this body might well entertain the view that if the restrictions are to be entirely removed there might be added a provision that this land when purchased should be purchased by natural persons, and, furthermore, that it should be purchased by natural persons in limited areas, thus preventing the land from passing into the hands and under the control of those who would hold in large bodies. That is all I have to say.

Mr. SPOONER. Mr. President, I think the point of order is well taken. To carry out existing law the House incorporated a provision in the bill appropriating money to conduct an investigation which had for its object, as I recollect——

Mr. CLARK of Wyoming. Mr. President——

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

Mr. CLARK of Wyoming. I should like to ask a question before the Senator from Wisconsin enters upon his discussion.

Mr. SPOONER. I shall be but a moment.

Mr. CLARK of Wyoming. Just what was the point of order made against the amendment?

Mr. CURTIS. I made the point of order that the amendment proposes general legislation and repeals existing law. I understand that under the rules of the Senate, after the point of order is made, the matter can be debated generally.

Mr. CLARK of Wyoming. What I wanted to get at is what is the particular and distinct point of order made against the amendment.

Mr. SPOONER. I did not make the point of order. I supposed the point of order is that it proposes general legislation.

Mr. CLARK of Wyoming. I beg the Senator's pardon.

Mr. SPOONER. That is all right.

Mr. CLARK of Wyoming. I interrupted him for the purpose of asking the Senator from Kansas or the Chair what exactly the point of order is.

Mr. SPOONER. It was entirely agreeable.

Mr. CLARK of Wyoming. I am still unaware what it is.

Mr. CURTIS. It is that the amendment proposes general legislation and repeals existing law.

Mr. SPOONER. The provision made by the House was "to carry out the provisions of the act approved April 21, 1904, for the removal of restrictions upon the alienation of lands of allottees of the Five Civilized Tribes, $25,000."

That was an act which gave authority to the Secretary of the Interior to remove restrictions where upon investigation he found that the Indians were competent to attend to their own affairs and could without improvidence be intrusted to manage their own affairs and to dispose of their lands, except the homesteads. The amendment proposed by the Senate committee is to strike out the House provision and to insert in lieu thereof the following:

On and after July 1, 1907, all restrictions upon the alienation, leasing, or encumbering of the lands, except homesteads, of all allottees of Indian blood in the Indian Territory, and all restrictions upon the alienation, leasing, or encumbering of all the lands of allottees not of Indian blood are hereby removed.

It changes absolutely a general law. I will not say absolutely, but it changes it sufficiently, I think, to make the amendment obnoxious to the point of order that it is general legislation.

Mr. President, I wish to say a few words, and only a few words, upon the merits of the proposition, for which I can not vote. I am embarrassed and I suppose other Senators are embarrassed by the fact that it is recommended by a committee whose province it is to investigate these questions, and which has, through a special committee or a subcommittee that visited the Indian Territory for the purpose, made an investigation which leads to this recommendation. The good faith of either the subcommittee or the main committee no one can with propriety or any warrant whatever impugn. I take it for granted that the committee is fully convinced that these restrictions ought all to be removed. But, Mr. President, this is getting along toward the end of Indian legislation, and I have noticed that within the last few years whenever there has been a debate upon the Indian appropriation bill it has been to a considerable extent a confession of former blunders.

Mr. ALDRICH. Mr. President——

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

Mr. SPOONER. Certainly.

Mr. ALDRICH. I have for the past ten or twelve years heard similar statements to the one the Senator from Wisconsin has just made in regard to Indian legislation, and each succeeding year brings a larger volume of legislation in regard to the Indians. The Senator may see the end of it, but I do not.

Mr. SPOONER. I can see the end of the Indian——

Mr. ALDRICH. Well, that may be.

Mr. CLARK of Wyoming. If we adopt some of these amendments——

Mr. SPOONER. And of all Federal protection of the Indian; and if we have made blunders—and there is no question whatever that colossal blunders have been made, terrific almost in their detriment to the well-being of the Indian—I think we should be particularly careful not to make any more.

Mr. President, I do not intend to discuss the constitutionality of the McCumber amendment. That amendment, as I remember, was passed after pretty full debate in the Senate. It is the law, unless it is unconstitutional. I have very grave doubts about its constitutionality; but this is not the tribunal, really, Mr. President, to determine whether the McCumber amendment is or is not constitutional. I prefer to resolve the doubt, so far as this proposition is concerned, in favor of the constitutionality of the statute; and that is what the Supreme Court will do if it can. That is what all courts do if they can, for courts with reluctance overthrow legislation of Congress upon constitutional grounds. They do not do it unless the unconstitutionality is quite clear.

So assuming that it is a constitutional act, ought it to be repealed? I have no doubt that the members of the constitutional convention in Oklahoma are in favor of its repeal. As I heard the Senator from Wyoming [Mr. CLARK] read their memorial, they gave what, from the standpoint of the white man, is always an adequate condition for such a repeal. They do not wish to have the prosperity and development of the new State of Oklahoma retarded by withholding from sale—and therefore from settlement—this body of Indian land. That is natural enough. But an appeal from the constitutional convention of Oklahoma ought not to reach this body with peculiar force in a matter of this kind. When the act was passed admitting Oklahoma into the Union this was the law. The McCumber amendment was upon the statute book. We all wanted Oklahoma admitted as a State into the Union—1,200,000 people, millions of acres of arable land, splendid climate, everything which goes to build up a State fit to take her place with the original States. I want to see Oklahoma progress. I desire to see her move forward to the place which will rightfully belong to her in the sisterhood of the States. But I think it is the duty of the Senate now not to think of Oklahoma upon this question, not to legislate with reference to the white men of Oklahoma, not with a view to furnishing homes out of Indian lands to white home seekers. I think this legislation ought to be enacted or it ought to be rejected with reference to the interest of the Indians. They have lived there longer than any white men have lived there. They lived there long before the name "Oklahoma" almost was known.

Mr. CLARK of Wyoming. Will the Senator from Wisconsin permit a question?

Mr. SPOONER. Yes.

Mr. CLARK of Wyoming. Does the Senator think that the interests of the white citizens of the State of Oklahoma necessarily are opposed to the interests of the Indian citizens of that State?

Mr. SPOONER. I do not propose to discuss that question. They put it in this memorial, as I heard it read, upon the ground, which is undoubtedly true, that without the removal of these restrictions the development of Oklahoma will be more or less retarded. That is obviously true, but that has nothing whatever to do with the question whether these restrictions should or should not be removed.

Mr. CLARK of Wyoming. No; but the Senator evades my question.

Mr. SPOONER. I did not intend to.

Mr. CLARK of Wyoming. I do not think he understood the question.

Mr. SPOONER. What is the question?

Mr. CLARK of Wyoming. I asked the Senator whether he assumed that this forward movement in Oklahoma, this disposition to rise and go forward and take advantage of all of the opportunities, was necessarily to the detriment of the Indians?

Mr. SPOONER. I think that this proposition from Oklahoma, in the interest of the growth and development of Oklahoma, is necessarily, so far as the full bloods are concerned, antagonistic to the interests of the Indians. You can not by law change an Indian into a white man. These full bloods were no better qualified to manage, without improvidence, their own affairs the day after they became, under the operation of law, citizens of the United States than they were the day before. Racial characteristics can not be changed by any act of man. That is a matter of growth, and it takes a long, long time.

The Senator from Kansas yesterday brought to the attention of the Senate two instances which ought to rivet the attention of every man and woman in this country who has any care for the Indians. In the days to come if there is any one thing in our history of which intelligent men and women will not feel proud it is the trusteeship of the United States of the Indian and its observance.

Let me call attention to a case, if I may, for just one moment. I do not know whether the Senator from Maine [Mr. HALE] heard it. There have been thousands of such instances, and if these restrictions are removed there will be thousands and thousands to come. This was the case of two women; and the Indian woman, so far as I know anything about Indians—and I knew something about them once from being among them—is as bright in the transaction of business and bargain making as her husband.

After very careful consideration, a year ago Congress removed the restrictions upon certain members of the Cherokee tribe of Indians; and I want to call your attention to two cases to show the result. One was the case of Betsey Gallicatcher. She owned 130 acres of land. The restrictions were removed and she sold that land for $2,350. There were twenty-eight producing wells on it. Eight of them were flowing and twenty were being pumped. Her income from the royalty on those oil wells amounted to $39 a day, or $14,245 a year, and yet she sold that land for $2,350.

And yet she sold that land and gave that income, so long as those oil wells shall produce, to white men for $2,350. A white woman who would do that would be put under guardianship. A white man who would so improvidently dispose of his property would be held by a court to be unfit to manage his own affairs. Take the case of an Indian woman, pleased with tinsel and baubles, wanting a little money—money in hand, not the money to come in hand.

Mr. President, it looks to me to be a wicked thing to remove the protection which the law has attempted to throw around the improvidence, natural and from habit, not of all Indians, but of the great majority of Indians, especially of the full blood.

The Senator from Kansas [Mr. CURTIS] called attention to another specific case.

Mr. ALDRICH rose.

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

Mr. SPOONER. I do.

Mr. ALDRICH. I should like to know what are the restrictions under existing law? I am asking for information, in the utmost good faith.

Mr. SPOONER. They are made by the McCumber amendment twenty-five years.

Mr. ALDRICH. What consent would be necessary for this woman to alienate her property?

Mr. SPOONER. That of the Secretary of the Interior, after investigation.

Mr. ALDRICH. The House provision provides for making an inquiry as to whether the Indian woman in this case was able to transact her own business?

Mr. CLARK of Wyoming. No; I beg leave to interrupt. Under the McCumber amendment the Secretary of the Interior is debarred from removing restrictions.

Mr. SPOONER. But another law was passed which authorizes it.

Mr. STONE. What law was it?

Mr. SPOONER. Not as to full bloods, but as to mixed bloods.

Mr. LONG. Mr. President——

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

Mr. SPOONER. Certainly.

Mr. LONG. I understood the Senator to say there is another law authorizing the Secretary to remove restrictions from full-blood Indians.

Mr. SPOONER. No; I did not mean to say that. This proposed bill removes restrictions from full-blood Indians.

Mr. LONG. As to surplus lands?

Mr. SPOONER. Oh, yes; as to surplus lands, lands which are increasing in value every day, and which will increase in value as that State progresses and develops. Why should not the Indian have the increase? Why should the restriction be removed and the Indian be left a prey of the white man, to part with his land at unreasonably low prices, having little money in hand? Why not continue to guard him? Why not continue to remember that, although he has been made a citizen of the United States, he is still an Indian just as much as he ever was?

Mr. BURKETT. May I ask the Senator a question which occurs to me?

Mr. SPOONER. Certainly.

Mr. BURKETT. As I have followed this debate, it seems to be developed that a great majority of the people down there can take care of themselves and can handle their lands. The question I desire to ask the Senator is, whether he would by pursuing this policy tie up the possibilities and the hopes of the two-thirds or the three-fourths who can handle their property, rather than tie up the comparatively few who can not handle their property?

Mr. SPOONER. Mr. President, I am making no objection to the removal of restrictions, under proper safeguards, as to the mixed bloods. This is a proposition to remove the restrictions as to all the lands except the homesteads of the 24,000 full-blood Indians, and one of the arguments which all through this debate has been made in support of the proposition is an argument which is absolutely fatal to it. I will say to the Senator from Nebraska I have not heard any definite information which enables me to say that the proportion of full-blood Indians especially who are capable of managing their own affairs has been determined.

I asked the Senator from Kansas [Mr. LONG], who has had much to do with this subject, and I got the impression from what he told me that as to the full-blood Indians they are, so far as business capacity is concerned, about like our own full-blood Indians in Wisconsin.

The argument which has been made here over and over again was made by the Senator from Kansas, and it has been made by other Senators, that this proposition ought to be enacted into law in order to protect the Indians. Protect them from what? Protect them from selling their lands, because of the apparent cloud which the McCumber amendment throws upon the title, at sacrificial prices vastly below their present market value. That argument, Mr. President, is simply an assertion of the necessity of what I am contending for, that these people still ought to have, as far as the Constitution permits it, the guardianship of wise, just laws.

It is said that they have made contracts of lease and contracts of sales. One Senator said that they did that in order to get the money to enable them to improve their homesteads. But when questions were asked to get at the facts in regard to it, it turned out that the payments are only nominal payments of $5 or $10, enough to bind the bargain, practically. They could not utilize that money to any great extent in improving their homesteads.

The assertion that they are selling their lands so much below their present value because of the cloud upon the title, and therefore the cloud ought to be removed, establishes beyond any question, even from the standpoint of the Senators who are pressing this proposition, that these Indians are not fit to be intrusted with the management of their own affairs.

Mr. ALDRICH. Mr. President——

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

Mr. SPOONER. Of course.

Mr. ALDRICH. I am still seeking for information upon this subject, which is very abstruse to myself. I should like to ask the Senator from Wisconsin whether he thinks the question of blood, which he seems to dwell upon, is the only question to be raised as to the guardianship of the Indians.

Mr. SPOONER. Not at all, but the half-breeds have transacted business to a much greater extent than the full bloods. It is so in my own State. It is so generally. But the restrictions are not absolutely removed from them. They are only removed from them, and can only be removed, on investigation and in individual cases. But this proposition sweeps them away.

Mr. ALDRICH. It seems to me there are very great difficulties about the question of indefinite guardianship in any event. It does not appear to be very clear as to who should be put under guardianship, and the character of the guardianship, as to whether it should be located in some executive officer of the Government or some court or some other power, which should take up the matter in a different relation. I imagine that the Secretary of the Interior can have little knowledge as to whether a woman ought to sell her property in the Indian Territory or not. It seems to me that the guardianship is pretty remote; and the reason upon which the guardianship is based is perhaps even more remote and indefinite.

Mr. SPOONER. Then the argument would be that because it is troublesome and difficult to ascertain whether a given Indian is competent to transact his or her business without improvidence all restrictions upon Indian right of alienation should be removed. That means the destruction of the Indian. That means the pauperization of the Indian.

Mr. DEPEW. Mr. President——

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

Mr. SPOONER. Yes, I will yield to anyone. I am about through.

Mr. DEPEW. In reference to the question as to the proportionate number who are in favor of or opposed to the removal of these restrictions, here is a letter signed by P. Porter, principal chief; G. W. Grayson, and S. J. Haynes, delegates of the Creek Nation, saying that the Creek Nation is unanimously opposed to the removal of the restrictions.

Mr. CLARK of Wyoming. I do not know whether the letter says that. If it does, it does not state the fact.

Mr. DEPEW. It precisely says that.

Mr. SPOONER. There are not many Indian voices here asking for the removal of these restrictions.

Mr. CLARK of Wyoming. There are more Indian voices here asking for the removal of the restrictions than there are any other voices.

Mr. SPOONER. I do not know that.

Mr. McCUMBER. I should like to ask the Senator if he means by Indians full-blood Indians?

Mr. CLARK of Wyoming. No; I mean Indians like Pleasant Porter, who is not a full-blood Indian.

Mr. McCUMBER. As has been admitted, most of them are from a sixteenth to a thirty-second Indian.

Mr. CLARK of Wyoming. It is not admitted. The Senator does not state an admitted fact.

Mr. SPOONER. Mr. President, I was about to call attention to another case, mentioned by the Senator from Kansas [Mr. CURTIS]; and there are a great many others, he said, which he could bring to the attention of the Senate. An Indian woman—I can not pronounce her name—after the restrictions were removed had 50 acres of land. There were eight flowing wells

on the 50 acres. Her income was $2,847 a year from the royalty alone, and yet, as I have said, she sold the land for $1,500.

Mr. STONE. Mr. President——

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

Mr. SPOONER. Certainly.

Mr. STONE. I should like to find out, if I can, where that information came from. Does the Senator from Wisconsin know?

Mr. SPOONER. No. I did tell where it came from. It came from the Senator from Kansas [Mr. CURTIS].

Mr. CLARK of Wyoming. I can tell the Senator where it came from exactly.

Mr. STONE. I should like to know about the reliability.

Mr. CLARK of Wyoming. There is no question as to its reliability. The Congress of the United States last year by direct act removed the restrictions from 1,600 of these Indians.

Mr. LONG. On the recommendation of the Department of the Interior.

Mr. CLARK of Wyoming. The Secretary of the Interior directed the inspector of Indian affairs in the Territory to investigate sixteen cases—as to what they had done with their property. The record of that investigation is in part what the Senator from Kansas gave as to these two cases. There was no investigation made as to any case upon which the restrictions had been removed by the Secretary of the Interior. I am sorry to say that in very many instances it will be found that where restrictions have been removed the property has been dissipated. There is no question about that.

Mr. SPOONER. This is also a proposition to remove restrictions by law. I am curious to know how many of the sixteen wasted their property.

Mr. CLARK of Wyoming. All of them, I think, did.

Mr. CURTIS. Mr. President——

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

Mr. SPOONER. Certainly.

Mr. CURTIS. I have a list here. I made the statement and it appears in the RECORD. It shows that in fourteen of these cases the Indians had sold their land at from one-third to about one-tenth of what it was worth.

Mr. SPOONER. Men and women?

Mr. CURTIS. Men and women.

Mr. SPOONER. That is, fourteen out of sixteen?

Mr. CURTIS. Fourteen out of sixteen.

Mr. STONE. Will the Senator allow me to ask him how it was known that the land was sold at from one-third to one-tenth of its value?

Mr. CURTIS. Inspectors were sent down and had the land appraised. A full report was made showing the cases where oil wells were on the land, how many oil wells, how much oil was produced, what the royalty was on each barrel, and how much it amounted to in a day or week and in a year. It was shown that in one case there were twenty-eight producing wells; that the income was $39 a day, or $14,000 a year, and she sold the land for $2,387.

Mr. CLARK of Wyoming. Will the Senator allow me?

Mr. SPOONER. Certainly.

Mr. CLARK of Wyoming. As to the value, I think it must be understood that annual computations are made, when the fact of the matter is that not one-third or probably one-tenth of that revenue could be derived. The amount which could be derived for one day is multiplied by 300 or 365. But aside from that fact, in the case mentioned, I think it may reasonably be said there was sufficient evidence from the report of the inspector to show that the property was substantially dissipated.

Mr. DEPEW. I will ask the Senator from Wyoming if $14,200 a year capitalized would not make that property worth in the neighborhood of $300,000?

Mr. CLARK of Wyoming. I am not a financier.

Mr. DEPEW. It would make it worth $300,000 instead of $2,300, for which it was sold.

Mr. SPOONER. There the restrictions were removed by law; and it is proposed here to remove the restrictions from the power of alienation of a great many thousand Indians by law. In that case fourteen out of sixteen were found to have been turned adrift, including these two women, by a Government resting under a duty to safeguard them against such improvidence as solemn as the father holds toward his son, a minor, and unfit to transact business. What good ground is there for supposing that the proportion, 14 to 2, as to the 24,000 or the 50,000 from whose power of alienation it is proposed here to remove all restrictions, will be much less?

Mr. CLARK of Wyoming. I can give the Senator my reply; but, of course, I do not know whether it is along his line.

Mr. SPOONER. I have no line.

Mr. CLARK of Wyoming. The Senator's argument seems to assume that these sixteen are the only ones from whom restrictions were removed. The sixteen were special cases in which inquiry was made by the Department of the Interior. No inquiry was made as to the hundreds of cases from which the restrictions were removed by the Secretary of the Interior himself. This, I suppose, was to show the iniquity of Congress in acting in individual cases, thereby changing the general course, which allowed the Secretary of the Interior to act in individual cases.

I will say to the Senator I am as much opposed as the Secretary of the Interior or anybody else to Congress legislating off restrictions in individual cases, because in those cases it will be found that the removal of restrictions is asked for, as was developed in these cases, not by the Indians themselves, but by somebody who is particularly interested in the special piece of ground from which it is sought to remove the restrictions.

Mr. SPOONER. I think the Senator is quite right, that it is improper to remove restrictions in individual cases by law. I think he would be quite right if he went further and said that it is improper to remove restrictions by law en masse, without investigation, because it ignores the nature of the Indian and the racial weakness of the Indians, and it can bring nothing but harm to the Indian.

Now, Mr. President, I do not wish to take the time of the Senate further.

Mr. STONE. Will the Senator permit me before he concludes?

Mr. SPOONER. Certainly.

Mr. STONE. He is familiar with the legislation relating to these tribes, the legislation under which they hold title to land. I should like to ask his opinion as a lawyer, if he has not expressed it already, before I came into the Chamber, as to whether what is known as the McCumber amendment and laws of that kind imposing additional or extended restrictions on the right of alienation are valid laws?

Mr. SPOONER. I propose to refer that to the Supreme Court.

Mr. STONE. I ask the opinion of the Senator from Wisconsin.

Mr. SPOONER. I said before the Senator came in that I have very grave doubt about it. I have not examined it with great care. It is disputed in this Chamber. Some lawyers here think it is constitutional; others think it is not; others think it is doubtful. Mr. President, I do not think we ought to predicate such legislation as this upon the conclusion that it is unconstitutional and therefore should be repealed.

Mr. STONE. Will the Senator permit me further?

Mr. SPOONER. Surely.

Mr. STONE. I have heard several lawyers, and lawyers of recognized ability, express their decided opinion that such legislation is unconstitutional; I have heard lawyers like the Senator from Wisconsin [Mr. SPOONER], the Senator from North Dakota [Mr. MCCUMBER], and perhaps others on the other side of this question express their doubts as to the constitutionality of the law; but I have not yet heard a lawyer here say he believed it constitutional.

Mr. SPOONER. Perhaps no lawyer has said that.

Mr. McCUMBER. The Senator from Kansas said it.

Mr. SPOONER. The Senator from Kansas, I believe, announced his opinion that it was constitutional. At any rate it was solemnly enacted by Congress, and very many of the Senators now here, I presume nearly all of them, voted upon it. I think it ought to be left to the Supreme Court to pass upon it. With all my heart I hope if it is left to the Supreme Court to pass upon it that court will be able conscientiously to sustain it, because it is my conviction that this will be the last of many body blows struck by the Congress of the United States at the Indian. If it is unconstitutional, all these Indians will be left free to become the prey of the white man's unquenchable hunger for the Indian's land. I am not reflecting upon the white man generally when I say that. I think that it is a vanishing race. We are pretty near through with them, except to take care of them after their lands shall have been taken from them. I sincerely hope, myself, that we will make a little pause on this practically last step.

The VICE-PRESIDENT. Is the amendment in order? [Putting the question.] In the opinion of the Chair——

Mr. McCUMBER. I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered.

Mr. BACON. Mr. President, I wish to say I understand that, as is usual in cases of such votes, really in this case the vote is on the merits of the proposition, and not upon the parliamentary question. I wish to say that, in order that I may not be committed on any parliamentary view.

Mr. ALDRICH. I wish to say that I shall vote in this case upon the question of whether this proposition is in order or not

without any regard to the merits of the case at all, and I hope every other Senator will do the same.

Mr. BACON. I do not think that has been the usual custom in such cases; and I want to say that I intend to vote according to the merits of the case.

Mr. ALDRICH. I suppose every Senator will vote as he pleases.

Mr. BACON. The merits of the case, I presume, will decide the question of the adoption of the amendment.

Mr. CULBERSON. What is the amendment on which the question arises?

The VICE-PRESIDENT. The Secretary will state the proposed amendment on which the question of order has been raised.

The SECRETARY. On page 34, beginning with line 17 of the bill, it is proposed to strike out the following words:

To enable the Secretary of the Interior to carry out the provisions of the act approved April 21, 1904, for the removal of restrictions upon the alienation of lands of allottees of the Five Civilized Tribes, $25,000: *Provided*, That so much as may be necessary may be used in the employment of clerical force in the office of Commissioner of Indian Affairs.

And to insert:

On and after July 1, 1907, all restrictions upon the alienation, leasing, or encumbering of the lands, except homesteads, of all allottees of Indian blood in the Indian Territory, and all restrictions upon the alienation, leasing, or encumbering of all the lands of allottees not of Indian blood are hereby removed.

Mr. BACON. I understand that the effect of the amendment is to remove the present restrictions under existing law, and that the effect of voting against that amendment is to retain the present restrictions of existing law against the alienation of land by the Indians.

Mr. CLAY. And to impose additional restrictions.

Mr. BACON. If stricken out the law remains as it now is; that is, if the amendment does not prevail the law will remain as it now exists.

Mr. CULBERSON. The question is not whether this shall be stricken out, but whether the amendment is in order, as I understand.

The VICE-PRESIDENT. The question is, Is the amendment in order? If the Senate shall decide that the amendment is in order, the question will then be upon agreeing to the amendment.

Mr. CULBERSON. And those voting "nay" on the question of order would be in favor of retaining the present restrictions.

Mr. McCUMBER. Mr. President, will the Chair please state the point of order again, so that the Senate may fully understand it.

The VICE-PRESIDENT. The Senator from Kansas [Mr. CURTIS] raised the point of order that the proposed amendment was general legislation, and changed existing law.

Mr. ALDRICH. I shall vote "nay" upon the proposition, because I believe that this amendment is general legislation and is therefore in violation of the sixteenth rule. How I shall vote if this amendment be declared in order I do not know, and I think that is not pertinent to this question.

Mr. BACON. Mr. President——

Mr. McCUMBER. Do I understand the Senator aright that he said he would vote "nay" because he believed the amendment was general legislation?

Mr. ALDRICH. I do so believe, and I believe that it is not in order. The proposition as put by the Vice-President is, Is this amendment in order? I shall vote that it is not in order, as I believe it is a clear violation of the sixteenth rule.

The VICE-PRESIDENT. If the Senate holds that the amendment is in order, then the question will follow, Will the Senate agree to the amendment? If the Senate votes that the amendment is not in order it will go out on the point of order.

Mr. McCUMBER. I thought it was before stated that the question was whether the point of order be well taken. That is presented in one form. In the other form it is presented in the opposite shape.

The VICE-PRESIDENT. The usual form is, Is the amendment in order?

Mr. PATTERSON. Mr. President, I should like the opinion of the Chair on the effect of a vote sustaining the point of order against the committee amendment commencing on line 24, page 34, and ending with line 4, on page 35, upon the previous paragraph that was part of the bill as it came from the other House and has been stricken out by the committee. In other words, I understand the committee amendment to have been to strike out from line 17 to line 23, on page 34.

Mr. CLAPP. I do not think that has been yet stricken out. That was passed over because the committee amendment inserting new language was not adopted.

Mr. PATTERSON. The committee amendment was not adopted? Then what becomes of the preceding paragraph?

Mr. SPOONER. It is retained.

Mr. CLAPP. We should then reject the committee amendment, commencing on line 17.

The VICE-PRESIDENT. The question is, Is the amendment in order? on which the yeas and nays have been ordered.

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], and I therefore withhold my vote.

Mr. GAMBLE (when his name was called). I have a general pair with the Senator from Nevada [Mr. NEWLANDS]. He does not appear to be in the Chamber, and I therefore withhold my vote.

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. CARMACK], who is absent, but I transfer that pair to the Senator from New York [Mr. PLATT] and vote. I vote "nay."

Mr. PATTERSON (when Mr. TELLER's name was called). I desire to state that my colleague [Mr. TELLER] has been sick now for nearly a week and is liable to be detained by sickness at his hotel for several days yet to come. I make this statement at his request, and desire that it shall stand for subsequent votes on the Indian appropriation bill.

Mr. HALE (after having voted in the negative). I have been requested on this vote to pair with the Senator from Colorado [Mr. TELLER], but I transfer that pair to the Senator from New Jersey [Mr. DRYDEN], leaving the Senator from Colorado and the Senator from New Jersey paired on this vote. I will let my vote stand.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM], who is not in the Chamber. I do not know how he would vote, if present, and I do not like to leave him unprotected, though I think he would vote with me on this issue. I will therefore transfer my pair to the Senator from Mississippi [Mr. MONEY], if he is not paired with some other Senator, and vote. I vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the Senator from Mississippi [Mr. MONEY], but as that pair has been transferred to the Senator from Vermont [Mr. DILLINGHAM], with whom the Senator from South Carolina [Mr. TILLMAN] has a general pair, I am at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. PERKINS (after having voted in the negative). I have a general pair with the Senator from North Carolina [Mr. OVERMAN], who is absent from the Chamber. I will therefore transfer my pair with that Senator to the Senator from New Hampshire [Mr. GALLINGER] and let my vote stand.

The result was announced—yeas 22, nays 31, as follows:

YEAS—22.

Berry	Clark, Mont.	Long	Stone
Brandegee	Clark, Wyo.	McCreary	Sutherland
Burkett	Clarke, Ark.	McLaurin	Tillman
Burnham	Clay	Piles	Warren
Carter	Fulton	Proctor	
Clapp	Kittredge	Rayner	

NAYS—31.

Aldrich	Depew	Heyburn	Mulkey
Allee	Dick	Hopkins	Nelson
Ankeny	Dubois	Kean	Patterson
Bacon	Du Pont	La Follette	Perkins
Burrows	Flint	Latimer	Pettus
Culberson	Frye	Lodge	Simmons
Curtis	Hale	McCumber	Spooner
Daniel	Hansbrough	Mallory	

NOT VOTING—36.

Allison	Dolliver	Knox	Penrose
Bailey	Dryden	McEnery	Platt
Beveridge	Elkins	Martin	Scott
Blackburn	Foraker	Millard	Smoot
Bulkeley	Foster	Money	Taliaferro
Carmack	Frazier	Morgan	Teller
Crane	Gallinger	Newlands	Warner
Cullom	Gamble	Nixon	Wetmore
Dillingham	Hemenway	Overman	Whyte

The VICE-PRESIDENT. The Senate has decided that the amendment is not in order.

Mr. CLAPP. In view of that decision of the Senate, I desire to ask that the Senate reject the committee amendment from line 17 to line 23, inclusive, on page 34.

The VICE-PRESIDENT. The Chair understands that the effect of the vote just taken is to restore the House provision. The amendment of the committee was to strike out and insert. The Senate has decided that the amendment is not in order.

Mr. CLAPP. Now, if the Senate will bear with me, I wish to say that in the Indian Territory there is a tribe of Indians

known as the "Quapaws." The Commissioner of Indian Affairs feels that there ought to be authority granted to the Interior Department to relieve restrictions as to individual members of the Quapaw tribe. Last year we passed a general law giving the Interior Department authority to remove restrictions, but it does not apply to any Indians in the Indian Territory, and so I offer the amendment which I send to the desk, to come in on page 34, after line 23.

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

The SECRETARY. On page 34, after line 23, it is proposed to insert the following:

That the act of May 8, 1906 (34 Stat. L., pp. 182, 183), entitled "An act to amend section 6 of an act approved February 8, 1887, entitled 'An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes,'" be, and the same is hereby, amended by inserting the words "of the Five Civilized Tribes" between the word "Indians" and the word "in" in the last line of the third proviso; so that this proviso shall read: "*And provided further*, That the provisions of this act shall not extend to any Indians of the Five Civilized Tribes in the Indian Territory."

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

Mr. CLARK of Wyoming. I should like to ascertain what is the purpose of the amendment.

Mr. LODGE. Where does the amendment come in?

Mr. CLAPP. To the Senator from Massachusetts [Mr. LODGE] I will state that the amendment comes in after line 23 on page 34, and to the Senator from Wyoming [Mr. CLARK] I would state again that last year we passed a law known as the "Burke law," which authorizes the Secretary of the Interior, when he finds any Indian competent to manage his affairs, to release his restrictions. But under the phraseology of the law and the construction of legislation in regard to the Indian Territory it would not be applicable to the Quapaws of the Indian Territory. The amendment desired by the Commissioner of Indian Affairs, which I have submitted, inserts the words "of the Five Civilized Tribes;" so that the Burke bill will read that it will not apply to any Indian of the Five Civilized Tribes.

Mr. CLARK of Wyoming. That, then, would apply to the Indians of the Quapaw Agency?

Mr. CLAPP. It would allow the Quapaws to be released by the Department.

Mr. CLARK of Wyoming. Mr. President, for the reason—while I do not want to create any discussion—that the Indians under the Quapaw Agency have no homesteads and that this amendment would allow the Secretary of the Interior to release them so that they can sell their lands, homesteads and all, I make the point of order against the amendment.

Mr. CLAPP. Just a moment, if the Senator please, before the point of order is made. I should like to insert in the RECORD a communication from the Department.

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

Mr. McCUMBER. I ask that is may be read.

Mr. CLAPP. Very well; let it be read.

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

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER OF INDIAN AFFAIRS,
Washington, January 30, 1907.

DEAR SENATOR CLAPP: The inclosed amendment I should be glad to have you put into your pocket, when the appropriation bill comes up in the Senate, for use in case the fight upon the removal of restrictions clause should prove strong enough to knock that clause out. If it went out, the amendments which I had suggested to it would, of course, go by the board, but in that case I should be glad if you would propose the amendment inclosed. The Quapaw Indians ought to have been provided for in what we know as the Burke law, but everybody doubtless had his mind so fixed upon the Five Civilized Tribes that no one thought of the Quapaw Agency, which includes all the other fragments of tribes now in the Indian Territory. If anyone had thought of it in time the Indians tributary to the Quapaw Agency would undoubtedly have been excepted from the sweeping provision excepting all Indian Territory Indians. My amendment will confine the exception to the Five Civilized Tribes. The Indians tributary to the Quapaw Agency are in just the same condition to all intents and purposes as the reservation Indians in South Dakota and other parts of the country, except that there is a very much larger percentage of them who are entirely capable of taking care of themselves; and it seems especially hard that, when all the other similar tribes and parts of tribes in the country have the privilege of getting their lands in fee on proving satisfactorily their capacity to care for their affairs, this one little group should be left out in the cold.

Sincerely, yours,

F. E. LEUPP,
Commissioner.

Hon. MOSES E. CLAPP,
United States Senate, Washington, D. C.

The VICE-PRESIDENT. The point of order has been made against the amendment; and the Chair sustains the point of order. The Secretary will read the next amendment passed over.

The next amendment passed over was, on page 37, beginning in line 13, to insert the following:

That no election for city, town, or municipal officers authorized by the laws now in force in the Indian Territory shall be held under and in pursuance of said laws in the year 1907; and all persons heretofore elected to any of said offices now serving and performing the duties thereof shall continue to serve in their respective offices and perform all the duties thereof, with all the power and authority conferred upon them by the laws now in force in said Territory, until such offices are terminated by the laws of the State of Oklahoma or until the officers provided for under the constitution of said State are duly elected and qualified: *Provided*, That in case no constitution is adopted and ratified in accordance with the provisions of an act for the admission of Oklahoma and Indian Territory into the Union as a State, approved June 16, 1906, then said officers shall continue to discharge the duties of their respective offices until their successors are duly elected and qualified.

The amendment was agreed to.

The next amendment passed over was, on page 38, after line 22, to insert the following:

An act of Congress approved April 26, 1906 (34 Stat. L., p. 137), entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in Indian Territory, and for other purposes," is hereby amended by striking out on line 13 the words "And the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date" and inserting the words "And the Secretary of the Interior shall have jurisdiction after said date to adjudicate any and all cases then pending" in lieu thereof.

Mr. LONG. I make the point of order against that amendment that it is general legislation.

Mr. McCUMBER. Will the Senator withhold the point of order until I can have read a very short communication in opposition to the amendment?

Mr. LONG. Certainly.

The VICE-PRESIDENT. The Secretary will read as requested by the Senator from North Dakota, if there be no objection.

The Secretary read as follows:

NATIONAL HOTEL,
Washington, D. C., February 7, 1907.

DEAR SIR: Representing the Cherokee Nation, through its principal chief, I desire to most earnestly protest against the provision in the Indian appropriation bill, now pending before Congress, beginning in line 23 on page 38 and ending with line 8 on page 39, providing for the amending of an act of Congress approved 26th day of April, 1906 (34 Stat. L., p. 137), entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," the reason being, if this amendment prevails, it will open up the question of the application for citizenship and prolong the completion of the rolls of the Cherokee tribe of Indians and necessitate the tribe incurring a great expense and hardship unjustly. There should be no provision of law which would allow additional applications to citizenship to be heard, as all have had ample opportunity to present their applications. As we have no representative on the floor of the Senate, I appeal to you to raise an objection to this provision and see if you can not defeat its passage.

Very respectfully,

JAMES S. DAVENPORT,
Special Representative of the Cherokee Nation.

Hon. PORTER J. McCUMBER,
United States Senator, Senate Chamber.

Mr. CLAPP. Mr. President, that simply illustrates how easy it is for people to make mistakes when they talk of things about which they do not know anything. There is nothing in this provision that would open up any roll or allow any application to be made. In justice to the committee I want to state that last year we passed a law which terminates on the 4th of March the jurisdiction of the Commissioner and the Department in the Indian Territory. Not knowing whether they could complete their work, the committee took it up with the Commissioner, who said he could complete his work, but, at the suggestion of the Department of the Interior, it was thought best to extend the time within which to decide pending cases. However, upon a further consideration of the matter, it would appear if cases have been decided by the Commissioner by the 4th of March the decisions will stand without any further action. Consequently, there is no necessity for the amendment.

The VICE-PRESIDENT. The Chair sustains the point of order. The next amendment passed over will be stated.

The next amendment passed over was, under the heading "Choctaws," beginning in line 16, page 39, to insert the following:

That the Court of Claims is hereby authorized and directed to hear and adjudicate the claims against the Choctaw Nation of Samuel Garland, deceased, and to render judgment thereon in such amounts, if any, as may appear to be equitably due. Said judgment, if any, in favor of the heirs of Garland, shall be paid out of any funds in the Treasury of the United States belonging to the Choctaw Nation, said judgment to be rendered on the principle of quantum meruit for services rendered and expenses incurred. Notice of said suit shall be served on the governor of the Choctaw Nation, and the Attorney-General of the United States shall appear and defend in said suit on behalf of said nation.

Mr. CURTIS. I make the point of order against that amendment, that it is a private claim.

The VICE-PRESIDENT. The Chair thinks that the amendment is repugnant to the provisions of the rule.

Mr. LODGE. It provides for a claim.

Mr. KEAN. Yes; it provides for a private claim.

Mr. CLAPP. While I do not care to contest the point of order, I desire to remind the Senate that the Senate has decided several times, through its presiding officer, that where a claim is not against the Federal Government, but against an Indian tribe, the point of order was not well taken.

Mr. LODGE. That was decided, if the Senator will allow me, where it was in regard to a treaty set forth in the amendment, as the rule provides.

Mr. KEAN. The Senator from North Dakota has the ruling here.

Mr. LODGE. Moreover, I will call the Senator's attention to the fact that this is a charge against the United States Treasury and unestimated for.

Mr. McCUMBER. I desire to read at this point, and call the Chair's attention to the holding of the Chair three years ago, in 1904, upon a claim somewhat similar to this. I will cite it. It is the Sypher claim. I read from page 3548 of part 4, volume 38, of the CONGRESSIONAL RECORD, Fifty-eighth Congress, second session. It reads as follows:

Mr. STEWART. I now ask that the reading of the bill be continued.

That was the Indian appropriation bill.

The PRESIDENT pro tempore. The Chair calls the attention of the Senate to the item on page 53 of this bill, beginning in line 10 and ending with line 19, for payment to J. Hale Sypher of $50,000. The point of order was made by the Senator from New Jersey [Mr. KEAN]. The Chair is of opinion that the private claim, under Rule XVI barred from appropriation bills, must necessarily be a claim against the Government of the United States which would take money from the United States Treasury. This item is not such a claim. It is neither against the Government nor does it take Government money from the Treasury. In the opinion of the Chair, the committee having jurisdiction of the subject had a right to report this item favorably and thus make it in order. So the Chair overrules the point of order raised by the Senator from New Jersey.

Of course, that simply covers the one proposition, that where it is a private claim and the money is not to be taken from the Treasury of the United States, but out of funds belonging to Indian tribes, it is not subject to this rule. I have not looked into the case to see whether the other rule will apply.

Mr. CLAPP. I think it was when the Senator from Maine [Mr. FRYE] was in the chair that it was held that the rule as to estimates did not apply when the charge was against some Indian tribe and not against the Treasury of the United States. I am not particular about this matter.

The VICE-PRESIDENT. The Chair will submit to the Senate the question, Is the amendment in order? [Putting the question.] The noes seem to have it; the noes have it, and the amendment is decided to be out of order. The next passed-over amendment will be stated.

Mr. McCUMBER. Before we go to the next amendment, my attention has been called to the amendment on page 40, commencing with line 3. I do not know whether objection has been made to it.

Mr. CLAPP. It went out.

The VICE-PRESIDENT. The amendment went out on a point of order.

Mr. McCUMBER. I was requested to call the attention of the Chair to the fact that this is one of those cases coming within the rule that should not go out on a point of order on the ground that it appropriates money out of the Treasury, because it does not so appropriate; and also that it is in order on the further ground that it is carrying out the provisions of a treaty. However, the same objection, I suppose, would apply to this amendment that applied to the one which has just been ruled out, and so I do not feel like pressing it further.

Mr. HALE. If the Senator from Minnesota does not object, as I am called from the Chamber, I should like to have the amendment on page 52 considered, all the more because it is precisely such an amendment as the Senate has just decided to be not in order. I refer to the amendment on page 52, beginning in line 10.

Mr. CLAPP. We may just as well take it up now.

Mr. HALE. Yes.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 52, after line 9, it is proposed to insert:

For the balance and final payment due the loyal Creek Indians on the award made by the Senate on the 16th day of February, 1903, said award being made in pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee, or Creek, tribe of Indians, and for other purposes, approved March 1, 1901, the sum of $600,000; such payment to be made in accordance with the terms and provisions of said award as the same appears on page 2252 of the CONGRESSIONAL RECORD, volume 36, part 3, Fifty-seventh Congress, second session. And the Secretary of the Treasury is hereby authorized to pay, under the direction of the Secretary of the Interior, to the loyal Creek Indians and freedmen named in articles 3 and 4 of the treaty with the Creek nation of Indians of June 14, 1866, the said sum of $600,000, to be paid to such Indians and freedmen only whose names appear on the list of awards made in their behalf by W. B. Hazen and F. A. Field, as commissioners on behalf of the United States to ascertain the losses of said Indians and freedmen as provided in said articles 3 and 4; and such payments shall be made in proportion of the awards as set out in said list: *Provided*, That said sum shall be accepted by said Indians in full payment and satisfaction of all claim and demand growing out of said loyal Creek claims, and the payment thereof shall be a full release of the Government from any such claim or claims: *Provided, however*, That if any of said loyal Creek Indians or freedmen whose names are on said list of awards shall have died, then the amount or amounts due such deceased person or persons, respectively, shall be paid to their heirs or legal representatives: *And provided further*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to first withhold from the amount herein appropriated and pay to S. W. Peel, of Bentonville, Ark., the attorney of said loyal Creeks and freedmen, a sum equal to 10 per cent of the amount herein appropriated, as provided by written contracts between the said S. W. Peel and the claimants herein, the same to be payment in full for all legal and other services rendered by him, as provided by said contracts, or those employed by him, and for all disbursements and other expenditures had by him in behalf of said claimants, in pursuance of said contract: *And provided further*, That said Secretary is authorized and directed to pay to David M. Hodge, a Creek Indian, of Tulsa, in the Creek Nation, a sum equal to 5 per cent of the amount herein appropriated, which payment shall be in full for all claims of every kind made by said David M. Hodge, or by those claiming under him, by reason of any engagement, agreement, or understanding had between him and said loyal Creek Indians.

Mr. HALE. I make the same point of order that the Senator from Kansas did on the other amendment.

The VICE-PRESIDENT. The Chair sustains the point of order. The next passed-over amendment will be stated.

The SECRETARY. At the top of page 43 it is proposed to insert:

That the value of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw nations, whether leased or unleased, shall be ascertained, under such rules and regulations as may be prescribed by the Secretary of the Interior and approved by the President, by a board of three appraisers to be appointed by the Secretary of the Interior, subject to the approval of the President of the United States. Said appraisers shall return to the Secretary of the Interior a report sworn to by them, showing the value of the surface of the lands embraced within said segregations; and such appraisal shall be subject to the approval of the Secretary of the Interior.

The Secretary of the Interior, under rules and regulations to be approved by the President of the United States, may sell the surface of said segregated lands, after six months' notice of said sale, in tracts of not more than 160 acres to each purchaser, but at not less than the appraised value. Such land shall be sold on such terms as may be fixed by regulations as above provided for, but all such lands as are unleased at the date of the approval of this act shall be sold subject to the right of any purchasers of the mineral right to mine thereunder, together with the right of ingress and egress and with immunity from damages occasioned by subsidence, and to the right of said mineral owner to acquire a sufficient amount of the surface, not exceeding 20 per cent of the said surface area, for the necessary surface works and operation of said mine, the value of said surface area for said mining purposes to be fixed by agreement between the parties in interest, or in case of disagreement said price to be fixed by three persons, one of whom shall be chosen by the owner of the surface, one by the owner of the mineral right, and the third by the two so chosen, and if they do not agree as to a third, then such third appraiser to be appointed by the judge of the United States court for the district in which such land is situated, and a decision of a majority of said three shall be conclusive as to the value thereof; and all conveyances of the surface of said lands shall contain said reservation of said mineral rights as above set forth.

And as to the sale of the surface of leased lands, the same shall be sold subject to the rights of such lessees to mine thereunder, together with the right of ingress and egress and with immunity from damages occasioned by subsidence, and to the right of said mineral owner to acquire sufficient amount of the surface, not exceeding 20 per cent of the said surface area thereof, for the necessary surface work and operation of said mine, the value of said surface area for said mining purposes to be fixed by agreement between the parties in interest, or in case of disagreement said price to be fixed by three persons, one of whom shall be chosen by the owner of the surface, one by the owner of the mineral rights, and the third by the two so chosen, and if they do not agree as to a third, then such third appraiser to be appointed by the judge of the United States court for the district in which such land is situated, and the decision of a majority of said three shall be conclusive as to the value thereof; and also subject to any rights covered by such leases and such rights as are granted to lessees under the provisions of an act of Congress entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1905, and for other purposes," approved April 21, 1904. All conveyances of the surface of said land shall contain said reservations of said mineral rights as above set forth.

Mr. TILLMAN. The amendment clearly changes existing law, and as we are making points of order on all of these amendments, I think this had better go out. At least I make the point of order.

Mr. CLARK of Wyoming. I hope the Senator from South Carolina with withdraw the point of order for a moment until an explanation can be made in regard to the amendment. Of course I understand that the purpose of points of order under the rule is to prevent legislation which ought not to be made or that all legislation generally shall be conducted in due form and regular order. But it is oftentimes the case that pressing needs require that legislation be had, even if not in strict conformity

with the rules of the Senate. I hope the Senator will withdraw his point of order on this amendment.

The Senate, I think, very well understands to what this amendment refers. It refers to the great area of segregated coal lands in the Indian Territory, about which there was very much discussion a year ago, as the Senator will remember. The amendment proposes, in accordance with the recommendation of the committee, that the surface of the land which is not subject to allotment, being the only part of the Indian Territory that is reserved from allotment, may be sold in single tracts of 160 acres each, reserving the mineral under the land. The city of South McAlester, of thirteen to fifteen thousand people, and numerous other cities and towns are located on these segregations. Towns have grown up around the coal mines.

Mr. TILLMAN. Right here I call the Senator's attention to the provision which permits the surface to be bought by the mine owner to the extent of 20 per cent.

Mr. CLARK of Wyoming. That, of course, is to protect the buildings.

Mr. TILLMAN. Did the Senator ever see a coal mine where the buildings and the entry to the mine would take a fifth of that—4 per cent even?

Mr. CLARK of Wyoming. If the Senator will read the text he will discover that it establishes a maximum of 20 per cent. It says not to exceed 20 per cent. I have no desire, of course, to have in here any more than would be needed for the operation of the mine, and if the Senator thinks 10 per cent is better—that is, 16 acres in any 160 upon which the mine is located—I, of course, would have no objection to that amendment.

Mr. LA FOLLETTE. Mr. President——

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

Mr. TILLMAN. With pleasure.

Mr. LA FOLLETTE. If I remember rightly, the average lease in the Indian Territory comprises something like 3,000 acres of land.

Mr. CLARK of Wyoming. How much?

Mr. LA FOLLETTE. Something like 3,000 acres.

Mr. CLARK of Wyoming. Nine hundred and sixty acres, I believe.

Mr. LA FOLLETTE. Nine hundred and sixty acres?

Mr. CLARK of Wyoming. Yes.

Mr. LA FOLLETTE. And are not several of those leases consolidated, so that there is considerably more than 960 acres under the control of one operating company?

Mr. CLARK of Wyoming. Oh, yes; an operating company is not limited to one lease—with the approval of the Secretary of the Interior.

Mr. LA FOLLETTE. Twenty per cent would make it possible to acquire quite a body of the surface of this land.

Mr. CLARK of Wyoming. It would make it possible to acquire a body of the surface if the Secretary of the Interior fails entirely in his discretion and duty. Of course there is no possibility of selling the surface of this land over these leased mines without protecting the lessee. The only question is how he can best be protected.

Mr. TILLMAN. My main reason for interposing the point of order is that the State of Oklahoma will have here some representatives when we meet again, and they will be more widely interested in the proper disposition of the lands and the care and statesmanship which shall be displayed in connection with those lands than anybody else. We may just as well await the arrival of the two Senators from that State, who will come here representing all of its interests and necessarily better informed as to the conditions there than any of us possibly can be. I think this can very well wait.

Mr. CLARK of Wyoming. Of course, if the Senator insists upon his point of order——

Mr. TILLMAN. I do not want to insist upon it if it can be shown——

Mr. CLARK of Wyoming. I want to say to the Senator that I am particularly anxious about this amendment, because I think it is the only one in the whole bill which the committee that visited the Indian Territory, the Indian Committee as a committee, the Secretary of the Interior, and the President of the United States all approve. The situation is such that this legislation ought to be had in regard to the surface of this land, in my opinion.

Mr. STONE. I should like to ask the Senator from Wyoming a question, if he will permit me.

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

Mr. TILLMAN. With pleasure.

Mr. STONE. Is it not a fact that the prices which probably will be received for the surface of these lands will be very much below their real value because of the easement right which would obtain to the miner when the land was finally opened?

Mr. CLARK of Wyoming. Giving my individual opinion, I think not. I will say to the Senator from South Carolina and to the Senator from Missouri that it was the insistent claim of the Indian tribes, the Choctaws and Chickasaws, through their tribal authorities, that this land by every rule of right and equity ought to be sold to the highest bidder for cash.

Mr. TILLMAN. Including the mineral?

Mr. CLARK of Wyoming. Including the mineral. The committee could not bring themselves to that view of the matter. The Indian tribes thought it would bring more money that way. The Indian Committee thought it would not. We believed that whatever can be secured for the surface of this land will be substantially velvet to the Indians, and that a larger amount will be secured by selling the surface and the mineral separately. We thought that the time was ripe and that the necessity existed for the disposal and utilization of the surface at this time. We thought that so many questions of value and public policy and good to the Indians and good to the new State intervened that it was not the proper thing for Congress at this time to take up any question connected with the disposal of the mineral under the surface.

So we prepared this amendment for the disposition of the surface rights under what we considered thorough supervision and safeguards by the terms of the amendment, and we sincerely hope that this legislation will be enacted at this time. Those concerned near the land, the necessities of the cities and towns, and the advisability of putting the land in cultivation has appealed to everyone, I think, who has investigated the matter with any degree of care. With that statement, I am willing to submit the matter.

Mr. STONE. Will the Senator permit me for a moment?

Mr. CLARK of Wyoming. Certainly.

Mr. STONE. I should like to ask the Senator a question. It has been represented to me in the last few days that the Indians who own these lands are very much opposed to this disposition of the surface. Is that a fact?

Mr. CLARK of Wyoming. It is a fact that the Choctaw and Chickasaw nations, acting through their tribal authorities, Governor Johnson and Governor McCurtain, and others, are opposed to this disposition of the land. They maintain their right to dispose of these 500,000 acres, which are segregated, in any way that they choose. Abstractly speaking, I am frank to say I believe they are right. If they own this land they should be allowed to go into the market and sell it to whomsoever they please, whether it be one man or ten men or a corporation or any aggregation of capital that is willing to purchase it. But the committee could not bring itself to the conclusion that that was for the best interest of the Indian or of the country, or that it would bring more money into the Indian treasury. Consequently the committee have recommended the plan which appears in this amendment.

Mr. STONE. One other question. The Senator may have answered it. I was out of the Chamber for a few minutes, and the matter about which I inquire may have been answered already. Is it not a fact that the convention now in session in Oklahoma has provided for a committee to confer with the Indians with a view to the purchase of these lands by the State of Oklahoma?

Mr. CLARK of Wyoming. It has. I think I have also that memorial, which was presented here by me on January 16. It is a memorial passed by the constitutional convention of the proposed State of Oklahoma. [A pause.] No; this is not it. I have not the memorial with me. But, as I understand, there was a resolution passed by the constitutional convention providing for a committee to investigate the question of these coal lands, with a view to reporting to their first legislature as to the advisability and possibility of the State of Oklahoma acquiring these lands by purchase from the Indians, to be used as a basis for a school fund or for other matters. I thought I had the memorial with me, but I see this one is relative to another matter.

Mr. TILLMAN. In view of the importance of this matter, and in view of the fact that it has been brought to the attention of the Senate recently that the railroads and capitalists have monopolized the coal fields and have already a monopoly of the anthracite field and a large portion of the bituminous field, I feel that I must insist on the point of order and wait until Oklahoma's representatives get a chance to come here and speak. No harm will be done by waiting six months or a year.

Mr. CLARK of Wyoming. I will say to the Senator, in leaving the subject, that one motive that the committee had in mind——

Mr. TILLMAN. I am not impugning the motive of anybody.

Mr. CLARK of Wyoming. No; that is not it. The Senator will hear me for a moment.

Mr. CLAPP (to Mr. CLARK of Wyoming). Use the word "reason" instead of "motive."

Mr. CLARK of Wyoming. I will accept the suggestion. One reason why the committee make this recommendation for the disposition of the surface of the land in tracts of not more than 160 acres was to prevent fastening upon the new State the possibility of monopoly in the lands in that locality. Here are 500,000 acres of this land in the open, not subject to allotment to the individual Indian. The committee believed that unless some step was taken now the entering wedge would be made between now and the next session of Congress whereby a monopoly would be created and enter upon the purchase and possession of those lands.

Mr. TILLMAN. If the Senator can indicate how a monopoly can work when there is no law under which anything can be done, I should like to hear it.

Mr. CLARK of Wyoming. A monopoly sometimes begins to work unknown to anyone.

Mr. TILLMAN. I am willing myself to wait until Oklahoma has two Senators here and Representatives in the other end of the Capitol who come from the field and know all about it and are more interested than anybody else. In view of the fact that last spring it was brought out that coal within 150 miles of these very coal fields was being sold at $8 a ton, by reason of the manipulations and monopolies and one thing or another in vogue out there, I insist upon the point of order.

Mr. CLARK of Wyoming. I am perfectly content, and I shall only hope that the wish of the Senator from South Carolina to avoid monopoly will not be defeated by the rejection of this amendment.

The VICE-PRESIDENT. The Chair sustains the point of order. The next passed-over amendment will be stated.

The SECRETARY. On page 45, after line 16, it is proposed to insert:

That in addition to the towns heretofore segregated, surveyed, and scheduled in accordance with law the Secretary of the Interior may segregate and survey, within that part of the Choctaw and Chickasaw nations, Indian Territory, heretofore segregated as coal and asphalt land, such other towns as are now in existence or which he may deem it desirable to establish. He shall cause the surface of the lots in such towns to be appraised, scheduled, and sold at the rates, on the terms, and with the same character of estate as is provided in section 29 of the act of Congress approved June 28, 1898 (30 Stat. L., p. 495), under regulations to be prescribed by him: *Provided further*, That the provisions of section 13 of the act of Congress approved April 26, 1906 (34 Stat. L., p. 137), shall not apply to town lots: *And provided further*, That the Secretary of the Interior may, in his discretion, cause the lots in any town within the boundaries of the Five Civilized Tribes to be reappraised as of the date of the original appraisement made by the Choctaw town-site commission, that payments already made on lots therein shall be credited on the basis of the reappraisement, and that payments not heretofore made on installments due or past due under the original appraisement shall be superseded by the amounts fixed under the new appraisement, and payments shall begin and date from thirty days after the service of notice of the appraisement: *And provided further*, That the Secretary of the Interior may also survey, appraise, and sell as town lots areas heretofore segregated as additions to towns within the boundaries of any of the Five Civilized Tribes, but which have not heretofore been surveyed, appraised, or sold, the manner of scheduling and the rates at which sold to conform to existing law concerning those subjects in the respective nations; and the sum of $15,000, to be immediately available, is hereby appropriated for the expenses incident to the completion of the town-site work.

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

Mr. STONE. Mr. President, while I was necessarily absent from the Chamber an amendment on page 37, relating to elections, was taken up and agreed to. Is that correct?

The VICE-PRESIDENT. It was agreed to.

Mr. STONE. I do not think I want to make a point of order against the amendment, but I should like to call the attention of the Senate to the fact that there are some rather vigorous protests against this clause, coming from the Indian Territory to me at least. I am not sure but that they are well founded.

Mr. LONG. Mr. President——

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

Mr. STONE. I do.

Mr. LONG. I myself have heard no objections to this provision from the Indian Territory. I should like to have the Senator state what the objections are that are made to it.

Mr. STONE. I will ask the Secretary to read a short statement from the Morning Democrat, of Ardmore, which expresses very well the objections against this provision that have been sent to me in letters and telegrams.

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

The Secretary read as follows:

[From the Ardmore, Ind. T., Morning Democrat, January 29, 1907.]

In order to defeat the wishes of the people and fasten themselves upon an unwilling public, an organization of municipal officeholders has been perfected in Oklahoma and Indian Territory and have hired attorneys lobbying a bill through Congress to continue them in office until 1908, and longer if the constitution should be defeated or turned down by the President. Below we reproduce a letter and a copy of the bill sent Chief of Police Buck Garrett. Judge Galt and Chief Garrett are the only Ardmore officials seen by the Democrat on the subject, and they are in favor of an election and say they do not want office except by the votes of the Democratic party and the people who know their records as officials:

"MUSCOGEE, IND. T., *January 22, 1907.*

"DEAR SIR: We are desirous of having the inclosed provision inserted in some bill now before Congress, so that those now holding city offices in Indian Territory may hold over until the election under the constitution of the State of Oklahoma.

"It will be necessary to have help from other towns to meet the expense of paying the fees of the attorneys already employed and now in Washington working on this matter. The larger cities should bear most of this expense. A bill containing the inclosed provision has been introduced and referred to the Committee on the Territories. We must watch it and not let it die in the committee room.

"We feel that your town should help defray the expense in this matter to the amount of $25. It is requested that you make the collection and remit this sum at once to

"J. B. CAMPBELL,
"City Recorder, Muscogee, Ind. T."

Mr. STONE. I can not see why there could not be an election in the spring and let the people of the towns select their own officers, instead of continuing by a legislative act those who are now in the possession of the offices.

Mr. LONG. Is the Senator aware of the fact that legislation similar to this was enacted last year as to county officers in Oklahoma, in order to avoid the expense of an election there, when the constitutional convention was about to be held? This amendment will be only operative if a constitution is adopted. If the constitution should for any reason fail, then the successors to the officers can be elected.

Mr. STONE. Elected when? At the next regular election as provided by law?

Mr. LONG. They are to hold until their successors are duly elected and qualified.

Mr. STONE. But they can not be duly elected and qualified until the time shall come for a regular election under the law. If for any reason the constitution should fail and the State should not be admitted, the persons now in office would continue to exercise the functions of their offices under the operation of this provision without any reference to the wishes of the people themselves.

Mr. LONG. I think it is not open to that construction, but can not the Senator suggest an amendment that will make more definite that provision?

Mr. STONE. The only amendment I could suggest would be to eliminate it, to take it out, and let the officers be elected this spring.

Mr. LONG. The election for the approval or rejection of the constitution will be held sometime this spring, shortly after the city officers are to be elected.

The constitution, if adopted, will go into force by the middle of the summer, and then municipal officers and county officers must be elected. This will require two elections for municipal officers within the next six months if this amendment is not adopted.

Mr. STONE. I move to reconsider the vote by which the amendment was agreed to. We will then see what is the sense of the Senate in regard to it.

The motion to reconsider was agreed to.

Mr. TILLMAN. I do not want to interfere, but I wish to call the attention of the Senator from Missouri to line 16. There is a direct and positive statement or prohibition here:

That no election for city, town, or municipal officers authorized by the laws now in force in the Indian Territory shall be held under and in pursuance of said laws in the year 1907.

That forbids any election to be held. If the constitutional convention should want to change the condition and provide for an election all along the line for county officers, municipal officers, and everything else when the new constitution goes into effect, why should they not do it?

Mr. LONG. It is to avoid the expense of an election in April of this year, when the constitution will possibly be voted upon and approved a month or two later, and then the officers provided for under that constitution will be elected. It is to avoid the expense of two elections for city officers within the next few months that this amendment has been reported.

Mr. STONE. There is no doubt of the purpose the committee had in view.

Mr. TILLMAN. Nobody is impugning the motive of the committee or saying anything about that. It is just a question as

to whether, after the statement read from the desk of this lobby of municipal officeholders, and all that, we will allow them to hold over until year after next or not.

Mr. STONE. As a member of the committee supporting the bill, I do not feel disposed to make any point of order against the amendment.

Mr. BERRY. Will the Senator from Missouri yield to me?

Mr. STONE. Certainly.

Mr. BERRY. I make the point of order against it that it is legislation and not in order.

The VICE-PRESIDENT. The Chair is of opinion that the amendment is in contravention of the rule, and sustains the point of order. The next amendment passed over will be read.

The SECRETARY. The next amendment of the Committee on Indian Affairs passed over is on page 48 of the bill, beginning at line 5, and reads as follows:

That the Secretary of the Interior is hereby authorized and directed to transfer from the freedman roll to the roll of citizens by blood of the Choctaw and Chickasaw nations the name of any person who is of Choctaw or Chickasaw Indian blood on the side of either parent, as appears from the examination records prepared by the Commission to the Five Civilized Tribes under the act approved June 28, 1898, or any tribal roll, or any field card prepared by the Commission or the Commissioner to the Five Civilized Tribes, and other evidence shall be taken only in cases where the identity or Indian blood of such person is denied by the tribal authorities.

Mr. TILLMAN. Mr. President, I make the point of order on the amendment.

Mr. McCUMBER. Mr. President, I do not know whether a point of order is to be made upon this amendment, but——

Mr. TILLMAN. I have just made it.

Mr. McCUMBER. If the Senator wants to have the amendment discussed it is a question that may require considerable discussion.

Mr. TILLMAN. I would prefer not to discuss it. I certainly am getting very tired of this Indian appropriation bill and would like to get through with it. Where a point of order will clearly lie I do not see why we should discuss it.

Mr. McCUMBER. I am not certain that the point of order will lie against it.

Mr. TILLMAN. Let the Chair rule, and if he says it does not then we will discuss it on its merits.

Mr. McCUMBER. My question was directed to the Senator in charge of the bill, and I was about to suggest to him if there is going to be any discussion on this amendment he allow it to go over until to-morrow.

Mr. CLAPP. I presume the Senator from South Carolina is going to press his point of order, and if he is going to do that we may as well dispose of it now as at any other time.

Mr. TILLMAN. I make the point of order, Mr. President, and I should like to have the ruling of the Chair.

Mr. BERRY. That it is general legislation.

Mr. TILLMAN. That it is general legislation. It changes existing law.

The VICE-PRESIDENT. The Chair sustains the point of order. The next amendment passed over will be stated.

The SECRETARY. On page 48, beginning at line 17, the Committee on Indian Affairs reported to insert the following:

That Laura Secondine and William Brown and David Muskrat, and others, Cherokee citizens, who have brought three several suits in the supreme court of the District of Columbia, which are now pending there, to test the validity of certain acts of Congress affecting the allotment of the lands and the distribution of the tribal funds and other property of the Cherokee Nation, or restricting the right of alienation or other disposition of lands allotted to them and other Cherokee citizens, be, and they are hereby, authorized and empowered to institute their several suits in the Court of Claims to question the validity of said acts, making the United States defendant thereto, which said suits shall be prosecuted by them for and on behalf of all Cherokee citizens entitled to the allotment of lands and the distribution of funds under the act of July 1, 1902, entitled "An act to provide for the allotment of lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes."

And jurisdiction is hereby conferred upon the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, to hear, determine, and adjudicate each of said actions; and said court shall not be limited to the consideration of questions as now presented in the said suits filed in the District of Columbia, but shall consider all questions which may be presented in said suits affecting the validity of said acts.

All suits brought hereunder shall be brought within ninety days from the date of the approval of this act; and for the speedy disposition of the questions involved, preference shall be given to the same in said courts and by the Attorney-General, who is charged with the defense of said suits.

Upon the rendition of final judgment in any of said cases, the Court of Claims shall determine the amount to be paid the attorneys employed in the prosecution thereof for services and expenses, and shall render judgment therefor in their behalf, which shall be paid out of the funds in the United States Treasury belonging to the beneficiaries under the said act of July 1, 1902.

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

Mr. KEAN. I think it is general legislation.

Mr. CLARK of Wyoming. I see indications that the Senator from New Jersey is going to interpose a point of order. I should like to make a statement before that is done.

Mr. KEAN. Certainly; I withhold the point of order.

Mr. CLARK of Wyoming. Mr. President, by way of explanation I will say that this amendment could perhaps if adopted go a long way toward settling some of the vexed questions of law about which we have been having some difficulty within the last two or three days, to wit, the constitutionality of the McCumber amendment and certain other provisions of the law which we passed to which the McCumber amendment was attached.

Laura Secondine, William Brown, David Muskrat, and others, brought three suits which are now pending in the District of Columbia, testing the validity of these acts. To these suits demurrers were interposed by the Government of the United States. The condition of those suits now is that by stipulation further action is delayed until Congress shall have an opportunity to act upon this proposition. If this matter be referred to the Court of Claims, with instructions for speedy action and with opportunity for appeal to the Supreme Court of the United States, it is more than likely that very early action will be had upon those legal propositions.

In that view of the case, I think perhaps that while the amendment might be subject to a point of order as intimated, the benefit to be derived from it would so far outweigh that it ought to remain in the bill, and the suits proceed along the line of this amendment.

Mr. McCUMBER. Will the Senator state wherein the amendment, which he designates as the McCumber amendment, will be questioned in this proceeding? How can it possibly arise in the three cases referred to?

Mr. CLARK of Wyoming. It arises in the Laura Secondine case, as I remember it, by reason of the fact that she is upon the full-blood roll. There are two questions in her case. The petition in the case is directed against the McCumber amendment, by which her right to alienate was thrown over twenty-five years. Just the particular point in each of the three cases I am unable to state. It is all in the memorial which was presented by the Senator from Kansas [Mr. LONG]. All of the cases go to the particular point we have had so much difficulty about, and which I should be glad to have settled.

The VICE-PRESIDENT. Does the Senator from New Jersey insist upon his point of order?

Mr. KEAN. He does not.

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

The amendment was agreed to.

The VICE-PRESIDENT. The next amendment passed over will be stated.

The SECRETARY. On page 47 of the bill——

Mr. LODGE. Did the Secretary read the amendment on page 50?

The VICE-PRESIDENT. The amendment about to be read is one that was offered on the floor. It does not appear in the printed bill. The amendment will be read.

The SECRETARY. On page 47 the Senator from Minnesota [Mr. CLAPP] proposed an amendment to come in after line 18. It reads as follows:

That all restrictions as to the sale and incumbrance of the southeast quarter of the northwest quarter of section 13, township 11, range 9 east, in the Indian Territory, the same being the homestead heretofore allotted to Nocus Fixico, Creek allottee No. 603, are hereby removed.

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

Mr. LONG. Mr. President, as I remember, the senior Senator from Wisconsin [Mr. SPOONER] made a point of order against this amendment, and in the light of his very interesting and instructive remarks this afternoon I call his attention to it.

Mr. SPOONER. I do not know whether my remarks were interesting; I can not imagine that they were instructive, and I do not know what point of order the Senator refers to.

Mr. LONG. The point of order in which it is proposed to remove the restrictions on the homestead of an Indian in the Indian Territory by special legislation.

Mr. SPOONER. Unless there is some explanation of it, I make the point of order against it.

Mr. CLAPP. Mr. President, the only explanation is that last year this was on the bill and the name was misspelled. It is simply for the purpose of making that correction that I made the formal offer of the amendment.

Mr. SPOONER. I have received a letter this afternoon from, I think, the husband of the lady who bought the land of the Indian. It is now a part of a town site. The Indian was paid a couple of thousand dollars or thereabouts for it. It is said

by her husband that that was enough and that the Indian got the money. Of course that is not an entirely disinterested source of information. He wants his wife's title perfected, and that is the object of this legislation.

I think Congress ought to be very careful about removing restrictions, especially about removing restrictions on homesteads; but it may be in truth that this matter ought to be corrected. I really do not know enough about it to say whether it should be done or not; and in order that it may be investigated a little further I will make the point of order. Time will not hurt it any.

Mr. CULBERSON. Mr. President——

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

Mr. SPOONER. Certainly.

Mr. CULBERSON. The Senator from Minnesota stated that this same provision was in the bill of last year. I do not know whether he meant to imply that it was passed in the bill and became a law.

Mr. SPOONER. The name was wrong in the last bill.

Mr. CLAPP. It was spelled "N-o-c-o-s," when it should be "N-o-c-u-s."

Mr. CULBERSON. This is merely to correct a previous law already existing?

Mr. CLAPP. Yes; and under that law they sold the land. When they came to look the matter up they found the deed in this name, and some one down there sent it up here for correction.

Mr. SPOONER. Congress attempted to do it and failed.

Mr. CLAPP. I simply introduced the amendment to make the correction.

The VICE-PRESIDENT. Does the Senator from Wisconsin insist upon his point of order?

Mr. SPOONER. The Chair puts that question to me in rather a peculiar tone of voice, and I do not know but that I ought to withdraw it. I withdraw the point of order.

The VICE-PRESIDENT. The point of order is withdrawn. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CLARK of Wyoming. I desire to ask the chairman of the committee a question. I have understood that, with the exception of this case, which is a mere correction, there is no individual restriction to be removed by this bill.

Mr. CLAPP. There is one restriction which the Department recommended and which we adopted the other day.

Mr. CLARK of Wyoming. I asked the question because I have replied to certain people who have written to me asking me to propose amendments that I thought it was inadvisable to propose them; that I did not think those things ought to be put on a general appropriation bill.

Mr. CLAPP. That has been the attitude of the chairman personally as to such applications, and he has not favored any special restriction by individual name.

The VICE-PRESIDENT. The next amendment passed over will be stated.

The SECRETARY. The next amendment passed over begins on line 5, page 50, and reads as follows:

That David Muskrat, Frank J. Boudinot, and J. Henry Dick, the executive committee of the Eastern Cherokees, through attorneys employed by them, shall have the right on behalf of the Eastern Cherokees to bring a suit in the Court of Claims and prosecute on behalf of said Eastern Cherokees their claim, if any they have, against the United States for money alleged by them to have been erroneously paid to the attorneys for the Cherokee Nation out of a fund of the Eastern Cherokees, the same being the fund created by appropriation made by act of Congress approved June 30, 1906, to pay the judgment of the Court of Claims, rendered May 28, 1906, in the consolidated cases of the Cherokee Nation, the Eastern Cherokees, and the Eastern and Emigrant Cherokees against the United States, numbered, respectively, 23199, 23214, and 23212, and either the said executive committee, on behalf of the Eastern Cherokees, or the United States shall have the right to appeal to the Supreme Court of the United States from any judgment rendered by the Court of Claims in said suit. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, any judgment which may be rendered in favor of the said Eastern Cherokees in said suit.

Said suit shall be filed within thirty days from the date of the passage of this act, and shall be prosecuted on behalf of the Eastern Cherokees in the name of their executive committee, as aforesaid, through attorneys employed by them, the compensation for expenses and services rendered in relation to said claim by the said attorneys to be fixed by the Court of Claims upon the termination of said suit.

Mr. WARNER. Mr. President, I interpose a point of order as to that amendment, first, that it is a private claim and that it is also obnoxious to the fourth subdivision of Rule XVI, which says that "No amendment * * * shall be received to any general appropriation bill unless it be to carry out the provisions of an existing law or a treaty stipulation."

The VICE-PRESIDENT. The Chair sustains the point of order. The next amendment passed over will be stated.

The SECRETARY. The next amendment passed over is on page 51, beginning with line 13, and reads as follows:

That the Court of Claims is hereby authorized and empowered in the suit involving the claim of the intermarried white persons in the Cherokee Nation to share in the common property of the Cherokee people, and to be enrolled for such purpose (being Nos. 419, 420, 421, and 422 on the United States Supreme Court docket for October term, 1905) to hear and report to Congress its findings of fact as to the amount which should be paid the attorney and counsel of record for the Cherokee Indians by blood in said suit, in reimbursement of necessary expenses incurred in such proceedings and as reasonable compensation for services rendered in said proceedings, said compensation not to exceed 10 per cent of the values in land and money saved to said Cherokee Indians, said values to be determined by said court. Such court shall further designate the persons, class, or body of persons by whom such payment should equitably be made, and the fund or funds held by the United States out of which the same shall be paid, and enter a decree for the amount so found.

Mr. KEAN. I think from the vote of the Senate this afternoon that amendment had better go out on a point of order.

The VICE-PRESIDENT. The Senator from New Jersey raises a point of order against the amendment which has been read. The Chair sustains the point of order. The next amendment passed over will be stated.

The SECRETARY. The next amendment passed over is on page 52, beginning with line 10.

Mr. CLAPP. That has gone out.

The VICE-PRESIDENT. That went out on a point of order raised by the Senator from Maine [Mr. HALE]. The next amendment passed over will be stated.

The SECRETARY. The next amendment passed over begins on page 70, beginning with line 20. It reads as follows——

Mr. CARTER. It has been read.

Mr. LODGE. That amendment has been read, and I withheld the point of order on it which I will not make. I offer an amendment to the amendment.

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

The SECRETARY. Strike out all after the word "That," in line 15, page 71, down to and including the word "thereto," in line 19, and insert:

The Indians, and the settlers on the surplus land, in the order named, shall have a preference right for one year from the date of the President's proclamation opening the reservation to settlement to appropriate the waters of the reservation, which shall be filed on and appropriated under the laws of the State of Montana by the Commissioner of Indian Affairs on behalf of the Indians taking irrigable allotments and by the settlers under the same law. At the expiration of the one year aforesaid the irrigation system constructed and to be constructed shall be operated under the laws of the State of Montana, and the title to such systems as may be constructed under this act.

Mr. CLARK of Montana. Mr. President, I have no objection to the amendment offered by the Senator from Massachusetts. My colleague will propose an amendment to it.

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

The amendment to the amendment was agreed to.

Mr. CARTER. I offer an amendment to make it conform to the rule of appropriations for reclamation.

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

The SECRETARY. On page 72, line 9, after the word "aforesaid," the last word in the line, insert:

Provided, That the right to the use of water acquired under the provisions of this act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment passed over was, on page 70, to insert after line 19 the following:

That the Secretary of the Interior is hereby authorized and directed to immediately cause to be surveyed all of the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana.

That so soon as all the lands embraced within the said Blackfeet Indian Reservation shall have been surveyed the Commissioner of Indian Affairs shall cause allotments of the same to be made under the provisions of the allotment laws of the United States to all persons having tribal rights or holding tribal relations and who may rightfully belong on said reservation. That there shall be allotted to each member 40 acres of irrigable land and 280 acres of additional land valuable only for grazing purposes; or, at the option of the allottee, the entire 320 acres may be taken in land valuable only for grazing purposes, respectively, and for constructing irrigating systems to irrigate the aforesaid allotted lands, $300,000, $100,000 of which shall be immediately available, the cost of said entire work to be reimbursed from the proceeds of the sale of the lands within said reservation: *Provided*, That such irrigation system shall be constructed and completed, and held and operated, and water therefor appropriated under the laws of the State of Montana, and the title thereto, until otherwise provided by law, shall be in the Secretary of the Interior in trust for the said Indians, and he may sue and be sued in matters relating thereto: *And provided further*, That the ditches and canals of such irrigation systems may be used, extended, or enlarged for the purpose of conveying water by any person, association, or corporation under and upon compliance

with the provisions of the laws of the State of Montana: *And provided further*, That when said irrigation systems are in successful operation the cost of operating the same shall be equitably apportioned upon the lands irrigated, and, when the Indians have become self-supporting, to the annual charge shall be added an amount sufficient to pay back into the Treasury the cost of the work done in their behalf within thirty years, suitable deduction being made for the amounts received from the disposal of the lands within the reservation aforesaid: *Provided further*, That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved so long as needed and so long as agency, school, or religious institutions are maintained thereon for the benefit of the Indians, not exceeding 280 acres to any one religious society; also such tract or tracts of timber lands as he may deem expedient for the use and benefit of the Indians of said reservation in common; but such reserved lands, or any part thereof, may be disposed of from time to time in such manner as the said Secretary may determine: *Provided*, That there is hereby granted 280 acres each to the Holy Family Mission on Two Medicine Creek and the mission of the Methodist Episcopal Church near Browning, to be selected by the authorities of said missions, respectively, embracing the mission buildings and improvements thereon.

That upon the completion of said allotments the President of the United States shall appoint a commission consisting of three persons to inspect, appraise, and value all of the said lands that shall not have been allotted in severalty to said Indians or reserved by the Secretary of the Interior or otherwise disposed of, said commission to be constituted as follows: One commissioner shall be a person holding tribal relations with said Indians, one representative of the Indian Bureau, and one resident citizen of the State of Montana.

That within thirty days after their appointment said commissioners shall meet at some point within the Blackfeet Indian Reservation and organize by the election of one of their number as chairman. Said commission is hereby empowered to select a clerk at a salary of not to exceed $5 per day.

That said commissioners shall then proceed to personally inspect and classify and appraise, by the smallest legal subdivisions of 40 acres each, all of the remaining lands embraced within said reservation. In making such classification and appraisement said lands shall be divided into the following classes: First, agricultural land of the first class; second, agricultural land of the second class; third, grazing land; fourth, timber land; fifth, mineral land, the mineral land not to be appraised.

That said commissioners shall be paid a salary of not to exceed $10 per day each while actually employed in the inspection and classification of said lands; such inspection and classification to be completed within nine months from the date of the organization of said commission.

That when said commission shall have completed the classification and appraisement of all of said lands and the same shall have been approved by the Secretary of the Interior, the lands shall be disposed of under the general provisions of the homestead, mineral, and town-site laws of the United States, except such of said lands as shall have been classified as timber lands, and except such sections 16 and 36 of each township, or any part thereof, for which the State of Montana has not heretofore received indemnity lands under existing laws, which sections, or parts thereof, are hereby granted to the State of Montana for school purposes. And in case either of said sections or parts thereof is lost to the State of Montana by reason of allotment thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized to select other lands not occupied or reserved within said reservation, not exceeding two sections in any one township, which selections shall be made prior to the opening of the lands to settlement: *Provided*, That the United States shall pay to the said Indians for the lands in said sections 16 and 36, so granted, or the lands within said reservation selected in lieu thereof, the sum of $1.25 per acre.

That the lands so classified and appraised shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation, until after the expiration of sixty days from the time when the same are opened to settlement and entry: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and the Spanish wars and the Philippine insurrection, as defined and described in sections 2304 and 2305 of the Revised Statutes, as amended by the act of March 1, 1901, shall not be abridged, but no entry shall be allowed under section 2306 of the Revised Statutes: *Provided further*, That the price of said lands shall be the appraised value thereof, as fixed by said commission, which in no case shall be less than $1.25 per acre for agricultural and grazing lands and $5 per acre for timber lands; but settlers under the homestead law who shall reside upon and cultivate the land entered in good faith for the period required by existing law shall pay one-fifth of the appraised value in cash at the time of entry and the remainder in five equal annual installments, to be paid in one, two, three, four, and five years, respectively, from and after the date of entry, and when the entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence, and shall have made all the required payments aforesaid, he shall be entitled to a patent for the lands entered: *Provided*, That he shall make his final proofs in accordance with the homestead laws within seven years from date of entry, and that aliens who have declared their intention to become citizens of the United States may become such entrymen, but before making final proof and receiving patent they must receive their full naturalization papers: *And provided further*, That the fees and commissions at the time of commutation or final entry shall be the same as are now provided by law where the price of land is $1.25 per acre: *Provided*, That if any entryman fails to make such payments, or any of them, within the time stated, or to make final proof within seven years from date of entry, all rights in and to the land covered by his entry shall at once cease, and any payments theretofore made shall be forfeited and the entry shall be forfeited and canceled: *Provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section 2301, Revised Statutes, by paying for the land entered the price fixed by said commission, receiving credit for payments previously made.

That if, after the approval of the classification and appraisement, as provided herein, there shall be found lands within the limits of the reservation under irrigation projects deemed practicable under the provisions of the act of Congress approved June 17, 1902, known as the reclamation act, said lands shall be subject to withdrawal and be disposed of under the provisions of said act, and settlers shall pay, in addition to the cost of construction and maintenance provided therein, the appraised value, as provided in this act, to the proper officers, to be covered into the Treasury of the United States to the credit of the Indians: *Provided, however*, That all lands hereby opened to settlement remaining undisposed of at the end of five years from the taking effect of this act shall be sold to the highest bidder for cash, at not less than $1.25 per acre, under rules and regulations prescribed by the Secretary of the Interior; and any lands remaining unsold ten years after said lands shall have been opened to entry shall be sold to the highest bidder, for cash, without regard to the minimum limit above stated: *Provided*, That not more than 640 acres of land shall be sold to any one person or company.

That the lands within said reservation not already previously entered, whether classified as agricultural, grazing, timber, or mineral lands, shall be subject to exploration, location, and purchase under the general provisions of the United States mineral and coal land laws, at the prices therein fixed, except that no mineral or coal exploration, location, or purchase shall be permitted upon any lands allotted to an Indian.

That lands classified and returned by said commission as timber lands shall be sold and disposed of by the Secretary of the Interior, under sealed bids to the highest bidder for cash at not less than $5 per acre, under such rules and regulations as he may prescribe: *Provided*, That the said timber lands shall be sold in tracts not exceeding 40 acres, with preference right of purchase to actual settlers, including Indian allottees residing in the vicinity, at the highest bid.

That after deducting the expenses of the commission of classification, appraisement, and sale of lands, and such other incidental expenses as shall have been necessarily incurred, including the cost of survey of said lands, the balance realized from the proceeds of the sale of the lands in conformity with this act shall be paid into the Treasury of the United States and placed to the credit of said Indian tribe. Not exceeding one-third of the total amount thus deposited in the Treasury, together with one-third of the amount of the principal of all other funds now placed to the credit of or which is due said tribe of Indians from all sources, shall be expended from time to time by the Secretary of the Interior as he may deem advisable for the benefit of said Indians, in the construction and maintenance of irrigation ditches, the purchase of stock cattle, horses, and farming implements, and in their education and civilization. The remainder of all funds deposited in the Treasury, realized from such sale of lands herein authorized, together with the remainder of all other funds now placed to the credit of or that shall hereafter become due to said tribe of Indians, shall, upon the date of the approval by the Secretary of the Interior of the allotments of land authorized by this act, be allotted in severalty to the members of the tribe, the persons entitled to share as members in such distribution to be determined by said Secretary; the funds thus allotted and apportioned shall be placed to the credit of such individuals upon the books of the United States Treasury for the benefit of such allottees, their legatees, or heirs. The President may, by Executive order, from time to time order the distribution and payment of such funds or the interest accruing therefrom to such individual members of the tribe as in his judgment would be for the best interests of such individuals to have such distribution made, under such rules and regulations as he may prescribe therefor: *Provided*, That so long as the United States shall hold the funds as trustee for any member of the tribe the Indian beneficiary shall be paid interest thereon annually at the rate of 4 per cent per annum.

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $65,000, or so much thereof as may be necessary, to pay for the lands granted to the State of Montana and for lands reserved for agency and school purposes, at the rate of $1.25 per acre; also the sum of $75,000, or so much thereof as may be necessary, to enable the Secretary of the Interior to survey, classify, and appraise the lands of said reservation as provided herein, and also to defray the expense of the appraisement and survey of said town sites, the latter sums to be reimbursable out of the funds arising from the sale of said lands.

That nothing in this act contained shall in any manner bind the United States to purchase any part of the land herein described, except sections 16 and 36, or the equivalent in each township that may be granted to the State of Montana, the reserved tracts hereinbefore mentioned for agency and school purposes, or to dispose of said land except as provided herein, or to guarantee to find purchasers for said lands or any part thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received.

That the Secretary of the Interior is hereby authorized and directed to reserve and set aside for town-site purposes, and to survey, lay out, and plat into town lots, streets, alleys, and parks, not less than 80 acres of said land at or near the present settlements of Browning and Babb, and each of such other places as the Secretary of the Interior may deem necessary or convenient for town sites, in such manner as will best subserve the present needs and the reasonable prospective growth of said settlements. Such town sites shall be surveyed, appraised, and disposed of as provided in section 2381 of the United States Revised Statutes: *Provided*, That any person who, at the date when the appraisers commence their work upon the land, shall be an actual resident upon any one such lot and the owner of substantial and permanent improvements thereon, and who shall maintain his or her residence and improvements on such lot to the date of his or her application to enter, shall be entitled to enter at any time prior to the day fixed for the public sale, and at the appraised value thereof, such lot and any one additional lot of which he or she may also be in possession and upon which he or she may have substantial and permanent improvements: *Provided further*, That before making entry of any such lot or lots the applicant shall make proof to the satisfaction of the register and receiver of the land district in which the land lies of such residence, possession, and ownership of improvements, under such regulations as to time, notice, manner, and character of proof as may be prescribed by the Commissioner of the General Land Office, with the approval of the Secretary of the Interior: *Provided further*, That in making their appraisal of the lots so surveyed it shall be the duty of the appraisers to ascertain the names of the residents upon and occupants of any such lots, the character and extent of the improvements thereon, and the name of the reputed owner thereof, and to report their findings in connection with their report of appraisal, which report of findings shall be taken as prima facie evidence of the facts therein set out. All such lots not so entered prior to the day fixed for the public sale shall be offered at public outcry in their regular order with the other unimproved and unoccupied lots: *Provided, however*,

That no lot shall be sold for less than $10: *And provided further*, That said lots when surveyed shall approximate 50 by 150 feet in size.

The amendment was agreed to.

The next amendment passed over was, on page 83, after line 9, to insert:

That all claims of whatsoever nature which the Omaha tribe of Indians may have or claim to have against the United States shall be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for determination of the amount due said Omaha tribe from the United States under any treaties or laws of Congress or the unexecuted stipulations of any treaties, or for the misappropriation of any of the funds of said Omaha tribe, or for the failure of the United States to pay said Omaha tribe any money due; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine all claims of said Omaha tribe against the United States and to enter judgment thereon, and to enter judgment in favor of the attorneys of said Indians for proper attorneys' fees, which said award shall be paid by a separate warrant. The Court of Claims shall advance said cause upon the docket. If any question is submitted to said court, it shall settle the rights, both legal and equitable, of both the Omaha tribe of Indians and the United States, notwithstanding lapse of time or statutes of limitations, and the final judgment and satisfaction thereof in said cause shall be deemed a final settlement of all claims of said Omaha Indians against the United States. Such action in the Court of Claims shall be presented by a single petition, subject, however, to amendment, to be filed within one year after the passage of said act, and such action shall make the Omaha tribe of Indians party plaintiff and the United States party defendent, and shall set forth all the facts on which the Omaha tribe of Indians bases its claim for recovery; and the said petition may be verified by the attorney employed by the said Omaha Indians, under the contract filed in the Indian Office on the 4th day of March, 1898, and reported upon to the Secretary of the Interior on the 1st day of May, 1901, upon information and belief as to the existence of such facts, and no other statements or verifications shall be necessary. Official letters, papers, reports, documents, and public records, or certified copies thereof, may be used in evidence: *Provided*, That the Secretary of the Interior shall furnish to the attorney or attorneys of the Omaha tribe of Indians copies of such treaties, papers, correspondence, and records as may be called for by said attorneys of the Omaha tribe of Indians.

Mr. KEAN. That amendment is evidently of the same class of legislation which we have been ruling out all day, and I make the point of order against it.

Mr. CLAPP. I will ask the Senator to withhold his point of order for a moment.

Mr. KEAN. Certainly.

Mr. CLAPP. The question of the Confederated Utes is to come up, and as both of the Senators from Nebraska are temporarily out of the Chamber and we can take this question up later, I suggest that the Senator from New Jersey withhold the point of order.

Mr. KEAN. Certainly, I will withhold the point of order.

Mr. LODGE. What is the amendment referred to?

Mr. KEAN. The amendment in regard to the Confederated Utes.

The VICE-PRESIDENT. The Senator from New Jersey [Mr. KEAN] withholds the point of order, and the amendment will be passed over for the present.

The next amendment passed over was, on page 98, after line 4, to insert:

That there be, and is hereby, appropriated out of any money in the Treasury not otherwise appropriated, the sum of $215,239, the same being the difference between 32½ cents per acre heretofore paid to the Mexican Kickapoo Indians in the Territory of Oklahoma and the amount realized by the United States for their surplus land in Oklahoma, the said sum to be paid by the Secretary of the Treasury to Pah ke tah and Martin J. Bentley, the authorized representatives of said Indians, through any national bank by them designated; the said sum to be immediately available and the indorsements of the warrant issued in payment thereof to be deemed to be a receipt in full for all claims of every kind whatsoever of the said Mexican Kickapoo Indians against the United States, and said payment shall be considered and deemed a final settlement of all claims of every kind whatsoever of said Indians against the United States.

That the Attorney-General of the United States be, and he hereby is, authorized and directed to immediately investigate any and all conveyances purporting to have been executed and acknowledged in the Republic of Mexico or elsewhere, of lands situated in Oklahoma and heretofore allotted to Mexican Kickapoo Indians now nonresident in the United States, and if the said conveyances or any of them appear to have been procured by fraud or fraudulently executed, he shall, by his assistant specially employed, appear and defray the costs of proceedings in the proper courts on behalf of said Indians and their trustees to cancel and to set aside said conveyances and to clear the title of said Indians and their trustees to said land from any and all cloud thereon, the result of such fraudulent conveyances. He is further directed to prosecute in the proper courts any and all parties to said frauds, and he is authorized to employ for said purposes some suitable attorney as his assistant who has the confidence of said Indians. For said purposes and the payment of costs in suits to set aside said fraudulent conveyances there be, and hereby is, appropriated out of any money in the Treasury not otherwise appropriated, the sum of $25,000, the same to be immediately available.

Mr. ALDRICH. That is a very complicated provision, and clearly subject to the point of order. It appropriates $25,000 out of the Treasury, an appropriation for which there is no estimate. I make the point of order against it, in order to save the time of the Senate.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. SPOONER. There is one provision of the amendment which, if I am correctly informed, ought to be permitted to remain in the bill. I have read the report from one of the American consuls in Mexico, an official, which showed that there had been very bad treatment of the Indians over there by certain parties claiming to represent the United States Government. That is a matter which ought to be looked into. I have been told that some of those Indians were induced to sign, without knowing anything about what they were signing, a large number of deeds, which have been recorded, to land in this country belonging to the Indians.

Mr. CLARK of Wyoming. I will say to the Senator that a large number of those which appear to be signed it is claimed were not signed.

Mr. SPOONER. Yes; I say a large number of deeds have been recorded which appear to have been signed by the Indians which it is claimed were not signed at all, and I think there ought to be an investigation of it.

Mr. LONG. Mr. President——

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

Mr. SPOONER. Certainly.

Mr. LONG. If I am not mistaken, the Senate recently authorized the Committee on Indian Affairs to investigate these transactions, giving it power to send for persons and papers.

Mr. SPOONER. I think that is better, Mr. President.

Mr. CLAPP. Mr. President——

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

Mr. SPOONER. Certainly.

Mr. CLAPP. One moment, or we will be getting confused here. The Senate passed a resolution authorizing the Committee on Indian Affairs to investigate this matter generally, but the committee can not bring any suit to set aside these alleged fraudulent conveyances. This provision applies more particularly to alleged fraudulent conveyances; and, whatever the Senate does with the appropriation, I would suggest the propriety of retaining that part of the amendment which authorizes the Attorney-General to investigate as to the validity of those conveyances and bring suits to set them aside if he finds them to be fraudulent.

Mr. LONG. I ask the Senator from Minnesota why we should have two investigations proceeding at the same time? Why not defer this investigation until the investigation to be made by the Committee on Indian Affairs has been made?

Mr. SPOONER. If there is to be an investigation with reference to bringing suit to set aside fraudulent deeds constituting a doubt as to title, or anything of that kind, the investigation ought to be made by the Department that will be charged with the duty of bringing suit and that will have the preparation of the case for trial. It would be very much better that that particular matter should be investigated by the Department of Justice.

Mr. LONG. It would certainly be better if it is to bring suits, but the Committee on Indian Affairs should make and complete its investigation before this is ordered. That committee has been authorized to investigate the affairs of this tribe of Indians with the United States——

Mr. SPOONER. That is a different thing.

Mr. LONG. And I think that investigation should be completed before this is begun.

Mr. SPOONER. I think it is all right for the Committee on Indian Affairs to investigate generally the relation of these Indians to the United States; but as to the particular matter concerning suits that will have to be brought by the Government to set aside fraudulent deeds, I think the Department of Justice is the proper Department to make that investigation.

Mr. CLAPP. I had not understood that there had been any investigation particularly by the committee in relation to the subject which might touch upon the matter of these deeds; but my understanding was that that investigation was limited to the general relation of the Government to these Indians, and not to these transactions in Mexico, whereas this amendment is designed to clothe the Department of Justice with authority to investigate as to the validity of these deeds, and I really think the Senate will make a mistake if it strikes out the provision.

Mr. ALDRICH. Mr. President, I am not able to segregate this matter from the other matters which are clearly objectionable in this bill. If anybody else is able to do so, I should be very glad to listen to his suggestion.

The VICE-PRESIDENT. The Chair has sustained the point of order against the amendment.

Mr. SPOONER. Do I understand the point of order is sustained?

The VICE-PRESIDENT. The point of order is sustained.

Mr. CLAPP. I hope the Chair will reconsider his decision.

Mr. SPOONER. Is it too late for the Senator from Rhode Island to withdraw his point of order?

Mr. ALDRICH. Decidedly.

Mr. CLAPP. Then I offer as an amendment the portion of the bill beginning on line 23, on page 98, and continuing down to and including line 19, on page 99. That will separate the two items.

Mr. LONG. That includes the appropriation on lines 18 and 19, to which the Senator from Rhode Island [Mr. ALDRICH] objected.

Mr. TILLMAN. That is the appropriation of $25,000 for the prosecution of the suit; and on page 98, in line 7, there is an appropriation of $215,239.

Mr. CLAPP. I beg the Senator's pardon. My amendment does not include the appropriation to which I understood the Senator from Rhode Island to object, which was the appropriation of $215,239.

Mr. ALDRICH. My objection was to the appropriation of $25,000 out of the Treasury of the United States that was not estimated for. I think this matter ought to go into a separate bill. We certainly can not, I will say to the Senator from Wisconsin, undertake by this bill to redress all the grievances that exist in the United States or in Mexico; or, if we do, we certainly shall depart very far from what should be the scope of a general appropriation bill.

Mr. SPOONER. But we ought to investigate grievances which are brought about by people representing the United States Government.

Mr. ALDRICH. At the proper place and in the proper way, certainly; but this is not the place or the way to do it.

Mr. SPOONER. Did the Senator ever see an estimate for an item in an appropriation bill for such a thing as this?

Mr. ALDRICH. The law provides and the rules of the Senate provide that no amendment shall be made to a general appropriation bill unless it is estimated for through the regular channels.

Mr. SPOONER. That may be true, but it is done all the time.

Mr. CLAPP. If the Senator from Rhode Island will withdraw his point of order——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Minnesota?

Mr. ALDRICH. I do not withdraw my point of order with reference to that appropriation.

Mr. CLAPP. Then I will renew the motion and offer the amendment to consist of the language found on page 98, commencing with line 23 on page 98 and extending to and including the word "Indians," in line 15, page 99. That will exclude the appropriation of $25,000.

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

The SECRETARY. It is proposed to leave in the bill the language found in the amendment beginning in line 23, page 98, down to and including the words "said Indians," in line 15, page 99.

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

Mr. ALDRICH. Let it be read for the information of the Senate.

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

The Secretary read the proposed amendment, as follows:

That the Attorney-General of the United States be, and he hereby is, authorized and directed to immediately investigate any and all conveyances purporting to have been executed and acknowledged in the Republic of Mexico, or elsewhere, of lands situated in Oklahoma and heretofore allotted to Mexican Kickapoo Indians now nonresident in the United States, and if the said conveyances or any of them appear to have been procured by fraud or fraudulently executed he shall, by his assistant specially employed, appear and defray the costs of proceedings in the proper courts on behalf of said Indians and their trustees to cancel and to set aside said conveyances and to clear the title of said Indians and their trustees to said land from any and all cloud thereon, the result of such fraudulent conveyances. He is further directed to prosecute in the proper courts any and all parties to said frauds, and he is authorized to employ for said purposes some suitable attorney as his assistant who has the confidence of said Indians.

Mr. SPOONER. I move to strike out, after the word "Attorney-General," the words "of the United States."

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

The SECRETARY. On page 98, line 23, after the word "Attorney-General," it is proposed to strike out the words "of the United States."

The amendment to the amendment was agreed to.

Mr. LONG. I ask the Senator from Minnesota what is the object of lines 13, 14, and 15, which direct the Attorney-General to employ an assistant with certain peculiar qualifications?

Mr. CLAPP. That is a matter I do not care to discuss. I think if the Senator were as familiar with this as some of us perhaps he would not raise the point. But all after the word "conveyances," in line 11, can be stricken out, and I make that motion.

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

The SECRETARY. It is proposed to strike out all after the word "conveyances," in line 11, page 99; so that the amendment will begin in line 23, on page 98, and end with the word "conveyances," line 11, page 99.

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

Mr. CLARK of Wyoming. I should like to ask the Senator if he expects an investigation can be made in matters like this by the Attorney-General without an appropriation?

Mr. CLAPP. When we get to the deficiency bill there will be no objection, if the Senate sees fit, to make an appropriation for the purpose.

Mr. CLARK of Wyoming. While I am very anxious for this provision to go in the bill, I make the prediction right now that the Attorney-General will do no investigating under it.

Mr. CLAPP. That may be, but we will have discharged our duty to these people in getting what we could for them. That is my only answer to that.

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

Mr. LONG. I make the point of order against this amendment that it is general legislation, that it adds a new item of appropriation not estimated for, and that it is not made to carry out the provisions of some existing law.

Mr. CLAPP. I should like to ask the Senator, in the present emasculated condition of the amendment, what appropriation it makes?

Mr. LONG. It is to be made the basis of an appropriation, as the Senator himself has just stated. If the proposed amendment is enacted into law, the appropriation is to be made in the deficiency appropriation bill.

Mr. CLAPP. I submit, Mr. President, that it would hardly be sufficient ground for a point of order that an appropriation may be made in another appropriation bill.

The VICE-PRESIDENT. The Chair is of the opinion that the amendment is in contravention of the rule, and sustains the point of order. This completes the bill with the exception of the amendment passed over on page 83.

Mr. LODGE. Mr. President, what became of the amendment beginning in line 17, on page 110, from which, at the request of the Senator from North Dakota, I withheld the point of order. He says he does not desire me to withhold it any longer.

The VICE-PRESIDENT. That amendment went out on a point of order.

Mr. LODGE. I made the point of order and the Chair sustained it, but the Senator from North Dakota asked that I withhold it. He has just advised me that he has no desire that it should be withheld any longer, and therefore, of course, the ruling of the Chair stands, and the amendment goes out.

The VICE-PRESIDENT. The point of order is sustained.

Mr. CLAPP. Mr. President, in the amendment already agreed to, on page 118, line 10, the designation "Secretary of the Interior" appears. It should be "Secretary of the Treasury." I move to reconsider the vote by which that amendment was agreed to and then to amend it by substituting the word "Treasury" for the word "Interior."

The VICE-PRESIDENT. The Senator from Minnesota moves that the vote by which the amendment beginning in line 10, page 118, was agreed to be reconsidered. In the absence of objection, the motion is agreed to. The Senator from Minnesota proposes an amendment to the amendment, which will be stated.

The SECRETARY. On page 118, in the amendment beginning in line 10, it is proposed to strike out the word "Interior" and insert the word "Treasury;" so as to read "That the Secretary of the Treasury," etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CLAPP. Mr. President, yesterday I offered an amendment on page 68, relating to restrictions which were removed last year from the mixed bloods of the White Earth Reservation, Minn. On the third line of the amendment as offered—I can only refer to it as the line of the amendment—the word "now" appears. It should be "heretofore." I move to strike out the word "now" and substitute the word "heretofore."

The VICE-PRESIDENT. The amendment will be regarded as open to amendment, and the amendment to the amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. In the amendment already agreed to on page 69, line 11 of the bill, after the word "Minnesota," it is proposed to strike out the word "now" and insert the word "heretofore."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CLAPP. I call attention now to the amendment on page 83, which we passed over a few moments ago in the absence of the Senator from Nebraska [Mr. BURKETT], who is now here.

The VICE-PRESIDENT. The question is on agreeing to the amendment on page 83.

Mr. LODGE. The point of order was made on that.

Mr. KEAN. I made a point of order on that amendment, but withheld it for the Senator from Nebraska, who wishes to make some explanation in regard to it.

Mr. LODGE. I should like to ask what has become of the Colorado amendment, which I suppose will provoke considerable debate. It will be ruled out, but we shall have to discuss it just the same.

Mr. PATTERSON. I am not so certain about it being ruled out. It is quite an assumption on the part of the Senator from Massachusetts to say so.

Mr. LODGE. Under the rulings made to-day by the Senate itself, it must go out. It is out of order in any event.

Mr. PATTERSON. My colleague [Mr. TELLER] is very clearly of the impression that it is not subject to the point of order.

Mr. LODGE. If we have got to debate it on the merits, it will take some time.

Mr. PATTERSON. I can not——

Mr. LODGE. I make that prediction now. I have looked into it thoroughly, and I can assure the Senator that if a point of order is not sustained there will be very thorough debate upon it before it passes.

Mr. CLAPP. In view of the cheerful information given by the Senator from Massachusetts [Mr. LODGE], and asking that we resume the consideration of this bill at the close of the routine business to-morrow morning, I move that the Senate adjourn.

Mr. PENROSE. I ask the Senator to withhold his motion. We ought to have a short executive session to dispose of a large number of nominations.

Mr. CLAPP. Very well; I withdraw my motion.

EXECUTIVE SESSION.

Mr. PENROSE. 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 30 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 8, 1907, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 7, 1907.

UNITED STATES ATTORNEY.

John J. Boyce, of California, to be United States attorney for Division No. 1, district of Alaska. A reappointment, his term expiring February 17, 1907.

UNITED STATES MARSHAL.

Harry A. Wiel, of Wisconsin, to be United States marshal for the eastern district of Wisconsin, in the place of Thomas B. Reid, whose term has expired.

BRIGADIER-GENERAL ON THE RETIRED LIST OF THE ARMY.

Under the provisions of an act of Congress approved April 23, 1904, I nominate Col. George E. Pond, assistant quartermaster-general, to be placed on the retired list of the Army, with the rank of brigadier-general, from the date on which he shall be retired from active service.

PROMOTIONS IN THE ARMY—CAVALRY ARM.

To be captains.

First Lieut. John McClintock, Ninth Cavalry, from October 22, 1906, vice Dallam, Fifth Cavalry, detailed as paymaster.

First Lieut. Paul T. Hayne, jr., Fourteenth Cavalry, from October 28, 1906, vice Dugan, Twelfth Cavalry, promoted.

First Lieut. Fred E. Buchan, Third Cavalry, from January 19, 1907, vice Fuller, Ninth Cavalry, retired from active service.

First Lieut. Edward A. Sturges, Fifth Cavalry, from January 21, 1907, vice Lindsley, First Cavalry, detailed as quartermaster.

To be first lieutenants.

Second Lieut. Irvin L. Hunsaker, Third Cavalry, from October 22, 1906, vice McClintock, Ninth Cavalry, promoted.

Second Lieut. Clifton R. Norton, Fifteenth Cavalry, from October 28, 1906, vice Hayne, Fourteenth Cavalry, promoted.

Second Lieut. Eugene J. Ely, Fifteenth Cavalry, from January 21, 1907, vice Sturges, Fifth Cavalry, promoted.

POSTMASTERS.

CALIFORNIA.

Thomas E. Byrnes to be postmaster at San Mateo, in the county of San Mateo and State of California, in place of Thomas E. Byrnes. Incumbent's commission expires February 9, 1907.

Felix L. Grauss to be postmaster at Calistoga, in the county of Napa and State of California, in place of Felix L. Grauss. Incumbent's commission expires February 9, 1907.

Eri Huggins to be postmaster at Fort Bragg, in the county of Mendocino and State of California, in place of Eri Huggins. Incumbent's commission expires February 26, 1907.

M. M. Scoon to be postmaster at Rocklin, in the county of Placer and State of California, in place of John H. Gregory. Incumbent's commission expired January 22, 1907.

Renaldo E. Taylor to be postmaster at Gridley, in the county of Butte and State of California, in place of Renaldo E. Taylor. Incumbent's commission expired December 10, 1906.

William L. Williams to be postmaster at Madera, in the county of Madera and State of California, in place of William L. Williams. Incumbent's commission expires February 16, 1907.

COLORADO.

Maude E. McLean to be postmaster at Breckenridge, in the county of Summit and State of Colorado, in place of Maude E. McLean. Incumbent's commission expired January 22, 1907.

IDAHO.

C. D. McEachron to be postmaster at Lewiston, in the county of Nez Perce and State of Idaho, in place of John L. Chapman. Incumbent's commission expires March 2, 1907.

ILLINOIS.

Edward E. Gott to be postmaster at Norris City, in the county of White and State of Illinois. Office became Presidential January 1, 1907.

Clark J. McManis to be postmaster at Princeton, in the county of Bureau and State of Illinois, in place of Clark J. McManis. Incumbent's commission expires February 9, 1907.

Frank G. Robinson to be postmaster at El Paso, in the county of Woodford and State of Illinois, in place of Silas D. Patton. Incumbent's commission expired January 23, 1907.

Otis E. Stumpf to be postmaster at Findlay, in the county of Shelby and State of Illinois. Office became Presidential January 1, 1907.

Thomas H. White to be postmaster at National Stock Yards, in the county of St. Clair and State of Illinois, in place of Thomas H. White. Incumbent's commission expired January 7, 1907.

INDIANA.

Joseph C. Andrew to be postmaster at Redkey, in the county of Jay and State of Indiana, in place of John W. Hill. Incumbent's commission expired February 3, 1907.

Cash M. Graham to be postmaster at South Whitley, in the county of Whitley and State of Indiana, in place of Cash M. Graham. Incumbent's commission expired December 20, 1906.

IOWA.

Louis H. Schulte to be postmaster at Remsen, in the county of Plymouth and State of Iowa, in place of Moses D. Mosier, removed.

Eunice A. Underhill to be postmaster at Ocheyedan, in the county of Osceola and State of Iowa. Office became Presidential October 1, 1906.

KENTUCKY.

Marcus L. Kincheloe to be postmaster at Hardinsburg, in the county of Breckinridge and State of Kentucky. Office became Presidential January 1, 1907.

MARYLAND.

George C. Riggin to be postmaster at Crisfield, in the county of Somerset and State of Maryland, in place of William R. Reese, removed.

MASSACHUSETTS.

Stanley B. Dearborn to be postmaster at Wakefield, in the county of Middlesex and State of Massachusetts, in place of Stanley B. Dearborn. Incumbent's commission expires February 13, 1907.

Harry D. Hunt to be postmaster at North Attleboro, in the county of Bristol and State of Massachusetts, in place of Harry D. Hunt. Incumbent's commission expires February 13, 1907.

Samuel L. Wheaton to be postmaster at Manchester, in the county of Essex and State of Massachusetts, in place of Samuel L. Wheaton. Incumbent's commission expired February 4, 1907.

MICHIGAN.

Earl B. Hammond to be postmaster at Vermontville, in the county of Eaton and State of Michigan, in place of Earl B. Hammond. Incumbent's commission expires February 11, 1907.

Newton E. Tower to be postmaster at Union City, in the county of Branch and State of Michigan, in place of Newton E. Tower. Incumbent's commission expired February 2, 1907.

MINNESOTA.

Andrew J. Davis to be postmaster at South St. Paul, in the county of Dakota and State of Minnesota, in place of Edgar F. Gould. Incumbent's commission expired December 20, 1906.

MISSOURI.

Troy L. Crane to be postmaster at Lees Summit, in the county of Jackson and State of Missouri, in place of Troy L. Crane. Incumbent's commission expires February 24, 1907.

MONTANA.

John C. Sorenson to be postmaster at Glendive, in the county of Dawson and State of Montana, in place of John R. Stout, resigned.

NEW YORK.

John R. Costello to be postmaster at Chittenango, in the county of Madison and State of New York, in place of W. Scott Siver. Incumbent's commission expired February 4, 1907.

George H. Keeler to be postmaster at Hammondsport, in the county of Steuben and State of New York, in place of George H. Keeler. Incumbent's commission expired February 4, 1907.

Charles E. Morgan to be postmaster at West Winfield, in the county of Herkimer and State of New York, in place of Charles E. Morgan. Incumbent's commission expired January 22, 1907.

William J. H. Parker to be postmaster at Moravia, in the county of Cayuga and State of New York, in place of William J. H. Parker. Incumbent's commission expired February 4, 1907.

NORTH CAROLINA.

Daniel J. Currie to be postmaster at Raeford, in the county of Cumberland and State of North Carolina. Office became Presidential January 1, 1907.

NORTH DAKOTA.

Duncan C. McLeod to be postmaster at Crary, in the county of Ramsey and State of North Dakota. Office became Presidential January 1, 1907.

OHIO.

J. A. Donnelly to be postmaster at New Lexington, in the county of Perry and State of Ohio, in place of John A. Birkimer. Incumbent's commission expired January 26, 1907.

Homer S. Kent to be postmaster at Chagrin Falls, in the county of Cuyahoga and State of Ohio, in place of Homer S. Kent. Incumbent's commission expires February 19, 1907.

PENNSYLVANIA.

William E. Champaign to be postmaster at Wellsboro, in the county of Tioga and State of Pennsylvania, in place of Arthur M. Roy. Incumbent's commission expired January 31, 1907.

William T. Dantz to be postmaster at Westgrove, in the county of Chester and State of Pennsylvania, in place of William T. Dantz. Incumbent's commission expires February 23, 1907.

John B. Griffiths to be postmaster at Jermyn, in the county of Lackawanna and State of Pennsylvania, in place of John B. Griffiths. Incumbent's commission expires February 11, 1907.

Frederick T. Gelder to be postmaster at Forest City, in the county of Susquehanna and State of Pennsylvania, in place of Truman C. Manzer, removed.

Ferdinand K. Hill to be postmaster at Sunbury, in the county of Northumberland and State of Pennsylvania, in place of Ferdinand K. Hill. Incumbent's commission expired February 7, 1906.

Robert E. Hopkins to be postmaster at Milton, in the county of Northumberland and State of Pennsylvania, in place of Jacob G. Geltz, deceased.

Louis F. Hoyt to be postmaster at Athens, in the county of Bradford and State of Pennsylvania, in place of Frank G. Sairs. Incumbent's commission expires March 2, 1907.

Frank H. McCully to be postmaster at Osceola Mills, in the county of Clearfield and State of Pennsylvania, in place of Frank H. McCully. Incumbent's commission expires February 26, 1907.

WISCONSIN.

George H. Dodge to be postmaster at Arcadia, in the county of Trempealeau and State of Wisconsin, in place of George H. Dodge. Incumbent's commission expired February 4, 1907.

Christ Legreid to be postmaster at Cambridge, in the county of Dane and State of Wisconsin. Office became Presidential October 1, 1905.

Frank H. Marshall to be postmaster at Kilbourn, in the county of Columbia and State of Wisconsin, in place of Frank H. Marshall. Incumbent's commission expires February 26, 1907.

Albert H. Tarnutzer to be postmaster at Prairie du Sac, in the county of Sauk and State of Wisconsin. Office became Presidential January 1, 1907.

Earl S. Welch to be postmaster at Eau Claire, in the county of Eau Claire and State of Wisconsin, in place of George W. Smith. Incumbent's commission expired February 4, 1907.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 7, 1907.

POSTMASTERS.

CALIFORNIA.

Orlando J. Lincoln to be postmaster at Santa Cruz, in the county of Santa Cruz and State of California.

COLORADO.

Moses E. Lewis to be postmaster at Florence, in the county of Fremont and State of Colorado.

William L. Williams to be postmaster at Fowler, in the county of Otero and State of Colorado.

CONNECTICUT.

Frank G. Letters to be postmaster at Putnam, in the county of Windham and State of Connecticut.

ILLINOIS.

F. M. Herzog to be postmaster at Blandinsville, in the county of McDonough and State of Illinois.

INDIANA.

Samuel A. Connelly to be postmaster at Upland, in the county of Grant and State of Indiana.

Morris A. Jones to be postmaster at Brook, in the county of Newton and State of Indiana.

J. F. Martin to be postmaster at Bourbon, in the county of Marshall and State of Indiana.

Calvin Myers to be postmaster at Francesville, in the county of Pulaski and State of Indiana.

KENTUCKY.

William M. Anderson to be postmaster at Nicholasville, in the county of Jessamine and State of Kentucky.

Virgil L. Bacon to be postmaster at Madisonville, in the county of Hopkins and State of Kentucky.

Albert Browning to be postmaster at Providence, in the county of Webster and State of Kentucky.

Joseph W. Demombrom to be postmaster at Horse Cave, in the county of Hart and State of Kentucky.

James H. Ford to be postmaster at Benton, in the county of Marshall and State of Kentucky.

Edwin B. Linney to be postmaster at Danville, in the county of Boyle and State of Kentucky.

James P. Spilman to be postmaster at Harrodsburg, in the county of Mercer and State of Kentucky.

Jesse D. Tuggle to be postmaster at Barbourville (late Barboursville), in the county of Knox and State of Kentucky.

Thomas L. Walker to be postmaster at Lexington, in the county of Fayette and State of Kentucky.

LOUISIANA.

George W. Whitworth to be postmaster at Jeanerette, in the parish of Iberia and State of Louisiana.

MAINE.

Charles H. Hooper to be postmaster at Castine, in the county of Hancock and State of Maine.

Charles H. White to be postmaster at Orono, in the county of Penobscot and State of Maine.

MASSACHUSETTS.

Kate E. Hazen to be postmaster at Shirley, in the county of Middlesex and State of Massachusetts.

Harry D. Hunt to be postmaster at North Attleboro, in the county of Bristol and State of Massachusetts.

MICHIGAN.

Thomas E. Mitchell to be postmaster at Trimountain, in the county of Houghton and State of Michigan.

MINNESOTA.

Isaac I. Bargen to be postmaster at Mountain Lake, in the county of Cottonwood and State of Minnesota.

James C. Poole to be postmaster at Eveleth, in the county of St. Louis and State of Minnesota.

MONTANA.

William E. Baggs to be postmaster at Stevensville, in the county of Ravalli and State of Montana.

NEVADA.

Charles F. Littrell to be postmaster at Austin, in the county of Lander and State of Nevada.

NEW YORK.

Judson Field to be postmaster at Canastota, in the county of Madison and State of New York.

James E. Peck to be postmaster at Jordan, in the county of Onondaga and State of New York.

Jonas M. Preston to be postmaster at Delhi, in the county of Delaware and State of New York.

OHIO.

Edward J. Lewis to be postmaster at Girard, in the county of Trumbull and State of Ohio.

John A. Lowrie to be postmaster at Seville, in the county of Medina and State of Ohio.

John C. Rock to be postmaster at West Liberty, in the county of Logan and State of Ohio.

OKLAHOMA.

Marshall A. Younkman to be postmaster at McLoud, in the county of Pottawatomie and Territory of Oklahoma.

OREGON.

John M. Parry to be postmaster at Moro, in the county of Sherman and State of Oregon.

Andreas L. Sproul to be postmaster at Ontario, in the county of Malheur and State of Oregon.

PENNSYLVANIA.

Louis F. Hoyt to be postmaster at Athens, in the county of Bradford and State of Pennsylvania.

SOUTH CAROLINA.

Dudley P. McLaurin to be postmaster at Clio, in the county of Marlboro and State of South Carolina.

TEXAS.

J. Allen Myers to be postmaster at Bryan, in the county of Brazos and State of Texas.

VERMONT.

Ezra H. Allen to be postmaster at Fowler, in the county of Rutland and State of Vermont.

WASHINGTON.

Nelson J. Bostwick to be postmaster at Hillyard, in the county of Spokane and State of Washington.

WISCONSIN.

Henry E. Blair to be postmaster at Waukesha, in the county of Waukesha and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 7, 1907.*

The House was called to order at 12 m. by Mr. DALZELL, who directed the Clerk to read the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
February 7, 1907.

I hereby designate Hon. JOHN DALZELL, of Pennsylvania, to act as Speaker pro tempore to-day.

J. G. CANNON.

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

The Journal of yesterday's proceedings was read and approved.

ADDITIONAL FOLDERS.

Mr. CASSEL. Mr. Speaker, I desire to present the following privileged report from the Committee on Accounts, and move its adoption.

The Clerk read as follows:

House resolution No. 675.

Resolved, That the Doorkeeper of the House be, and is hereby, authorized to employ five additional folders in the folding room, for the purpose of folding speeches and pamphlets, at a rate not exceeding $1 per thousand, to be paid out of the contingent fund of the House, during the present session of Congress.

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

DISPOSITION OF ACCUMULATED FILES.

Mr. CASSEL. Also the following.

The Clerk read as follows:

House resolution No. 615.

Resolved, That the Clerk of the House is hereby authorized to expend, with the approval of the Committee on Accounts, not exceeding $1,500 to further carry out the purpose of House resolution adopted February 9, 1906, and the provisions of the act of June 6, 1900, relating to the proper disposition of the accumulated files of the House.

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

STENOGRAPHER TO COMMITTEE ON ACCOUNTS.

Mr. CASSEL. Also the following.

The Clerk read as follows:

House resolution No. 800.

Resolved, That there shall be paid, out of the contingent fund of the House, for the services of a stenographer to the Committee on Accounts during the remainder of the session, the sum of $100.

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

PAY OF ASSISTANT CLERK TO COMMITTEE ON PENSIONS.

Mr. CASSEL, from the Committee on Accounts, reported in lieu of House resolution 666 the following resolution:

The Clerk read as follows:

House resolution No. 821.

Resolved, That the assistant clerk of the Committee on Pensions, whose appointment was authorized by resolution of the House adopted January 25, 1906, is hereby continued, to be paid out of the contingent fund of the House until otherwise provided for by law, at the rate of $1,600 per annum.

The question was taken; and the substitute resolution was agreed to.

On motion of Mr. CASSEL, a motion to reconsider the several votes by which the various resolutions were agreed to was laid on the table.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. BURTON of Ohio. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 24991, the river and harbor bill.

The motion was agreed to.

The House accordingly resolved itself into 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 bill H. R. 24991, the river and harbor appropriation bill.

Mr. BURTON of Ohio. Mr. Chairman, I would like to know if any gentleman from Missouri or elsewhere would like to be heard further in support of the pending amendment.

Mr. ELLIS. I should like to be heard.

Mr. BURTON of Ohio. How much time does the gentleman desire?

Mr. ELLIS. In view of the fact that I have not occupied any time during the general debate on the bill, I should like to have fifteen minutes.

Mr. BURTON of Ohio. I make the request to the committee that the gentleman from Missouri may have fifteen minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the gentleman from Missouri may have fifteen minutes.

Mr. BURTON of Ohio. Pending that, and before the gentleman begins, I desire to know if anyone else desires to be heard?

Mr. BARTHOLDT. I should like to suggest, inasmuch as my time was partly taken up by questions asked by the gentleman from Ohio, who himself kindly had my time extended, it may become necessary for me to say a word or two in reply; and I should like to have an opportunity at least to answer them, if I can, if the time can be granted.

Mr. BURTON of Ohio. I will try to give the gentleman an opportunity. What time does the gentleman desire?

Mr. BARTHOLDT. I suppose about five minutes.

Mr. BURTON of Ohio. I move that debate upon the paragraph and all amendment thereto be closed in thirty-five minutes.

The CHAIRMAN. The gentleman from Ohio moves that all debate upon the paragraph and amendment be closed in thirty-five minutes.

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

The CHAIRMAN. The gentleman from Missouri is recognized for fifteen minues.

Mr. ELLIS. Mr. Chairman, I have so far refrained from any participation in the debate on this bill. As a member of the committee reporting the measure I have been under some sense of embarrassment. The storm center of opposition to the bill happens to be in Missouri. As a rule nothing is more discreet than silence, and yet I have feared a little lest if I should fail to speak at all some might misunderstand me, might even consider me recreant to the interests of the great Mississippi Valley. So upon reflection this morning I have decided that it is due to myself that my attitude in relation to these projects which have been so assertive in this discussion should be plainly defined.

One does not have to be a member of the Rivers and Harbors Committee of this House very long to learn that that committee can not always do what it would. At best it is subject to limi-

tations—limitations of public sentiment (though I am happy to say in passing that this is not so circumscribed as formerly), limitations of revenues and resources available for this class of internal improvements, and under the further limitation which inheres in the manifest inability of the Government to expend more than a given amount of money wisely and economically or to do more than a given amount of work well and thoroughly in a fixed period of time. Appeals—persistent, meritorious appeals—for aid of worthy projects come up from all sections of the country. They are so multiplied that it is not only impossible to grant them all, but it is absolutely necessary to deny much the greater part of them. It becomes necessary, therefore, to adopt a policy of elimination and selection, dropping out here a project, retaining there a project, postponing this, reducing that, until the aggregate shall be within the limitations fixed upon the committee

Now, I believe nothing is more important to this House or to the country than that this committee should reach conclusions upon these matters. The committee deliberations should be earnest and thorough, and they are earnest and thorough; but decisions should be made and a verdict be found and returned to this body. Otherwise there would be no river and harbor bills reported. Otherwise there could be no legislation in behalf of our great harbors and waterways. We all know how important it is, in the administration of justice in our courts, that juries agree; that they strive earnestly to harmonize their views and reconcile their opinions. The interest of litigants demand this. I think the parallel is readily observable. But it is of even greater importance that in the work of this committee, dealing with these multiplied projects affecting localities all over the country, findings should be made upon the issues submitted that will express the harmonized views and reconciled opinions of the members of the committee. If mistakes are made or injustice is inadvertently done, the wrong can be righted in another bill. I go one step further; I assert that the interests of this House and the interests of the country at large demand that when the several members of this committee have agreed and brought in their verdict every Member should be expected to respond to the poll in this House, not only with reference to projects in other sections and other districts than his own, but with reference to projects in his own section or district—"this is my verdict." [Applause.] Otherwise no river and harbor bill would ever pass this House. I do not, of course, contend that there may not be exceptional instances where a Member may dissent in committee and reserve his right to urge that dissent on the floor of this House; but I do insist that such instances should be most exceptional, because the very nature of this legislation demands that the rule of conduct for members of the committee should be as I have stated it.

I am particularly interested that my attitude should be understood for another reason. It is no accident in the distribution of favors or responsibilities of this House that I find myself upon this committee. I sought this place. In procuring it I brought to bear all the influences that I could marshal. I sought the opportunity to do during my career of service in this House, in the most advantageous place, all in my power to promote the great waterway interests of the Mississippi Valley. To be false to a single stream or a single deserving project in that great system of waterways would be to be false to myself, to my dearest purposes and ambitions. I believe in the Mississippi River. I have an unfaltering faith in that great stream. Whatever may be done or fail to be done in this bill, the Mississippi River will soon become a great channel of commerce. I unfeignedly rejoice that so much has been done for that river in this bill. The upper river, from the mouth of the Missouri to St. Paul, has been so well cared for and so generously treated that those interests are well content. The river below Cairo has been so well cared for and so generously treated that none of the interests there will complain at all. As to the middle reach now under consideration, it is true that a halt has been called. Assign whatever reason—whether to reconnoiter, to spy out a little ahead, to await new orders, or whatever you may—I think the action of the committee should be construed as a halt in the development of that reach of the river. I would that this were not so. I find myself in the position of a member of court constrained to announce the result of its deliberations while yielding a most reluctant concurrence. But, Mr. Chairman, the decision upon this project has not been without due deliberations. It is only fair to the committee that the considerations which have influenced their decision to materially reduce the appropriations for this middle reach during the next two years be fairly and clearly presented. The considerations are threefold. In the first place, the almost unexplainable loss in tonnage upon that stretch of the river in recent years has been a matter of great weight with the committee.

I confess that for myself, as I have gone into these facts during the consideration of this bill, I have been greatly surprised. Understanding some conditions which prevailed in the West and which prevail there to-day, I am disposed to be considerate, but I can not shut my eyes to the fact that little freight is moving upon that important stretch of that great river. The business interests of the city of St. Louis, the members of that great organization there—the Business Men's League—can not afford to shut their eyes to this fact or fail to appreciate the significance of it. I say I am disposed to be considerate. I know something of the problem that pertains to every interior river in this country when tonnage is to be maintained upon its waters. You can launch a ship upon the Great Lakes and you will incur no very serious opposition from railways; you are not even likely to create real competition with the railways. To the contrary, the chances are that you will be contributing directly to the business of some railway as you increase the tonnage in any direction on one of the Great Lakes. Many of the great projects up there that are receiving liberal aid in this bill are really supplemental to railway operations and not in competition with them at all. But you launch your boat on the Mississippi, on the Ohio, or upon the Missouri and you meet competition and you meet it quick. You meet competition that organizes for opposition and prepares to give battle. Let me illustrate by an instance: A dozen years ago it became perfectly apparent to the commercial and industrial interests along the Missouri River that the great stream should be utilized again as a waterway. There had been in the past a splendid commerce upon it. It appeared to investors that it would be profitable to restore boats to the river and resume navigation of it. A company was organized for the purpose, and three splendid boats were built and launched upon the stretch between Kansas City and St. Louis.

No business enterprise was ever entered upon which gave greater promise of profit to its promoters. That stretch of the Missouri River between Kansas City and St. Louis then paralleled a magnificent railway tonnage. To-day it parallels a larger tonnage of freight per twenty-four hours than any other equal stretch of river in the United States. What was the result? The boats began to get business and to earn profits for their owners. But no sooner were those boats in operation than the railways paralleling that river organized a determined opposition, highly resolved to put them out of business and drive them from the stream. They acted concertedly, of course. They immediately reduced their regular tariff rates along that stretch to less than one-third the schedule which had formerly prevailed. They did not stop even there. They went out and deliberately underbid the boats and carried the freight at any price the shippers were willing to pay to keep the traffic off the water. The result need hardly be told. The stock in the boat line passed from the promoters, the boats were sold down the river, competition ceased, and the schedules were restored. I say I am considerate in relation to this charge of reduced tonnage. I have no doubt that the experience upon the Missouri River which I have related has been duplicated between St. Louis and Cairo. I have not the slightest doubt that to combinations and to methods of this character can in large part be attributed the dissolution of the St. Louis boat line to which reference has been made in this debate. I have even less doubt that another cause and another condition has contributed not a little to the loss of freight for boats and the disappearance of the boats themselves along the Mississippi between St. Louis and Cairo. That cause and condition has been the rebate system until recently in vogue between large shippers of freight and the railroad companies. The system of rebates has kept boats from the Missouri, and I have not the slightest doubt it has kept boats from the Mississippi. In all kindness I would ask the business concerns of St. Louis which have been receiving rebates to the prejudice of river traffic, would it not be well, would it not be profitable to themselves and fair to the public, right there at home, to employ the period which shall intervene between this and the preparation of another river and harbor bill in undoing the mischief they have deliberately done in their cupidity by restoring the tonnage they have diverted from their great waterway and given to the railroads? If we are to restore navigation, if we are to have the benefit of that rate regulation which river navigation will afford, our shipping interests must cease relations of intrigue with the railroads to destroy waterway competition. [Applause.] So much for the loss of traffic proposition.

The second consideration to which I would refer is the failure of engineering authorities to agree upon the proper plan of

development for this reach of the river. No one will deny that the Rivers and Harbors Committee and this House must look somewhere for authority on these great engineering questions. The simple fact is that the engineers are at loggerheads. It is not enough to assert, as asserts my colleague from St. Louis [Mr. BARTHOLDT], that the engineers who have heretofore been in charge of that stretch of river have held certain views or that a majority of engineers heretofore in charge have expressed views and adhered to plans which would justify larger appropriations. I confess to much sympathy with the attitude of my colleague, but it is not unnatural that the committee should be influenced by the opinion which is expressed by those in authority to-day. The engineers should get together. This House will not be disposed to complain, nor do I believe the business interests of St. Louis should much complain because the committee has decided to leave matters in statu quo—simply holding and preserving what has been accomplished—until the engineers do get together and determine upon a definite, fixed plan of development for that stretch of river. This leads me to the general observation that something should be done to prevent the recurrence of conditions of this kind. Something should be done to afford greater stability of plans and purposes in the development of our rivers and waterways the country over. Changes of engineers are too frequent. There is not continuity enough to make work effective, economic, and satisfactory. I am happy to say that the Rivers and Harbors Committee have taken up this matter, have started an investigation into ways and means of improving conditions. It is nothing short of a shame that after millions have been spent, as in this case we are now considering, in pursuit of plans deliberately prepared and recommended by the engineers and adopted by Congress, the work should be brought to a standstill; that discontinuance should be threatened because of a change of engineers or a conflict of opinion between engineers. [Applause.]

But the third important consideration taken into account by the committee has been the proposed deep waterway from the Lakes to the Gulf. Nothing could be wider of the mark, nothing unfairer to the committee nor unfairer to the great interests of the West, which approve and look forward to the construction of this great waterway, than the contention of Members in this debate that the action of this committee should be interpreted as opposition to that great project. I deny that the committee have displayed opposition. On the contrary, I assert that the action taken, the appropriation of $190,000 for a further survey, disproves this contention. Even the halt called in the work upon this stretch of river to which I have been adverting demonstrates a friendly disposition toward that splendid undertaking. I believe I betray no confidences when I proclaim as my opinion that a majority of the members of the River and Harbor Committee of this House believe that the commercial, industrial interests of the country will soon demand the construction of the deep waterway from the Lakes to the Gulf. I believe I may with like propriety declare that, in my opinion, such minority of the committee as are not prepared to assent to that proposition in its entirety at least believe that the time is very likely to come, and to come soon, when the people of this country will clamor for the construction of that waterway almost irrespective of cost.

For my part I have not abated one jot or tittle of my zeal for that magnificent enterprise. I believe in it. As I said in the great convention held in its interest at St. Louis last November, I esteem it the grandest conception which has challenged American industrialism in half a century. The great State of New York is constructing an eastern extension, an eastern arm, of the Great Lake system to the Atlantic Ocean by deepening the Erie canal to 12 feet, at a cost of $100,000,000. The people of the State of Illinois have begun the construction of a southwestern extension or arm of that same Great Lake system down into the very heart and center of the Mississippi Valley. The people of Illinois will soon have put $75,000,000 into the work and the General Government, at the instance of the people of the West, and upon the merits of the proposition, will supplement this munificent contribution to a great public work, and the waterway from Lake Michigan to the mouth of the Missouri will be built. When that is done, and concurrent with it, will come the deepened channel from the mouth of the Missouri to Cairo, and then will be realized in this country a combined system of inland waterways comparable with which there is nothing in the round world. [Applause.]

If a mistake has been made in the verdict of the committee as to this great project in which the people of St. Louis are so much concerned, the mistake may soon be corrected. The halt that has been called can only be temporary. While I confess that it would have been much more agreeable to myself and to my views if at least the appropriations in the last preceding bill for this stretch of the river might have been continued in this one so that the plan heretofore prevailing might be carried forward until it should be definitely changed, still I have been much constrained and reconciled by the reflection that the action denying such larger appropriations is not final and, as I have said, the effect can only be temporary.

I realize that we have crossed the threshold of a new area in waterway development in this country. I sincerely hope that the sentiment which I believe prevails in this country demanding annual appropriations for waterways will find response in a declaration of policy in the Sixtieth Congress. I trust there will be a river and harbor bill next year and I am comforted by an abiding faith that if there is one, not only these vexing questions—these engineering problems—but also these doubts in relation to tonnage and the use of the river will also have been settled and the winter of discontent now afflicting my colleagues of St. Louis can be made glorious summer. [Applause.]

Mr. BURTON of Ohio. Mr. Chairman, I regard this amendment as the most objectionable one which has been presented in the consideration of this bill. There was some justification for that one providing for the deep waterway. Some six years ago I said in Chicago that it was an argument for a navigable channel to the Mississippi that the drainage board at local cost had provided navigation for some 30 miles, and having said so at Chicago I am perfectly willing to say it here. But this amendment would involve a degree of wastefulness and extravagance unparalleled.

Before going on with the specific amendment under consideration I want to offer a few general considerations to the committee. The great need of the country as regards river and harbor improvements is more intelligent consideration of the subject. When any improvement is advocated there is a uniform succession of events. Whether objectionable or unobjectionable, there is, in the first place, an agitation for it in the community, sometimes started by a single promoter. If it is objectionable or of doubtful expediency, the conservative element at first looks with disfavor upon it; but it soon appears that if the improvement is adopted by Congress, it will involve the spending of money from the National Treasury in that locality, and all will begin to say: "We will be so much ahead anyway by the money which will be expended here, and we can not afford to oppose it. Maybe it will be of benefit anyway."

Then the boards of trade, the commercial bodies, and the press take it up, and the moment anyone opposes or questions the project they begin to abuse him. It is a common thing to begin by saying that all the money of the river and harbor bill is expended upon creeks and insignificant streams. That exploded falsehood is still living, and very common in some of the communities in the United States which have been very much favored in the way of appropriations. However unworthy their proposed improvement may be, they will no doubt adopt a campaign of attack upon the Committee on Rivers and Harbors, and especially upon its chairman. The promoters will accuse the members on the ground that they are partial to their own localities. They overlook the fact, as I stated yesterday, that in this expenditure of less than $25,000,000 a year we are struggling along against $400,000,000 or $600,000,000 of demands urgently pressed upon us. I have said this much because what is most needed is more accurate information and a more temperate advocacy of projects.

There are three cities in the country where a perfect carnival of misrepresentation, of abuse, and of villification has been indulged in, and I regret to say that I have to mention one of them. That is the city of St. Louis. This has originated for the most part from a few officers and members of a body known as the "Business Men's League." One of them is now, or has been, going through the South prosecuting a campaign of misrepresentation. The other gives his activities to St. Louis and that locality, and sends resolutions containing untruthful and abusive matter to the Illinois legislature and to the Missouri legislature, asking these bodies to pass them. They have adopted a plan of campaign in which the chairman is accused of partiality to his own locality. They sent out a map with the misstatement that it is issued by the Geological Survey, and which designates a canal as extending from Cleveland to Pittsburg, intimating or alleging that I am interested in that canal, and thus opposed to the deep waterway from Chicago to St. Louis. Why, Mr. Chairman, that proposed canal starts from a point on Lake Erie 54 miles east from Cleveland. In that city we look upon it somewhat coldly. If I had followed the prevailing sentiment in my own locality, I should have voted

against it, but I can not afford to stand up against a great improvement of that kind, in which a near-by city, that of Pittsburg, is so greatly interested.

But this is made a hook for the false accusation, for the unscrupulous misrepresentation, that the chairman of the Committee on Rivers and Harbors is interested in another waterway from the Lakes to the Gulf. I say not this so much to defend myself, because it has appeared in this House, within a few days past, that the membership will not tolerate a campaign of falsehood and vilification. [Applause.] It is not for myself I am speaking, but for orderly, decent advocacy of public improvements.

Well, now let us come to this specific project. Why, I really think the gentleman from Missouri [Mr. BARTHOLDT] and those who have advocated $1,000,000 a year for this stretch of the stream lack the sense of humor, and when they attack the chairman and say that he has a personal, open interest in the Detroit River and the Lakes let us make a comparison. Up to date the Government of the United States has expended $12,417,000 on that portion of the Mississippi between the mouth of the Missouri and the mouth of the Ohio. It has expended from the lower part of Lake Huron, on the channels in St. Clair River and Lake and in Detroit River to Lake Erie, $7,100,000. Let us compare their tonnage. The tonnage here in this stretch of the Mississippi is 440,000 tons. I leave out the ferriage at St. Louis, for that no more depends on this improvement than does the ferry between New Orleans and Algiers depend upon the completion of the Panama Canal—not a bit.

There is a tonnage of 440,000 tons in this stretch of the river as against a tonnage of 55,000,000 tons in the Detroit River. One hundred and twenty-five times as much tonnage, and yet there has been expended $5,300,000 more on this stretch of the Mississippi than on this portion of the Detroit River. The proportion of appropriations to tonnage is as 200 to 1, and yet people come in here as if wrong had been done them. Why, I should think when they had made their arguments and made their pitiful pleas for justice, as they call it, they would have gone out into Statuary Hall and there performed a cake walk in which their sides would shake and they would bend double with laughter. But they did not see the absurdity of their position at all. It is sometimes said that the owl has the unique distinction of being the most solemn of all birds and of all bipeds, but when I listened to one of the gentlemen from Missouri I thought the owl must lose that poor, paltry distinction, because in describing the wrongs of this stretch of the Mississippi River he was even more solemn than the familiar bird. [Laughter and applause.]

What has been the history of that improvement? In 1896 there were 1,200,000 tons, now 440,000—reduced to one-third; and I want to admit to this House that one of the mistakes that I have made as chairman of this committee was in allowing $650,000 a year for four years to be put into the bill in 1902. I thought we ought to deal generously with that stretch of the river; that we ought to make it possible to have the best possible navigation from St. Louis to New Orleans. There was a great exposition that was soon to occur at the former city, but the tonnage dropped down year by year, and the bald misstatement has been made that it was because of less appropriations that the traffic fell off at that place. Let us see what the facts are about that. In the second year of this expenditure of $650,000 a year, which was to continue for four years, the barge company of St. Louis sold their barges and went out of business. It was when we were expending $650,000 a year that the traffic fell off, and when it came to the bill of 1905, $915,000 had been left on hand at the close of the preceding fiscal year. The engineers simply could not spend the money.

The CHAIRMAN pro tempore (Mr. WATSON). The time of the gentleman has expired.

Mr. BURTON of Ohio. How much time have I taken?

The CHAIRMAN pro tempore. Five minutes and a little over.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed for ten minutes.

Mr. BURTON of Ohio. I do not think I shall want all of that time.

The CHAIRMAN pro tempore. Is that within the thirty-five minutes, is the Chair to understand? Debate on this paragraph has been limited to thirty-five minutes.

Mr. BURTON of Ohio. I could have ten minutes, and that would allow the gentleman from Missouri [Mr. BARTHOLDT] five minutes.

Mr. SHERMAN. I ask to extend the time so that the gentleman from Ohio may have ten minutes.

The CHAIRMAN pro tempore. Exclusive of the thirty-five minutes?

Mr. SHERMAN. Yes.

The CHAIRMAN pro tempore. The gentleman from New York asks unanimous consent that the gentleman from Ohio may proceed for ten minutes, which time is not to be included within the thirty-five minutes. Is there objection?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Ohio is recognized for ten minutes.

Mr. BURTON of Ohio. Going down all the while, traffic dropping off. Now, there is another feature of this to which nobody has called attention which I think should receive the attention of the House. The rate on grain from St. Louis to New Orleans, according to the statements made by the Merchants' Exchange of St. Louis, is only one-third more per ton-mile to-day than it is from Duluth to Buffalo by the connecting channels and waters of the Great Lakes. The difference of a third can very largely be explained by the superior facilities, especially loading and unloading machinery, which are in existence on the Great Lakes. Nevertheless, with this low rate they do not use the waterway. They practically ship no grain at all. What does that show? It shows that St. Louis is not a terminal point for the shipment of grain. It shows that the shippers of St. Louis do not intend to use this channel for the ordinary class of shipments.

Now, let us look at the estimates of the cost of this proposed improvement. In 1881 it was estimated that it would cost $16,000,000 to carry out the improvement of this stretch of the river and secure 8 feet of water. In 1903, I believe, after $11,000,000 had been expended, leaving apparently a balance of $5,000,000 to be appropriated, they looked over the ground again and computed that at that time to get the 8 feet would cost $20,000,000 more, a cost of over $30,000,000 instead of $16,000,000, as at first estimated. That is, they estimated it would cost $4,000,000 more to finish than they did before work was commenced in 1881 and after $11,000,000 had been expended.

The phantom of completion was further and further away—$16,000,000 in 1881, $20,000,000 in 1903, after spending $11,000,000. It was reported also that it would cost $400,000 a year to maintain it, and the Board of Engineers made recommendation that we abandon that expensive plan and resort to dredging. That recommendation was followed in the bill of 1905. Why did we do this? It was because of its insignificant commerce, less than that of the Thames River of Connecticut, on which we are appropriating in this bill $30,000; almost less than that of Raccoon Creek, on which we have spent in all $20,000 or $30,000; far less than on Bayou Teche, on which we have expended about $100,000. We could not continue the absurd and extravagant wastefulness of money that was there involved. Now, there is another feature about this. There is a plan for an inland waterway. I have no confidence, and I do not believe any engineer of any standing has any confidence, that an open channel on the Mississippi River from St. Louis to Cairo can be improved so as to provide this 14 feet. Some other plan besides the present one must be resorted to in order to accomplish that result. Now, just see the inconsistency. Gentlemen come in here and with one breath advocate a million dollars a year, and with another breath they advocate a 14-foot waterway, the construction of which will probably necessitate the entire or partial abandonment of the plan under which we are asked to work and spend that million dollars a year. I want to say just one word more about the depth. After $11,000,000 had been expended, it was estimated that it would cost $20,000,000 more to get 8 feet.

Now, what are the facts? For three years past they have had 8 feet right along. "Oh," but they say, "it is true we have had this 8-foot depth, but what we want is confidence." My fellow-Members, confidence comes too high when it costs $20,000,000 to give it, or even a million dollars a year. I think we had better spend our money where they already have confidence and where they are doing business. Now, it is said, it is true, we can construct this inland waterway inside the channel of the river. I want to put these people of the Business Men's League to the test. They say that it is a coinage of my brain that a lateral canal is necessary part of the way. Now, if that is so, let them consent that there be a provision in the survey provided for in the next paragraph to the effect that the survey shall not be made if the lateral canal is necessary, and if they will not consent that such a reservation go in I trust they will have the manliness to correct the misstatements they have been making and with which they have been filling the newspapers for the last few weeks. Either do what you say is right and consent to it, or else in manly fashion admit you are wrong.

Mr. Chairman, I reserve the balance of my time and ask that the gentleman from Missouri [Mr. BARTHOLDT] may have five minutes if he desires it. [Applause.]

Mr. BARTHOLDT. Mr. Chairman, the distinguished gentleman from Ohio [Mr. BURTON] finds fault with the attitude of the people of St. Louis and the Business Men's League, the largest business organization of that city. If the members of the committee will remember what is proposed in this bill, they will certainly not be surprised at the state of feeling which prevails in the city of St. Louis to-day. At a time when there was no agitation with respect to large appropriations for the Mississippi River, the Committee on Rivers and Harbors made an annual appropriation of $650,000 for that section of the river which we regard as the most important section, because it is the weakest link in the chain of water transportation along the Mississippi River—$650,000 for four years, at a time when there was no agitation at all. Since that time the people have been aroused to the necessity and the importance of navigation along that reach. Organizations have been formed in St. Louis, in Missouri, in Illinois, along the whole stretch of the Mississippi, for the purpose of prevailing upon the Congress to increase that amount of $650,000 if possible. Instead of that, gentlemen, the amount which has usually been awarded to us has been cut down from $650,000 to $250,000. This reduction of our appropriation simply means that the general plan of systematic and permanent improvement has been completely abandoned. In fact, the river has been abandoned and the mere system of dredging has been resorted to. Is it a wonder, then, if the people of St. Louis feel keenly the disregard and the slight that is involved in this reduction of what they believe themselves entitled to? Their feeling to-day borders on indignation on account of the action of the committee. But I am not responsible, nor are other friends here of the amendment I have offered responsible, for what construction the newspapers may have put upon the action of the committee. We have never made an assault upon the chairman. I have never questioned his integrity or knowledge of river matters, but I have questioned his judgment in this respect, and I have protested against his official action, and I have asked that the judgment of the House be substituted for the judgment of the chairman and of the committee in this respect.

The main argument of the gentleman from Ohio [Mr. BURTON] is that we have had 8 feet and have not made use of it. I have printed into to-day's RECORD a statement from one of the oldest steamboat men on the Mississippi River, which goes to show that the claim of the Army engineers that we had 8 feet the year round is absolutely erroneous; that at many places we never had more than 4½, 5, and 6 feet.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTHOLDT. Mr. Chairman, may I have a few minutes more?

Mr. BURTON of Ohio. How much more time is there?

The CHAIRMAN. Four minutes.

Mr. BURTON of Ohio. The gentleman may take two, and I will take two.

Mr. BARTHOLDT. That is one reason, Mr. Chairman, why navigation has not been revived. It is because we did not have the 8 feet which the Army engineers claimed we had, and another reason is that one of the barge lines mentioned by my friend from Ohio went out of business. Why did they go out of business? Because of an alliance they made with the railroads. It is true our railroad rates are low to the Gulf. It is true that most freight is sent by rail on that account; but if the very existence of the river has had the effect of holding the rates down and reducing them to a reasonable and low level, what would be the effect on railroad rates if a systematic and permanent improvement of the river will be entered upon?

The chairman is correct when he says that if his theory is right the money heretofore expended on this stretch has been entirely wasted; but that means an indictment of the committee, and indictment of the Congresses who voted these appropriations, and an indictment of the Army engineers who made the plans for that improvement. And if it is impossible, Mr. Chairman, to improve the Mississippi River on that reach, then the Mississippi River is a different proposition from all the river propositions in the whole country or in the world, or we stand here confessing—making the humiliating confession—that our engineers are incompetent to make improvements that engineers in other countries are making in other rivers.

I revert just for one moment, Mr. Chairman, to the criticism the distinguished gentleman from Ohio [Mr. BURTON] has passed upon the Business Men's League. That organization has made it its main purpose to secure some improvement of the Mississippi River according to the permanent plans of the engineers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURTON of Ohio. Mr. Chairman, very briefly I will answer several statements of the gentleman—the only ones that I regard as necessary to be answered.

First, in regard to the depth of 8 feet. The Government engineer, Colonel Sears, in charge writes me this under date of January 16, 1907. After stating that there was 8 feet of depth except for a very few days of the years 1904 and 1906, he says:

One or two cranky pilots have disputed the above, but our official records, based on frequent and accurate soundings along the axis of the navigable channel, show that 8 feet had been maintained except for very short periods, each of a few days only.

I will accept his statement rather than the statement of anyone else. I add all of his letter, which gives information upon tonnage as well.

ENGINEER OFFICE, U. S. ARMY,
CUSTOM-HOUSE,
St. Louis, Mo., January 16, 1907.

Hon. T. E. BURTON, M. C.,
Chairman River and Harbor Committee,
Washington, D. C.

DEAR SIR: In reply to your telegram of yesterday, received in the afternoon, I have this morning sent you the telegram, copy herewith.

I send you herewith more of details.

Fall, 1904. (Chief of Engineers, 1905, p. 1602.) "Eight feet depth maintained except for short periods (until a dredge could reach the shoal), when a least depth of 7 feet was found."

Fall, 1905. (Chief Engineers, 1906, p. 1406.) "At no time during the navigable season of low water, which closed in December on account of ice and cold weather, was there less than 8 feet depth in the channel."

Fall, 1906. (Dredge reports, unpublished.) "Eight feet depth maintained throughout season except in September, 7 feet, and October, 6½ feet, each on one bar only, and but for a short time until a dredge could be placed for the deepening."

The river stages during the low-water seasons 1904 and 1906 were almost typical, conforming to the average for about forty-five years. The stage in 1905 was unusually high.

One or two cranky pilots have disputed the above, but our official records, based on frequent and accurate soundings along the axis of the navigable channel, show that 8 feet has been maintained, excepting for very short periods, each of a few days only.

As to tonnage, we have to rely on reports of the Merchants' Exchange, that for 1906 not having yet been made up.

The following table gives details for ten years, 1896 to 1905, both inclusive.

The tonnage is cargo tonnage, not registered tonnage.

River tonnage.

[Annual Reports of Chief of Engineers, taken from reports of St. Louis Merchants' Exchange.]

Year.	Receipts and shipments.	St. Louis ferries.	Other landings.	Totals, cargo tonnage.
1896	1,244,000	2,530,000	76,000	3,850,000
1897	1,046,000	3,043,000	70,000	4,159,000
1898	907,000	4,034,000	54,000	4,995,000
1899	670,000	5,037,000	31,000	5,738,000
1900	758,000	5,219,000	53,000	6,030,000
1901	672,000	5,861,000	31,000	5,564,000
1902	641,000	5,732,000	17,000	6,390,000
1903	553,000	6,328,000	44,000	6,925,000
1904	378,000	6,080,000	44,000	6,502,000
1905	370,000	6,685,000	70,000	7,125,000
1906	(a)	(a)	(a)	(a)
Total	7,239,000	50,549,000	490,000	58,278,000

[a] Amounts not yet available.

Ferries at Little Rock, Mo. (Illinois and Missouri Southern Railroad), at Chester, Ill. (two railroads and one wagon ferry), at Cape Girardeau, Mo. (wagon ferry), Birds Point, Mo. (Iron Mountain Railroad and wagon ferry), and wagon ferries at several other points are not included in above tabular statement.

It will be noted that the river tonnage proper, in and out of St. Louis, has fallen off from 1,244,000 tons in 1896 to 370,000 tons in 1905; that the ferry tonnage—i. e., across the river, east and west—has increased from 2,530,000 tons in 1896 to 6,685,000 tons in 1905, and that the local or way tonnage between St. Louis and Cairo has fluctuated within the limits of 76,000 tons in 1896 to 17,000 tons in 1902 and up to 70,000 tons in 1905.

Very respectfully,
CLINTON B. SEARS,
Lt. Col., Corps of Engineers, U. S. A.

And as regards the amount we are providing, $250,000 a year, I want to say to the House it is without a single exception the most generous appropriation that is given to any river or channel in the United States in this bill in proportion to its tonnage, except, of course, where we are beginning the work and no results have yet been obtained. That is the situation. They are complaining of an appropriation which is the largest given to any river, lake, channel, or harbor in the United States in proportion to its tonnage.

The $250,000 will be disbursed, as it is estimated, in the manner I stated a short time ago—$150,000 for dredging, $85,000 for maintenance of the contraction works in existence, and $15,000 will be available for any emergency work they may require. The still further absurdity of this demand for larger appropriations will become apparent when I say to the committee that the amount expended in twenty years on the Mississippi River between the mouth of the Missouri and the mouth of the Ohio is

larger than the amount that in an equal period Germany expended on the Rhine, on all that portion of the river within the Empire of Germany, both for maintenance and for new construction, yet the Rhine has a tonnage of 30,000,000 to 40,000,000 to the 440,000 of this stretch.

Mr. RODENBERG. You will admit, however, that in making this report you disregarded the recommendation of the engineers?

Mr. BURTON of Ohio. It follows the report of the board of engineers of 1903.

Mr. RODENBERG. He estimated for $650,000.

Mr. BURTON of Ohio. The Chief of Engineers gave that estimate?

Mr. RODENBERG. Upon the suggestion of the local engineers. Their report made a recommendation of $650,000, and you give $250,000.

Mr. BURTON of Ohio. That is the manner in which the gentleman reads it; but this estimate was based, no doubt, on one appropriation for two years.

Mr. RODENBERG. In one year he says in his report.

Mr. BURTON of Ohio. The gentleman merely needs information upon that subject.

Mr. RODENBERG. The chairman of the committee had better read the reports of the engineers.

Mr. BURTON of Ohio. The information is perfectly open to anyone, and while this phraseology may say for a year, it is perfectly well known that it is regarded as for a period of two years.

Mr. Chairman, I ask for a vote.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BARTHOLDT. Division!

The committee divided; and there were—ayes 17, noes 95.

So the amendment was rejected.

The Clerk read as follows:

The Secretary of War may appoint a board of five members, to be composed of three members of the Mississippi River Commission, one of whom shall be the president of such Commission, and two engineer officers of the United States Army, to examine the Mississippi River below St. Louis and report, at the earliest date by which a thorough examination can be made, upon the practicability and desirability of constructing and maintaining a navigable channel 14 feet deep and of suitable width from St. Louis to the mouth of the river, either by the improvement of said river or by a canal or canals for part of said route. In its report the board shall cover the probable cost of such improvement, the probable cost of maintenance, and the present and prospective commerce of said waterway, both local and general, upstream as well as downstream, and the said board may consider in connection with the examination herein provided for the survey of a proposed waterway from Chicago to St. Louis, heretofore reported; it shall also report whether other plans of improvement can be devised by which the probable demands of traffic, present and prospective, can be adequately met, and the sum of $190,000, or so much thereof as may be necessary, is hereby appropriated for the making of such survey, of which amount only $100,000 shall be available, unless in presenting a plan for such waterway it shall be necessary, in the judgment of said board, to make a survey for a lateral canal or canals; and the force, plant, and records of the Mississippi River Commission shall be available for the use of said board in making said examination.

Mr. BURTON of Ohio. I suggest an amendment which should come in at the close of line 9, "*Provided*, That no survey shall be made if, on preliminary examination, it shall appear that a lateral canal shall be required over any part of such route." I understood the gentleman from Missouri was to receive a telegram from his Business Men's League.

Mr. SHACKLEFORD. May I interrupt the gentleman?

The CHAIRMAN. There is nothing now before the House to consider.

Mr. BURTON of Ohio. I have offered an amendment.

The CHAIRMAN. The gentleman will please repeat his amendment.

Mr. BURTON of Ohio. "*Provided*, That no survey shall be made if, upon preliminary examination, it shall appear that a lateral canal or canals will be required for any portion of the such route."

The Clerk read as follows:

Provided, That no survey shall be made if, upon preliminary examination, it shall appear that a lateral canal or canals will be required on any portion of such route."

Mr. BURTON of Ohio. It has been said so repeatedly that any suggestion of a lateral canal was a subterfuge to defeat this project that I think at least we should have an expression from the House; and if there is no necessity for any lateral canal let us have this provision.

Mr. SHACKLEFORD and Mr. LORIMER rose.

Mr. SHACKLEFORD. I would like to interrupt the gentleman.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois, a member of the committee.

Mr. LORIMER. Mr. Chairman, I hope the amendment will not prevail. While it may be possible to construct a waterway capable of carrying 14-foot ships between Cairo and St. Louis in the bed of the Mississippi River, the Engineering Department may discover that, in order to construct and maintain permanently a 14-foot waterway between St. Louis and Cairo, it will be necessary in part to construct a lateral canal. The survey between Chicago and the city of St. Louis has demonstrated the necessity of a canal between Alton and St. Louis Bay. Every person in the Mississippi Valley with whom I have discussed the subject, and I have discussed it with thousands upon thousands of people within the last twelve years, are in favor of constructing a canal as reported and recommended by the Engineer Board. Those who are interested in the Mississippi Valley care very little whether they go to the sea partially by way of a lateral canal or go down all the way in the bed of the Mississippi River; and if we are to have a waterway from the Lakes to the Gulf, we have evidence now that we must have lateral canals on part of the route. But what man, Mr. Chairman, believes there is any possibility of ever having a waterway between the city of Chicago and the city of New Orleans capable of bearing boats drawing 14 feet of water if we are to abandon the lateral-canal project or canal feature of this project? And I know that the chairman of the committee understands the condition, and I know that every man who favors the waterway from the Lakes to the Gulf is in favor of getting to the Gulf the best way he can, whether it be by way of the Mississippi River from the town of Grafton all the way, or by the way of lateral canals part of the way and the Mississippi River the balance of the route.

Mr. BARTHOLDT. Mr. Chairman, I do not know whether it will be possible for me within five minutes to explain to the House the peculiar position which the chairman of the committee [Mr. BURTON of Ohio] assumes in offering this amendment.

Mr. BURTON of Ohio. Will the gentleman yield for an interruption?

Mr. BARTHOLDT. Pardon me; no, not now.

Mr. BURTON of Ohio. I want to ask a question.

Mr. BARTHOLDT. Because I have not made my statement yet. By the defeat of my amendment just five minutes ago we have been turned down—that is, our appropriation has been reduced to $250,000, upon the theory that if that deep waterway is to be built, it might be necessary to build a lateral canal along the middle reach of the Mississippi; hence any amount of money spent on the river between St. Louis and Cairo might be money thrown away. Now, the chairman takes the position that a lateral canal shall not be built, or that surveys shall not be made if a lateral canal is necessary. Hence, in order to be logical, if we should consent to his amendment, he would have to consent to a reconsideration of the last item and an increase of the appropriation for that stretch of the river. [Applause.] Now, is it logical or not?

Mr. BURTON of Ohio. If the gentleman will allow me, I did not state that as the main reason. I stated it as a reason, and I may now state to the gentleman that the organization for which the gentleman has vouched has widely scattered the statement that it was a mere evasion or subterfuge, this suggestion that a lateral canal might be needed.

The gentleman himself has vouched for the statement that no lateral canal will be required. I want to know whether that statement is based upon truth and good faith or not. If it is based on truth and good faith, you will consent to this amendment going in. If it is not, why then the statements that have been made should be promptly contradicted.

Mr. BARTHOLDT. In other words, Mr. Chairman, the distinguished gentleman from Ohio states here on the floor that he will yield his judgment and the judgment of the committee to a request of the Business Men's League of St. Louis. If the Business Men's League of St. Louis says that no lateral canal is necessary and that they do not want a lateral canal—that they want a channel in the Mississippi River—then the chairman and his committee respectfully bow to the judgment of the Business Men's League. That is the position assumed in this amendment, and you can not put any other construction on it.

Mr. BURTON of Ohio. Oh, no.

Mr. BARTHOLDT. I want to say that I have wired the Business Men's League last night. Up to this moment I have not received a reply, and I consider it of very little importance, because I do not for one moment think that the chairman of the committee, an expert in matters of that kind, would place any reliance upon the judgment of a civic organization in the city of St. Louis. Or would he?

Mr. BURTON of Ohio. If the gentleman will allow me, I think, in view of my experience with them, I am very much justified in saying that I should not place any reliance.

Mr. BARTHOLDT. Mr. Chairman, in this regard I ought to make another statement.

Mr. FOSTER of Vermont. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Vermont?

Mr. BARTHOLDT. If my time can be extended.

The CHAIRMAN. The Chair can not answer as to that.

Mr. FOSTER of Vermont. I was going to follow the gentleman from St. Louis on this matter, and I want to know which way he is going to vote. Is he going to vote for the amendment or not?

Mr. BARTHOLDT. No; I shall be guided in this instance as the committee and the House have been guided—by the judgment of the Committee on Rivers and Harbors. [Laughter.]

Mr. FOSTER of Vermont. For one I think the gentleman from St. Louis is absolutely right in his position.

[The time of Mr. BARTHOLDT having expired, by unanimous consent it was extended five minutes.]

Mr. BARTHOLDT. I want to make this amendment plain to the House in as little time as I possibly can. We want a deep waterway to the Gulf. It may be necessary that in some parts of the river a lateral canal must be constructed. The engineers have already reported that for a distance of 14 miles above St. Louis, and not below——

Mr. BURTON of Ohio. What does the gentleman say is the distance from Alton to St. Louis?

Mr. BARTHOLDT. Fourteen miles. By railroad it is 14 miles.

Mr. BURTON of Ohio. The railroad guide does not agree with the gentleman. It says 24 miles.

Mr. BARTHOLDT. Whether 14 or 24 makes no difference; but the engineers have reported that along that part of the proposed deep waterway a lateral canal might become necessary. Now, if that is the case, this amendment would defeat the survey absolutely, because it has already been established that along that short distance a lateral canal is necessary.

Hence, as you will see, if we want a survey, and if that is all we can get, we must content ourselves with it, and we must vote down this amendment. If you vote the amendment up, there will be no survey, because it is already established that a lateral canal for a part of the way is necessary. But my statements with respect to the necessity of a lateral canal related to that part below St. Louis, and my statements were based upon the judgment of the engineers, who stated that no canal was necessary there, that the river could be deepened sufficiently, and that the channel could be placed in the river itself. It is for these reasons, Mr. Chairman, that I insist that this amendment should be withdrawn or voted down.

Mr. ELLIS. Mr. Chairman——

Mr. BURTON of Ohio. The gentleman from Missouri was to have some more time.

Mr. ELLIS. With reference to another matter which has been passed upon, I do not know that I care to make any posthumous observations on that subject.

Mr. BURTON of Ohio. I think I can bring this discussion speedily to a close.

Mr. ELLIS. I rise, Mr. Chairman, to ask the chairman of the committee to withdraw this amendment. I hope I need not suggest that it will hardly be considered a committee amendment. I have consulted with my colleagues of the committee around me here, the gentleman from Louisiana [Mr. RANSDELL] and the gentleman from Mississippi [Mr. HUMPHREYS]. They join with me in expressing the hope that, however great he deems the provocation to press it, the chairman will withdraw the amendment.

Mr. BURTON of Ohio. Mr. Chairman, I have no doubt the committee in acting upon this amendment will remember the story of King Solomon and his decision. Two claimants for a child were brought before him and he made the suggestion that the child be cut in two and half given to one and half to the other. One of the claimants agreed to that, but the other demurred, and he decided very promptly in favor of the claimant who wanted the child to be left entire and alive.

Now, there are persons in the Mississippi Valley who I think would be willing to have this canal end at St. Louis, and thus cut it in two. They ridicule the idea that a lateral canal would be necessary for any part of the country between St. Louis and Cairo. There are others who favor a waterway from the Lakes to the Gulf, and I am inclined to think we should respect their wishes. Consequently I withdraw this amendment. [Applause.]

Mr. RODENBERG. Mr. Chairman, I ask unanimous consent for two minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent for two minutes' time. Is there objection?

There was no objection.

Mr. RODENBERG. Mr. Chairman, a moment ago the chairman of the committee questioned the accuracy of my statement that the Board of Engineers had recommended an annual appropriation of $650,000 for improvement work between the mouth of the Ohio and the mouth of the Missouri. On page 463 of the report of the Chief of Engineers I find this statement:

The new appropriation asked for is the estimated expenditure for one year only and should be increased by authorization under continuing contracts for other years by at least the same sum annually.

On page 464 I find this:

Amount that can be profitably expended in fiscal year ending June 30, 1908, for works of improvement and for maintenance, in addition to the balance unexpended July 1, 1906, $650,000.

The gentleman accused me a moment ago of not being informed on this subject. I submit the report of the Chief of Engineers for his consideration.

Mr. BURTON of Ohio. In a moment I will answer the gentleman. I did not question his statement; I said he should, however, be informed in reference to all our estimates.

Mr. RODENBERG. But the gentleman said that this appropriation was for two years.

Mr. BURTON of Ohio. I will explain that. The formal recommendation is for one year—that is, the amount reported is for the fiscal year ending June 30 of such and such a year—but it is perfectly well understood that every recommendation must be considered in connection with the fact that our river and harbor bills are biennial, and hence the habit of recommending for one fiscal year an amount which will be sufficient for two years.

Mr. RODENBERG. But the engineer specifically states that the same amount should be increased annually $650,000, and the gentleman from Ohio made the statement a moment ago that his recommendation covered two years. The gentleman will find it on page 463.

Mr. BURTON of Ohio. The gentleman must also recollect that we are providing here for four years, and that I distinctly stated that we took the responsibility of lowering the amount recommended by the Chief of Engineers.

Mr. RODENBERG. And the gentleman will also remember that the engineer said that these continuing contracts for other years should be increased by at least the same sum annually, whether it is four years or ten years.

Mr. BURTON of Ohio. The gentleman knows very well that if we were to adopt all the recommendations of the engineers, for maintenance as well as for new work, we would have hundreds of millions on our hands. We are not following their recommendations in every case. We can not do so. We are doing the best we can, and we thought when we had appropriated and authorized more for this stretch of the river, in proportion to its tonnage, than for any other navigable channel in the United States we had done our full duty.

Mr. RODENBERG. I simply desired to satisfy the gentleman that he had not read this report with that degree of thoroughness with which he pretends to scan everything relating to river and harbors.

Mr. BURTON of Ohio. I must decline to yield further.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk will read.

The Clerk read as follows:

Improving the Mississippi River from the mouth of the Missouri River to Minneapolis, Minn.: Continuing improvement, $500,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the said improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,500,000, exclusive of the amounts herein and heretofore appropriated: *Provided further*, That the authorized sum last named shall be used in prosecuting the improvement for not less than three years beginning July 1, 1908, the work thus done each year to cost approximately $500,000: *And provided further*, That of the sums herein appropriated and authorized for this improvement a portion not to exceed $50,000 may, in the discretion of the Secretary of War, be expended annually for the first two years for dredging for the benefit of through navigation, giving preference to localities in which the communities interested shall thereafter maintain such dredging without cost to the United States.

Mr. BURTON of Ohio. Mr. Chairman, I have two amendments to offer here, which I will send to the desk and ask to have read.

The Clerk read as follows:

Page 74, line 23, after the words "five hundred thousand dollars," insert the following: "And the Secretary of War is authorized, in his discretion, to prosecute this work in accordance with the report submitted in House Document No. 341, Fifty-ninth Congress, second session, by methods looking toward an increase in depth.

The CHAIRMAN. The question is on agreeing to the amendment.

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

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 75, after the word "navigation," strike out the comma and insert "in harbors and at landing places."

The CHAIRMAN. The question is on agreeing to the amendment.

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

Mr. GARRETT. Mr. Chairman, I move to strike out the last word. I do that for the purpose of asking the chairman of the committee this question: I want to ask the gentleman from Ohio [Mr. BURTON] what control, if any, the Government exercises over landings?

Mr. BURTON of Ohio. As landings, none.

Mr. GARRETT. It is within the power of a line of steamers to rent the landings along the various rivers, the Mississippi and all others, and to exercise practically a monopoly as regards those landings.

Mr. BURTON of Ohio. I take it so, unless some State railway commission or other body should interfere. That is, so far as the improvement of river and harbor works is concerned, there would be no power to prevent. I will state to the gentleman that we frequently make appropriations conditional with some provision that the wharfage charge shall be subject to review by the Secretary of War. There is at least one such provision in this bill and there were several in the bill of 1905 and several in the bill of 1902. But that is a very drastic method, and we do not like to resort to it unless it seems imperatively necessary.

Mr. GARRETT. I recognize the fact, of course, that that is very drastic. I am not prepared to say that that ought to be done here, because I think the States can control that. I have this information, though not in such form as that any strong statements can be presented on the basis of it; but I understand that along some parts of the Mississippi River there is a particular line of steamers that has all the landing places rented and that no other steamers land there; that no freight is carried there except by that particular line that has those landings rented, and it results in a monopoly as great as any of the monopolies that have been complained about with reference to railroad rates. I wanted to ask the gentleman whether, in his opinion, it lies within the power of the Congress of the United States to deal with that sort of a situation?

Mr. BURTON of Ohio. That is rather a difficult problem to answer offhand, but I should question whether we could, except in an indirect way. I would state to the gentleman that there is a query whether, under the common law as enforced in all the States, there would not be a remedy for such a condition as that—a condition which is certainly a very objectionable one. It creates a monopoly, and one which is especially offensive because it has to do with navigation, which should be free and afford opportunities to all alike.

Mr. GARRETT. I will state to the gentleman that, in view of the complaints that have been made respecting that, I desired to have some notice called to it in the RECORD here now, and for that purpose I moved to strike out the last word. I think the States can and ought to control that. I withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. BARTHOLDT. Mr. Chairman, I renew the amendment merely for the purpose of asking the chairman a question on a matter which escaped my attention when we were discussing the other proposition. On page 73, in lines 8 and 9, after the word "Commission," it reads: "One of whom shall be the president of such Commission." Do I understand this to be the president of the Mississippi River Commission or the president of the new board to be appointed?

Mr. BURTON of Ohio. President of the Mississippi River Commission.

Mr. BARTHOLDT. That is satisfactory. Mr. Chairman, I withdraw the pro forma amendment.

Mr. SIBLEY. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Pennsylvania is recognized in opposition to the amendment proposed by the gentleman from Missouri.

Mr. SIBLEY. Mr. Chairman, I have been one of those who have believed in a much greater development of our internal waterway system. I have believed that Mr. James J. Hill was right when he said that it was necessary, because with all our railway development it was an impossibility to construct railroads as fast as the demands of our increased industries would compel us to do if those products are to be moved. I believe that in the development of our waterways is the solution of the congested traffic conditions of to-day. I believe it is the controlling factor in fair rates of transportation, and have deeply regretted that the chairman of this great committee has not seen fit to follow the recommendations and suggestions made especially by those Members who hail from Pennsylvania; but it is not for that purpose or to go into the question of waterways that I have arisen. It is simply to do a simple act of justice to myself. Two years ago, while the river and harbor bill was pending, in the heat of the debate and disappointment because Pennsylvania did not receive from that committee that consideration which we thought we were clearly entitled to receive, I used some words reflecting upon the chairman of this committee, which certainly were unworthy of me and entirely unjustifiable when used against that chairman, for whom I entertain, in common with all gentlemen in this House, a high respect. But while he has disappointed us who represent Pennsylvania who have appeared before that committee, I have seen from all sections of the country a determined effort to secure for their immediate local project some appropriation in his bill, of greater or less magnitude, and, listening to their insistence for consideration, was thankful that I was not a member of that committee, and of all positions that I would least like to have thrust upon me would be the chairmanship of that committee. I know of no other gentleman who has made so deep a study, who has brought to the question of the development of our American waterways a greater or more studious consideration of their needs than the gentleman from Ohio, and while he has disappointed us grievously in Pennsylvania, looking at the nation as a whole, I sincerely hope that he may reconsider his determination to retire from the chairmanship of that committee, and through the many years to come the country will have the advantage of his research and profound knowledge of this subject. [Loud applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

Improving reservoirs at headwaters of the Mississippi River, in the State of Minnesota: Continuing improvement, $145,000: *Provided*, That the land required for further construction or rehabilitation of reservoirs, together with any flowage rights which may be necessary, shall be ceded to the United States without charge.

Mr. SHACKLEFORD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Missouri offers the following amendment, which the Clerk will report.

MESSAGE FROM THE SENATE.

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

H. R. 24928. An act authorizing the construction of a dam across the Snake River, in the State of Washington, by the Benton Water Company;

H. R. 8685. An act for the relief of Charles E. Danner & Co.; and

H. R. 25123. An act providing for the construction of a bridge across the Mississippi River.

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

S. 8065. An act to provide for the transfer to the State of South Carolina of certain school funds for the use of free schools in the parishes of St. Helena and St. Luke, in said State.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Amend by inserting between lines 11 and 12, on page 75, the following:

"The Gasconade and Osage rivers and the Missouri River from its mouth to the mouth of Kaw River shall be known and designated as 'Missouri River, Reach No. 1.' The Missouri River, from the mouth of Kaw River to Sioux City, shall be known and designated as 'Missouri River, Reach No. 2,' and the Missouri River from Sioux City to Fort Benton shall be known and designated as 'Missouri River, Reach No. 3.'

"There is hereby created a commission, to consist of four members, to be called 'Missouri River Commission No. 1.'

"Two of said commissioners shall be from the Corps of Engineers of the Army and two shall be selected from civil life. The Secretary of War shall detail two engineers from the Corps of Engineers to serve as such commissioners, each of whom shall continue to be a member of said commission until the Secretary of War shall detail another from the Corps of Engineers to be his successor. They shall receive no other compensation than that allowed them by law.

"The President of the United States shall nominate and appoint, by and with the advice and consent of the Senate, two eminent civil engineers from civil life to be members of said commission. No person shall be eligible to such appointment who is at the time above the age of 50 years. Said commissioners appointed from civil life shall be appointed for a term of six years, but shall be subject to removal by the President at any time. They shall receive for their services a salary of $7,500 per annum each and shall devote their whole time to the active duties of the commission.

"No member of said commission shall accept any other service or

employment while he is such commissioner, nor shall he be either directly or indirectly an employee, agent, or officer of any railway company or of any other corporation or firm engaged in the transportation of freight.

"It shall be the duty of said commission to superintend and direct such improvement of the rivers comprising said Missouri River, Reach No. 1, and to carry into execution such plans for the improvement of the navigation thereof, as may be devised and in progress, and to continue and complete such surveys thereof as may now be in progress, and to make such additional surveys, investigations, plans, and estimates as may be deemed necessary to maintain a channel and depth of water for the purposes of commerce and navigation.

"The Secretary of War is hereby authorized and directed to transfer to said commission all such vessels, barges, machinery, instruments, and plants as may now be provided or in use on said rivers; and when thereto requested by said commission to detail from the Corps of Engineers such officers and men as may be deemed necessary, and place in the charge of said commission any such vessels, machinery, and instruments under his control as may be deemed necessary.

"Said commission may, with the approval of the Secretary of War, employ such additional force and assistance and provide by purchase or otherwise such additional vessels, boats, machinery, and instruments as may be deemed necessary, to be paid for out of appropriations made or to be made for said rivers embraced in said Missouri River, Reach No. 1.

"Said commission shall, under the direction and with the approval of the Secretary of War, superintend, control, and expend for the purposes of this act all appropriations or unexpended balances heretofore made and which may hereafter be made for said rivers embraced in said Missouri River, Reach No. 1, or so much thereof as may be necessary, and shall prepare and submit through the Chief of the Engineer Corps to the Secretary of War, to be by him transmitted to Congress at the beginning of the regular session of each year, a full and detailed report of all their proceedings and of all such plans and systems of work as may now be devised and in progress and carried out by them, and of all such additional plans and systems of works as may be devised and matured by them, with full and detailed estimates of the cost thereof and statements of all expenditures made by them.

"The Secretary of War shall detail from the Corps of Engineers or other corps of the Army an officer to act as secretary of the commission, to aid them in their work, who shall receive no other pay or compensation than is allowed him by law.

"All money hereby or hereafter appropriated for the improvement of said rivers comprising said Missouri River, Reach No. 1, shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of said commission, when such plans, specifications, and recommendations have been approved by Congress."

Mr. BURTON of Ohio. Mr. Chairman, we had one Missouri River commission some years ago, and I do not think the results of their supervision were altogether satisfactory, and we abolished it by the act of 1902. This seeks to creat three Missouri River commissions, as I understand it, each of four members.

Mr. SHACKLEFORD. Only one.

Mr. BURTON of Ohio. I understand there are three reaches and——

Mr. SHACKLEFORD. There are three reaches, but this only provides a commission for the lower reach.

Mr. BURTON of Ohio. In any event, it is objectionable. I do not know what they would do with the appropriations which we have made and with the work that is to be done under the present projects adopted.

The question was taken; and the amendment was rejected.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives, by Mr. LATTA, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On January 29:

H. R. 23560. An act to authorize the construction of a bridge across the Columbia River between Benton and Franklin counties, in the State of Washington, by the North Coast Railroad Company; and

H. R. 23561. An act to authorize the construction of a bridge across the Columbia River between Walla Walla and Benton counties, in the State of Washington, by the North Coast Railroad Company.

On January 30:

H. J. Res. 230. Joint resolution continuing the Postal Commission until the close of the present session of Congress.

On February 1:

H. J. Res. 231. Joint resolution authorizing the Secretary of War to sell certain hay, straw, and grain at Fort Assinniboine.

On February 4:

H. R. 24104. An act transferring Phelps County to the eastern division of the eastern judicial district of Missouri; and

H. R. 714. An act for the relief of Charles B. Bentley.

On February 5:

H. R. 20988. An act to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903;

H. R. 21402. An act permitting the building of a dam across the Savannah River at Gregg Shoals;

H. R. 21677. An act to amend an act granting to the Davenport Water Power Company rights to construct and maintain a canal, power station, and appurtenant works in the Mississippi River in Scott County, Iowa;

H. R. 22135. An act authorizing the construction of a bridge across the Ashley River, in the counties of Charleston and Colleton, S. C.;

H. R. 23718. An act to authorize the Chicago, Lake Shore and South Bend Railway Company to construct a bridge across the Calumet River in the State of Indiana;

H. R. 23939. An act to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Calumet River in the State of Indiana;

H. R. 24047. An act to authorize Chapter No. 376 of the Daughters of the American Revolution to erect a fountain on the property of the United States at Paducah, Ky.;

H. R. 24111. An act to authorize the Norfolk and Western Railway Company to construct a bridge across the Potomac River at or near Shepherdstown, W. Va.; and

H. R. 24275. An act permitting the building of a dam across the Flint River at Porter Shoals.

On February 6:

H. R. 1185. An act granting a pension to Josiah C. Hancock;

H. R. 7211. An act granting a pension to James C. Southerland;

H. R. 7551. An act granting a pension to Daniel Robb;

H. R. 8732. An act granting a pension to Ellen S. Gifford;

H. R. 9100. An act granting a pension to Nancy C. Paine;

H. R. 9113. An act granting a pension to Elizabeth Cleaver;

H. R. 9673. An act granting a pension to Oliver H. Griffin;

H. R. 9921. An act granting a pension to Ann Lytle;

H. R. 10760. An act granting a pension to Libbie A. Merrill;

H. R. 13201. An act granting a pension to Sarah A. Jones;

H. R. 13884. An act granting a pension to Helen Augusta Mason Boynton;

H. R. 14046. An act granting a pension to Jimison F. Skeens;

H. R. 14263. An act granting a pension to Fidelia Sellers;

H. R. 15202. An act granting a pension to Henry Peetsch;

H. R. 15630. An act granting a pension to Sarah Kizer;

H. R. 16002. An act granting a pension to Theodore T. Bruce;

H. R. 17988. An act granting a pension to Edward G. Hausen;

H. R. 18791. An act granting a pension to Michael Bocoskey;

H. R. 19490. An act granting a pension to Estelle I. Reed;

H. R. 20292. An act granting a pension to Howard William Archer;

H. R. 20327. An act granting a pension to Elizabeth A. Downie;

H. R. 20725. An act granting a pension to Hope Martin;

H. R. 637. An act granting an increase of pension to William H. Bone;

H. R. 676. An act granting an increase of pension to Musgrove E. O'Connor;

H. R. 725. An act granting an increase of pension to George E. Smith;

H. R. 742. An act granting an increase of pension to James Wintersteen;

H. R. 1144. An act granting an increase of pension to Franklin McFalls;

H. R. 1150. An act granting an increase of pension to Emma J. Turner;

H. R. 1252. An act granting an increase of pension to Mary E. Mathes;

H. R. 1337. An act granting an increase of pension to James B. Evans;

H. R. 1512. An act granting an increase of pension to Melvin T. Edmonds;

H. R. 1693. An act granting an increase of pension to Joseph Q. Oviatt;

H. R. 1717. An act granting an increase of pension to George M. Fowler;

H. R. 1723. An act granting an increase of pension to Rutson J. Bullock;

H. R. 1937. An act granting an increase of pension to Joseph B. Williams;

H. R. 2055. An act granting an increase of pension to Joanna L. Cox;

H. R. 2056. An act granting an increase of pension to Lucas Longendycke;

H. R. 2175. An act granting an increase of pension to James W. Bliss, alias James Warren;

H. R. 2286. An act granting an increase of pension to Jacob Miller;
H. R. 2399. An act granting an increase of pension to Charles F. Sancrainte;
H. R. 2421. An act granting an increase of pension to Daniel S. Mevis;
H. R. 2726. An act granting an increase of pension to John C. Keach;
H. R. 2764. An act granting an increase of pension to George L. Robinson;
H. R. 2769. An act granting an increase of pension to Ethan A. Valentine;
H. R. 2793. An act granting an increase of pension to Nathan D. Chapman;
H. R. 2826. An act granting an increase of pension to Samuel Prochel;
H. R. 3226. An act granting an increase of pension to John E. Leahy;
H. R. 3740. An act granting an increase of pension to John G. H. Armistead;
H. R. 3989. An act granting an increase of pension to Hiram T. Houghton;
H. R. 4149. An act granting an increase of pension to Thompson Wall;
H. R. 4151. An act granting an increase of pension to John W. Howard;
H. R. 4166. An act granting an increase of pension to John G. V. Herndon;
H. R. 4346. An act granting an increase of pension to Thomas H. B. Schooling;
H. R. 4351. An act granting an increase of pension to George A. Johnson;
H. R. 4670. An act granting an increase of pension to Edward B. Tanner;
H. R. 4673. An act granting an increase of pension to Samuel Rowe;
H. R. 4692. An act granting an increase of pension to Levi Welch;
H. R. 4719. An act granting an increase of pension to Mary J. Trumbull;
H. R. 4833. An act granting an increase of pension to Samuel F. Anderson;
H. R. 5063. An act granting an increase of pension to William G. Miller;
H. R. 5172. An act granting an increase of pension to Milton Stratton;
H. R. 5173. An act granting an increase of pension to Jacob Henninger;
H. R. 5174. An act granting an increase of pension to Patrick Turney;
H. R. 5187. An act granting an increase of pension to Robert John;
H. R. 5200. An act granting an increase of pension to John F. McBride;
H. R. 5209. An act granting an increase of pension to Edward R. Dunbar;
H. R. 5595. An act granting an increase of pension to Elisha Brown;
H. R. 5648. An act granting an increase of pension to William Hand;
H. R. 5729. An act granting an increase of pension to Norman H. Cole;
H. R. 5776. An act granting an increase of pension to Priscilla A. Campbell;
H. R. 5801. An act granting an increase of pension to Algernon E. Castner;
H. R. 5803. An act granting an increase of pension to Edwin L. Roberts;
H. R. 5829. An act granting an increase of pension to George Anderson;
H. R. 6057. An act granting an increase of pension to Emery Crawford;
H. R. 6060. An act granting an increase of pension to Lorenzo B. Fish;
H. R. 6088. An act granting an increase of pension to James R. Chapman;
H. R. 6145. An act granting an increase of pension to Parris J. Latham;
H. R. 6165. An act granting an increase of pension to Nelson Everson;
H. R. 6189. An act granting an increase of pension to Arthur Tibbitts;
H. R. 6424. An act granting an increase of pension to George Price;
H. R. 6493. An act granting an increase of pension to Eli Boynton;
H. R. 6519. An act granting an increase of pension to Samuel W. Whybark;
H. R. 6524. An act granting an increase of pension to Amos Snyder;
H. R. 6537. An act granting an increase of pension to William Jackson;
H. R. 6705. An act granting an increase of pension to William H. Zachery;
H. R. 6894. An act granting an increase of pension to Daniel O. Corbin;
H. R. 6920. An act granting an increase of pension to Simon Millison;
H. R. 7247. An act granting an increase of pension to Lorenzo Sink;
H. R. 7378. An act granting an increase of pension to John L. Brown;
H. R. 7393. An act granting an increase of pension to Ferdinand David;
H. R. 7411. An act granting an increase of pension to Tobias Fisher;
H. R. 7417. An act granting an increase of pension to Gibson Helms;
H. R. 7544. An act granting an increase of pension to Gustavus F. E. Raschig;
H. R. 7555. An act granting an increase of pension to John S. Roseberry;
H. R. 7581. An act granting an increase of pension to Emile Cloe;
H. R. 7666. An act granting an increase of pension to Joseph C. Mahaffey;
H. R. 7804. An act granting an increase of pension to John Frett, jr.;
H. R. 7834. An act granting an increase of pension to Joseph Amos;
H. R. 7912. An act granting an increase of pension to James M. Lawder;
H. R. 8136. An act granting an increase of pension to Joseph A. Scroggs;
H. R. 8159. An act granting an increase of pension to Charles Leathers;
H. R. 8247. An act granting an increase of pension to Sarah J. Littleton;
H. R. 8312. An act granting an increase of pension to Abram Sours;
H. R. 8335. An act granting an increase of pension to John T. Harvey;
H. R. 8338. An act granting an increase of pension to Isaac S. Doan;
H. R. 8373. An act granting an increase of pension to Patrick Weir;
H. R. 8553. An act granting an increase of pension to Thomas E. Aylsworth;
H. R. 8667. An act granting an increase of pension to Andrew Larick;
H. R. 8668. An act granting an increase of pension to Stephen H. Rogers;
H. R. 8683. An act granting an increase of pension to William D. Voris;
H. R. 8915. An act granting an increase of pension to Susan Woolley;
H. R. 8925. An act granting an increase of pension to Chester Simpson;
H. R. 8958. An act granting an increase of pension to David Bowen;
H. R. 9024. An act granting an increase of pension to Lewis Lennox;
H. R. 9090. An act granting an increase of pension to Amasa B. Saxton;
H. R. 9218. An act granting an increase of pension to William T. Blanchard;
H. R. 9250. An act granting an increase of pension to Obediah B. Nations;
H. R. 9278. An act granting an increase of pension to Melville A. Nichols;
H. R. 9402. An act granting an increase of pension to Adam S. Van Vorst;
H. R. 9403. An act granting an increase of pension to Kate E. Hanna;
H. R. 9816. An act granting an increase of pension to Charles A. Spanogle, alias Andrew C. Spanogle;
H. R. 10032. An act granting an increase of pension to Octavo Barker;

H. R. 10033. An act granting an increase of pension to Samuel C. Roe;
H. R. 10219. An act granting an increase of pension to George S. Boyd;
H. R. 10240. An act granting an increase of pension to John H. Curnutt;
H. R. 10317. An act granting an increase of pension to Clarissa A. Frederick;
H. R. 10400. An act granting an increase of pension to Thomas Harrison;
H. R. 10402. An act granting an increase of pension to Albert H. Campbell;
H. R. 10403. An act granting an increase of pension to James H. Odell;
H. R. 10440. An act granting an increase of pension to Amaziah G. Sheppard;
H. R. 10721. An act granting an increase of pension to Harriett I. Levis;
H. R. 10738. An act granting an increase of pension to Thomas Prosser;
H. R. 10773. An act granting an increase of pension to George C. Rathbun;
H. R. 10916. An act granting an increase of pension to Charles H. Shreeve;
H. R. 11141. An act granting an increase of pension to Jesse S. Miller;
H. R. 11169. An act granting an increase of pension to Robert P. Call;
H. R. 11174. An act granting an increase of pension to Isaac Richards;
H. R. 11232. An act granting an increase of pension to Aaron L. Packer;
H. R. 11307. An act granting an increase of pension to Joseph J. Roberts;
H. R. 11322. An act granting an increase of pension to Luther H. Starkey;
H. R. 11362. An act granting an increase of pension to Nicholas A. Bovee;
H. R. 11562. An act granting an increase of pension to Adam Wiles;
H. R. 11564. An act granting an increase of pension to James Morrow;
H. R. 11636. An act granting an increase of pension to Lawrence Hagan;
H. R. 11701. An act granting an increase of pension to Marvin Waldorph;
H. R. 11708. An act granting an increase of pension to Jesse A. Ask;
H. R. 11869. An act granting an increase of pension to Henry A. Geduldig;
H. R. 11959. An act granting an increase of pension to Henry J. Rice;
H. R. 12106. An act granting an increase of pension to George W. Reagan;
H. R. 12124. An act granting an increase of pension to Howard Brown;
H. R. 12152. An act granting an increase of pension to Leonidas E. Mills;
H. R. 12370. An act granting an increase of pension to Mary E. Randolph;
H. R. 12497. An act granting an increase of pension to Allen M. Haight;
H. R. 12523. An act granting an increase of pension to Gancelo Leighton;
H. R. 12554. An act granting an increase of pension to William Larraby;
H. R. 12557. An act granting an increase of pension to John C. Berry;
H. R. 12574. An act granting an increase of pension to Jacob R. Burkhardt;
H. R. 12676. An act granting an increase of pension to Francis M. Morrison;
H. R. 13053. An act granting an increase of pension to Eli Bunting;
H. R. 13054. An act granting an increase of pension to James M. Brown;
H. R. 13253. An act granting an increase of pension to Robert M. C. Hill;
H. R. 13740. An act granting an increase of pension to Jeremiah Bard;
H. R. 13805. An act granting an increase of pension to Isaac Gordon;
H. R. 13806. An act granting an increase of pension to John Campbell;
H. R. 13813. An act granting an increase of pension to Samuel Brown;
H. R. 13815. An act granting an increase of pension to Christian M. Good;
H. R. 13956. An act granting an increase of pension to Alfred Fetheringill;
H. R. 13975. An act granting an increase of pension to Thomas H. Primrose;
H. R. 14238. An act granting an increase of pension to William H. Van Tassell;
H. R. 14378. An act granting an increase of pension to Charles Settle;
H. R. 14673. An act granting an increase of pension to David H. Semans;
H. R. 14675. An act granting an increase of pension to James Davis;
H. R. 14689. An act granting an increase of pension to Herman G. Weller;
H. R. 14690. An act granting an increase of pension to Henrietta Hull;
H. R. 14715. An act granting an increase of pension to Harmon W. McDonald;
H. R. 14767. An act granting an increase of pension to Henry Simon;
H. R. 14860. An act granting an increase of pension to William D. Campbell;
H. R. 14862. An act granting an increase of pension to Ann E. White;
H. R. 14884. An act granting an increase of pension to Henry Stauffer;
H. R. 14983. An act granting an increase of pension to R. T. Dillard Zimmerman;
H. R. 14985. An act granting an increase of pension to Mary Gramberg;
H. R. 14995. An act granting an increase of pension to James H. Bell;
H. R. 15017. An act granting an increase of pension to Joseph Strope;
H. R. 15139. An act granting an increase of pension to James P. Mullen;
H. R. 15150. An act granting an increase of pension to John O'Connor;
H. R. 15193. An act granting an increase of pension to Frederick W. Studdiford;
H. R. 15297. An act granting an increase of pension to Nelson Hanson;
H. R. 15317. An act granting an increase of pension to James B. F. Callon;
H. R. 15421. An act granting an increase of pension to Paul Diedrich;
H. R. 15430. An act granting an increase of pension to Oliver Lawrence;
H. R. 15455. An act granting an increase of pension to John D. Brooks;
H. R. 15463. An act granting an increase of pension to John Robb, 1st;
H. R. 15580. An act granting an increase of pension to James P. Hudkins;
H. R. 15631. An act granting an increase of pension to Henry C. Worley;
H. R. 15790. An act granting an increase of pension to Nicholas W. Dorrel;
H. R. 15839. An act granting an increase of pension to Mary J. Burroughs;
H. R. 15860. An act granting an increase of pension to Sarah C. Morris;
H. R. 15868. An act granting an increase of pension to William H. Scullen;
H. R. 15874. An act granting an increase of pension to Benjamin B. Ream;
H. R. 15890. An act granting an increase of pension to Hiram C. Barney;
H. R. 15980. An act granting an increase of pension to John T. Smith;
H. R. 16087. An act granting an increase of pension to Charles W. Foster;
H. R. 16222. An act granting an increase of pension to Napoleon B. Ferrell;
H. R. 16249. An act granting an increase of pension to Thomas Miller;
H. R. 16488. An act granting an increase of pension to Charles Hopkins;
H. R. 16493. An act granting an increase of pension to William T. Sallee;

H. R. 16546. An act granting an increase of pension to Louis F. Beeler;
H. R. 16895. An act granting an increase of pension to William M. Baker;
H. R. 17094. An act granting an increase of pension to James H. Sperry;
H. R. 17172. An act granting an increase of pension to John Short;
H. R. 17484. An act granting an increase of pension to John E. Gillispie, alias John G. Elliott;
H. R. 17486. An act granting an increase of pension to Rudolph Papst;
H. R. 17539. An act granting an increase of pension to Ambrose D. Albertson;
H. R. 17646. An act granting an increase of pension to James M. Sheak;
H. R. 17770. An act granting an increase of pension to Julia P. Grant;
H. R. 17773. An act granting an increase of pension to Carel Lane;
H. R. 17810. An act granting an increase of pension to Saul Coulson;
H. R. 17864. An act granting an increase of pension to Mary E. Austin;
H. R. 17958. An act granting an increase of pension to Alexander Dixon;
H. R. 17969. An act granting an increase of pension to Charles Walrod;
H. R. 18031. An act granting an increase of pension to Daniel H. Toothaker;
H. R. 18089. An act granting an increase of pension to Daniel J. Harte;
H. R. 18114. An act granting an increase of pension to Henry B. Parker;
H. R. 18155. An act granting an increase of pension to Frank S. Hastings;
H. R. 18179. An act granting an increase of pension to William G. Baity;
H. R. 18218. An act granting an increase of pension to Joseph L. Topham;
H. R. 18242. An act granting an increase of pension to Francis Anderson;
H. R. 18247. An act granting an increase of pension to William Baird;
H. R. 18248. An act granting an increase of pension to John D. Evans;
H. R. 18261. An act granting an increase of pension to John T. Mitchell;
H. R. 18295. An act granting an increase of pension to Joshua B. Casey;
H. R. 18410. An act granting an increase of pension to Andrew J. Cushing;
H. R. 18474. An act granting an increase of pension to Robert Sturgeon;
H. R. 18494. An act granting an increase of pension to Emmagene Bronson;
H. R. 18574. An act granting an increase of pension to Levi Miles;
H. R. 18582. An act granting an increase of pension to Sarah E. Hoffman;
H. R. 18608. An act granting an increase of pension to Mary E. Strickland;
H. R. 18634. An act granting an increase of pension to Mary Sullivan;
H. R. 18637. An act granting an increase of pension to Henry L. Sparks;
H. R. 18758. An act granting an increase of pension to Mary A. Daniel;
H. R. 18761. An act granting an increase of pension to Benjamin Bolinger;
H. R. 18771. An act granting an increase of pension to William G. Bailey;
H. R. 18797. An act granting an increase of pension to John M. Defoe;
H. R. 18871. An act granting an increase of pension to Emanuel Raudabaugh;
H. R. 18884. An act granting an increase of pension to Weymouth Hadley;
H. R. 19023. An act granting an increase of pension to John T. Lester;
H. R. 19044. An act granting an increase of pension to Samuel C. McCormick;
H. R. 19045. An act granting an increase of pension to Mary A. Agey;
H. R. 19048. An act granting an increase of pension to Alfred Branson;
H. R. 19105. An act granting an increase of pension to William H. Moser;
H. R. 19117. An act granting an increase of pension to Mary E. Higgins;
H. R. 19216. An act granting an increase of pension to Theophil Brodowski;
H. R. 19237. An act granting an increase of pension to James Rout;
H. R. 19280. An act granting an increase of pension to Peter J. Williamson;
H. R. 19281. An act granting an increase of pension to Mary J. Gillem;
H. R. 19363. An act granting an increase of pension to Theodore Bland;
H. R. 19386. An act granting an increase of pension to Robert Stewart;
H. R. 19412. An act granting an increase of pension to Jefferson K. Smith;
H. R. 19420. An act granting an increase of pension to Eliza A. McKean;
H. R. 19426. An act granting an increase of pension to George N. Griffin;
H. R. 19448. An act granting an increase of pension to Abiram P. McConnell;
H. R. 19479. An act granting an increase of pension to George W. Savage;
H. R. 19510. An act granting an increase of pension to Richard B. West;
H. R. 19541. An act granting an increase of pension to Job F. Martin;
H. R. 19553. An act granting an increase of pension to James Robertson;
H. R. 19577. An act granting an increase of pension to Mary L. Patton;
H. R. 19579. An act granting an increase of pension to Robert F. Mayfield;
H. R. 19584. An act granting an increase of pension to Joseph B. Petty;
H. R. 19603. An act granting an increase of pension to Jacob Farner;
H. R. 19629. An act granting an increase of pension to Oliver Morton;
H. R. 19639. An act granting an increase of pension to Lucy A. Kephart;
H. R. 19648. An act granting an increase of pension to Sarah A. Wilson;
H. R. 19651. An act granting an increase of pension to Joseph H. Pendergast;
H. R. 19661. An act granting an increase of pension to Jacob McWilliams;
H. R. 19672. An act granting an increase of pension to Thomas McDermott;
H. R. 19703. An act granting an increase of pension to Seth Chase;
H. R. 19708. An act granting an increase of pension to William A. Lefler;
H. R. 19713. An act granting an increase of pension to Mary B. Mason;
H. R. 19715. An act granting an increase of pension to Susan M. Brunson;
H. R. 19716. An act granting an increase of pension to Mary F. Johnson;
H. R. 19722. An act granting an increase of pension to William H. Burns;
H. R. 19738. An act granting an increase of pension to Benjamin St. Clair;
H. R. 19758. An act granting an increase of pension to Josefita Montano;
H. R. 19762. An act granting an increase of pension to Clara C. Edsall;
H. R. 19807. An act granting an increase of pension to John W. Marean;
H. R. 19818. An act granting an increase of pension to William F. Clinkscales;
H. R. 19858. An act granting an increase of pension to Richard E. Clapper;
H. R. 19871. An act granting an increase of pension to John G. Kean, alias Cain;
H. R. 19872. An act granting an increase of pension to Richard E. Hassett;
H. R. 19873. An act granting an increase of pension to Robert Webb;

H. R. 19885. An act granting an increase of pension to Frank Scherer;
H. R. 19891. An act granting an increase of pension to Edwin D. Bates;
H. R. 19907. An act granting an increase of pension to James Butler;
H. R. 19915. An act granting an increase of pension to Greenleaf W. Crossman;
H. R. 19923. An act granting an increase of pension to Bettie Ferguson;
H. R. 19949. An act granting an increase of pension to Charles Van Ostrand;
H. R. 19963. An act granting an increase of pension to Charles Carter;
H. R. 19967. An act granting an increase of pension to Martin L. Ohr;
H. R. 19990. An act granting an increase of pension to Susan F. Christie;
H. R. 19998. An act granting an increase of pension to Eunice Cook;
H. R. 20029. An act granting an increase of pension to John B. Maison;
H. R. 20061. An act granting an increase of pension to Caswell York;
H. R. 20064. An act granting an increase of pension to William C. Arnold;
H. R. 20078. An act granting an increase of pension to Walter M. English;
H. R. 20085. An act granting an increase of pension to Robert Lafontaine;
H. R. 20087. An act granting an increase of pension to Cassia C. Tyler;
H. R. 20088. An act granting an increase of pension to Mary J. Thurmond;
H. R. 20096. An act granting an increase of pension to Theresia Bell;
H. R. 20117. An act granting an increase of pension to Preston J. Michener;
H. R. 20129. An act granting an increase of pension to John Lemly;
H. R. 20146. An act granting an increase of pension to Harriet C. Kenney;
H. R. 20154. An act granting an increase of pension to George H. Dyer;
H. R. 20166. An act granting an increase of pension to Sarah Salmon;
H. R. 20198. An act granting an increase of pension to Mary E. Maddox;
H. R. 20199. An act granting an increase of pension to Joseph N. Cadieux;
H. R. 20219. An act granting an increase of pension to Ellen Downing;
H. R. 20222. An act granting an increase of pension to Henry C. Joseph;
H. R. 20229. An act granting an increase of pension to Jehu F. Wotring;
H. R. 20250. An act granting an increase of pension to Thomas McBride;
H. R. 20269. An act granting an increase of pension to Sarah A. Galloway;
H. R. 20272. An act granting an increase of pension to James L. House;
H. R. 20279. An act granting an increase of pension to Edmund Hostetter;
H. R. 20286. An act granting an increase of pension to Bartholomew Holmes;
H. R. 20303. An act granting an increase of pension to John Crowley;
H. R. 20350. An act granting an increase of pension to Theodore F. Reighter;
H. R. 20351. An act granting an increase of pension to Peter M. Simon;
H. R. 20357. An act granting an increase of pension to Jane Auldridge;
H. R. 20363. An act granting an increase of pension to Otis E. Rush;
H. R. 20384. An act granting an increase of pension to Mary Wilson;
H. R. 20391. An act granting an increase of pension to Mary Jane Meldrim;
H. R. 20415. An act granting an increase of pension to John H. Krom;
H. R. 20424. An act granting an increase of pension to George W. Wheeler;
H. R. 20431. An act granting an increase of pension to John Neumann;
H. R. 20463. An act granting an increase of pension to Nicholas D. Kenny;
H. R. 20571. An act granting an increase of pension to Frederick J. Dowland;
H. R. 20581. An act granting an increase of pension to Nettie G. Kruger;
H. R. 20586. An act granting an increase of pension to Calvin Judson;
H. R. 20587. An act granting an increase of pension to Francis McMahon;
H. R. 20613. An act granting an increase of pension to Hiram Steele;
H. R. 20614. An act granting an increase of pension to James Howardson;
H. R. 20683. An act granting an increase of pension to James Bond;
H. R. 20712. An act granting an increase of pension to Samuel W. Searles;
H. R. 20715. An act granting an increase of pension to Charles Ballantyne;
H. R. 20717. An act granting an increase of pension to Adelbert E. Bleekman;
H. R. 20721. An act granting an increase of pension to James O. Pierce;
H. R. 20724. An act granting an increase of pension to Rhoda A. Hoit;
H. R. 20726. An act granting an increase of pension to Mary J. Smith;
H. R. 20735. An act granting an increase of pension to Berge Larsen;
H. R. 20829. An act granting an increase of pension to David M. Watkins;
H. R. 20844. An act granting an increase of pension to Milton Russell;
H. R. 20851. An act granting an increase of pension to Henry Hamme;
H. R. 20852. An act granting an increase of pension to Theodore T. Tate;
H. R. 20896. An act granting an increase of pension to James F. Henninger;
H. R. 20899. An act granting an increase of pension to Charles W. Carpenter;
H. R. 20955. An act granting an increase of pension to Edward L. Carpenter;
H. R. 20958. An act granting an increase of pension to Darius E. Garland;
H. R. 20962. An act granting an increase of pension to Franklin H. Bailey;
H. R. 20964. An act granting an increase of pension to John Fox;
H. R. 20965. An act granting an increase of pension to Harvey Sine;
H. R. 21001. An act granting an increase of pension to George Rhodes;
H. R. 21015. An act granting an increase of pension to Evan H. Baker;
H. R. 21019. An act granting an increase of pension to Benjamin F. Fell;
H. R. 21033. An act granting an increase of pension to William P. Huff;
H. R. 21043. An act granting an increase of pension to Robert J. Dewey;
H. R. 21045. An act granting an increase of pension to Unity A. Steel;
H. R. 21054. An act granting an increase of pension to William G. Wilson;
H. R. 21058. An act granting an increase of pension to William H. Isbell;
H. R. 21086. An act granting an increase of pension to Jerry Johnson;
H. R. 21119. An act granting an increase of pension to Alexander Boshea;
H. R. 21124. An act granting an increase of pension to William B. Crane;
H. R. 21142. An act granting an increase of pension to Joseph Rose;
H. R. 21148. An act granting an increase of pension to Jacob A. Graham;
H. R. 21162. An act granting an increase of pension to John W. Humphrey;
H. R. 21179. An act granting an increase of pension to Charles Green;

H. R. 21185. An act granting an increase of pension to Mary M. Goble;

H. R. 21216. An act granting an increase of pension to Eliza J. McCardel;

H. R. 21228. An act granting an increase of pension to Pleasant Crissip;

H. R. 21302. An act granting an increase of pension to Nicolaus Kirsch;

H. R. 21304. An act granting an increase of pension to Jacob Kohl;

H. R. 21307. An act granting an increase of pension to Samuel Fauver;

H. R. 21519. An act granting an increase of pension to Montezuma St. John;

H. R. 21575. An act granting an increase of pension to Calvin E. Morley;

H. R. 21641. An act granting an increase of pension to Levi Eddy;

H. R. 21749. An act granting an increase of pension to Annie Reaney;

H. R. 21828. An act granting an increase of pension to Noah Perrin;

H. R. 21849. An act granting an increase of pension to John P. Dix;

H. R. 21859. An act granting an increase of pension to Simon Stone;

H. R. 22052. An act granting an increase of pension to James A. Meredith;

H. R. 22207. An act granting an increase of pension to William A. Harlan;

H. R. 22265. An act granting an increase of pension to Elizabeth Jane Hancher;

H. R. 22280. An act granting an increase of pension to Emily V. Ackley;

H. R. 22281. An act granting an increase of pension to Leonard Tyler;

H. R. 22416. An act granting an increase of pension to Barbara E. Schwab;

H. R. 22424. An act granting an increase of pension to William Faulkner;

H. R. 22566. An act granting an increase of pension to Joseph L. Six;

H. R. 22568. An act granting an increase of pension to John H. Christman;

H. R. 22607. An act granting an increase of pension to John T. Hetherlin;

H. R. 22684. An act granting an increase of pension to William Sherk;

H. R. 22717. An act granting an increase of pension to Mary A. Brick;

H. R. 22932. An act granting an increase of pension to Bryngel Severson;

H. R. 22937. An act granting an increase of pension to Edward Murphy;

H. R. 22997. An act granting an increase of pension to Edmond D. Doud;

H. R. 23307. An act granting an increase of pension to Andrew Casey;

H. R. 9212. An act for the relief of Joseph W. I. Kempa, executor of the last will and testament of William J. Grutza, deceased;

H. R. 9577. An act for the relief of Charles H. Stockley;

H. R. 17099. An act to authorize the refund of part of fines imposed on the vessels *Sotie R.*, *Mathilda R.*, and *Helen R.*;

H. R. 19749. An act to prescribe the duties of deputy collectors of customs; and

H. R. 21197. An act to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, by extending the provisions of the first section thereof to the port of Brunswick, Ga.

On February 7:

H. R. 5651. An act for the relief of William H. Beall;

H. R. 13895. An act to correct the naval record of Michael Sheehan;

H. R. 14634. An act for the relief of George H. Chase;

H. R. 18380. An act to complete the naval record of Charles W. Held;

H. R. 22362. An act for the relief of Esther Rousseau;

H. R. 9131. An act for the relief of the legal representatives of Charles D. Southerlin; and

H. R. 9132. An act for the relief of the legal representatives of Benjamin F. Pettit.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Improving Missouri River from the mouth of Fort Benton: For maintenance, $300,000, of which amount $150,000 may be expended between the mouth and Kansas City, $100,000 between Kansas City and Sioux City, and $50,000 between Sioux City and Fort Benton: *Provided*, That these amounts shall be applied in the first instance for the purpose of clearing the river of snags with a view to navigation, and no part of such amount shall be applied for revetment or the protection of banks of the stream unless such revetment or protection is directly and necessarily required for purposes of navigation, and the Secretary of War may cause a survey to be made of said river from its mouth to Kansas City, and from Kansas City to Sioux City, such examination to be made, in his discretion, without further general instrumental survey.

Mr. BURTON of Ohio. Mr. Chairman, I move to strike out in that paragraph all in line 9, after the word "navigation," and also lines 10, 11, 12, and 13.

The object of that is to transfer the provision for a survey to the section relating to surveys, and I give notice when that section is reached I shall offer this provision in a slightly modified form.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. BURTON].

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

Mr. SHACKLEFORD. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Missouri [Mr. SHACKLEFORD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out on page 75, in line 24, the words "three hundred thousand" and insert in lieu thereof the following: "one million one hundred and fifty thousand;" and by striking out of line 25, on page 75, the words "one hundred and fifty thousand" and inserting in lieu thereof the words "one million."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BURTON of Ohio. I am willing to have that go to a vote right away without discussion.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was rejected.

Mr. SCOTT. Mr. Chairman, I wish to offer the following amendment, to be inserted at the close of the section.

The CHAIRMAN. The gentleman offers an amendment which the Clerk will report.

The Clerk read as follows:

Improving the Missouri River at the city of Elwood, Doniphan County, Kans., $75,000.

Mr. SCOTT. Mr. Chairman, in explanation and support of the amendment I have offered, I would like to ask permission that the Clerk may read the concurrent resolution adopted by the legislature of Kansas, which I have sent to the desk.

The CHAIRMAN. The paper will be read in the time of the gentleman from Kansas.

The Clerk read as follows:

House concurrent resolution No. 11.

Whereas the Missouri River at a point bordering on the city of Elwood, in Doniphan County, Kans., is washing and cutting away the land within said city and endangering the homes of the people residing there; and

Whereas said city is in danger of being washed entirely away and the inhabitants of said city are in danger of great loss of property and of much suffering; and

Whereas no steps have ever been taken or means employed by the General Government to protect the banks along said river at said place; and

Whereas the sums of money heretofore appropriated by the Congress of the United States, and intended by Congress to be used in protecting the banks on both sides of said river at said place, have been used exclusively to protect the banks and property on the Missouri side only:

Therefore be it resolved by the house of representatives (the senate concurring therein), That the Senators and Representatives from Kansas in Congress be instructed to use every honorable effort to secure an appropriation by Congress of not less than $75,000 to be used exclusively on the Kansas side of said river to protect the banks thereof at the point where said river borders upon said city of Elwood. And that a copy of this resolution be sent by the secretary of state to each Senator and Representative in Congress from this State.

I hereby certify that the above concurrent resolution originated in the house, and passed that body January 30, 1907.

J. S. SIMMONS,
Speaker of the House.
D. Y. WILSON,
Chief Clerk of the House.

Passed the senate January 31, 1907.

W. J. FITZGERALD,
President of the Senate.
W. J. KRETSINGER,
Secretary of the Senate.

Approved February 1, 1907.

E. W. HOCH, *Governor.*

Mr. BURTON of Ohio. Mr. Chairman, I raise the point of order on that. There is no project looking to it. At the same time I reserve the point of order in order to let the gentleman be heard.

The CHAIRMAN. The Chair would think the point of order came too late.

Mr. SCOTT. Mr. Chairman, the resolution which has just been read describes a condition which must appeal very strongly to the sympathies of every member of this committee. It appears from these resolutions, which come here with the authority of both houses of our State legislature and the approval of the governor, that by reason of the ravages of the Missouri this little town of Elwood is threatened with absolute destruction, destruction which would mean total loss to the property owners of the town, which can not be recouped by any sort of insurance, and which would bring a great many people to bankruptcy and probably to actual want.

Mr. GARRETT rose.

The CHAIRMAN. Does the gentleman from Kansas [Mr. SCOTT] yield to the gentleman from Tennessee?

Mr. SCOTT. For a question.

Mr. GARRETT. Are there any levees there?

Mr. SCOTT. Oh, no. There are no levees on the Missouri at that point.

Mr. GARRETT. The gentleman's request here is for an appropriation to build a levee?

Mr. SCOTT. Not for a levee. It is for an appropriation to build what they call a "revetment," with which to protect the banks from being washed by the current of the river. I understand, Mr. Chairman, that this amendment will probably be opposed because of the provision in the section preceding, to the effect that—

No part of the money hereby appropriated shall be applied for revetment or the protection of the banks of the stream, unless such revetment or protection is directly or necessarily required for the purposes of navigation.

But I believe this improvement could be made under that rule without being obnoxious to it, for the reason that it would contribute directly to the navigation of the stream.

As I understand the geography of that locality, the town of Elwood is situated at the head of a peninsula which has been formed by a bend in the Missouri River. At the extremity of this peninsula, across the river on the Missouri side, is the city of St. Joseph, and I am told that the people of that city are very greatly exercised for fear that the river may change its channel by sweeping across the neck of the peninsula at Elwood, and thus leave St. Joseph many miles from any channel that will be available for navigation. It needs no argument, of course, to show that if the river should in this way start to change its bed it would destroy, for many years at least, any hope of navigation in either the old or new channel, and I believe, therefore, that this amendment should be adopted in the interest of navigation of the river as well as for the protection of the people of the city of Elwood.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURTON of Ohio. I yield to the gentleman from Iowa, Mr. Chairman, as far as I have any right.

Mr. HUBBARD. Mr. Chairman, I had prepared several amendments which I desired to offer to this paragraph of the bill. I am admonished, however, by the fate of various gentlemen who have run into collision with the machine that there is but little to be gained by offering any amendments to this bill. I shall not, therefore, cast myself before the wheels of the car. Let us be duly thankful, brethren of the Missouri Valley, that the committee has left to us our place on the map. I wish especially to call attention to this, that the one quality which is considered as entitling any river to any appropriation is the question of the tonnage carried by it. The Missouri River is navigable, and has been since Lewis and Clark pursued its pathway across the continent for two thousand four hundred-odd miles. It has in the past carried a great commerce. It will in the future carry a great commerce. The cause of the present diminution of commerce is not any lack of navigable quality in the Missouri River. It is the result of the diversion of commerce from north to south, along the natural line of flow, to eastward, along the great lines of railway.

But to this hour, at this very moment, the existence of the Missouri and the existence of the Mississippi River as navigable streams and their maintenance as navigable streams is the best possible regulator of charges upon commerce for all that region. The Missouri River and the Mississippi River mark the base lines for freight charges. As the gentleman from Missouri only a short time ago showed, the mere threat of commerce on the Missouri River resulted in a substantial reduction of freight rates. Iowa in this year of grace has, it is estimated, in the neighborhood of 400,000,000 bushels of corn. A diminution of freight of 1 cent per bushel upon that corn and its products means a reduction of $4,000,000 in the cost of marketing.

Yet it is apparently proposed, in all seriousness, to expend the munificent sum of $300,000 upon the 2,400 miles of river from the mouth to Fort Benton, coupling this gift with the admonition that unless we at once get busy running steamboats, care for the river will cease.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUBBARD. I should like a minute or two more.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HUBBARD. Mr. Chairman, this appropriation is intended especially for dredging; for the removal of snags; for improvements which will scarcely last until the boat passes by that makes them. Dredging the channel of the Missouri River! You might as well undertake to dredge a channel for the north wind and expect it to be permanent. You never can improve the channel of the Missouri River in that way or improve its navigability. The one way of improvement is by the protection of the banks, and that is expressly denied in this bill. The only method is to hold the stream within such limits as may prevent the vast destruction now involved in its unrestrained flow and at once save the fertile fields and fix the channel.

It is true that but few tons of freight are now carried, but it is also true that down that stream annually goes freight as precious as the coal of Pennsylvania. Our acres are carried, millions of tons, worth millions of dollars, every year. I stood on the bank of the Missouri this fall and looked out over a desolate and barren sand bar which had replaced 1,700 acres of ground as fertile as the sun shines upon. In my district alone thousands upon thousands of dollars' worth of real estate are freighted down that river every year. And we are told that it it is well worth the while to spend $63,000,000 upon dams and locks to slack-water the Ohio to move Pennsylvania coal, but it is no concern of the United States to spend a cent to hold fast and preserve our acres. It is a matter of grave public concern to see that John Smith carries his corn to market by the river, but it is of no public concern that the river should sweep away the land that bears the corn. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. ELLIS. Mr. Chairman, at the risk of seeming to lack sympathy for those people at Elwood in the dire straits depicted by the gentleman from Kansas [Mr. SCOTT], I must suggest to the committee the utter impossibility of this proposition. In justice to other communities along the Missouri River not only, but to other communities as well on other rivers that are provided for in this bill, this provision for the protection and relief of these people can not be made. If it is true that revetment is necessary there to save private property, at a cost of $75,000, it is equally true that like work of like cost would be required at Parkville, 40 or 50 miles below, and at other points on the river which I might name. Now, we are trying to make a new start along rational lines, to restore commerce on the Missouri River. We want the moderate amounts appropriated by this bill to be applied primarily and directly to improving navigable conditions. I think that ought to be satisfactory to all of us on this floor. Those of us who, without any doubt or misgiving, are for improving and using the channel of the Missouri River surely must be glad and satisfied that the money appropriated is to be so devoted and expended. Those, if any, who have misgivings about that certainly will be better satisfied if they know the amounts carried in the bill will be so expended.

Mr. Chairman, efforts heretofore made by Congress to develop this great river have resulted in disappointments both here and out there. It has been suggested in this debate that for the large sums appropriated we have little to show. There is too much truth in this charge. We have something left, however, in view of the mistakes that have been made—a good deal, in fact. Wherever money has been spent systematically, rationally, and for the primary purpose of permanent improvement of the channel, results have been lasting and, to a high degree, satisfactory. I hope we have learned from our mistakes. It will be a part of the purpose of the surveys provided for in this bill to bring to the Congress a showing of what has been done that is permanent and lasting. The chairman, in his opening statement, said in effect that we were to be given a new trial out there. We expect to make good. In view of these considerations, and in view of the policy of the committee, which under the circumstances and conditions as they exist I approve, I trust that this amendment will be voted down.

Mr. BURTON of Ohio. Mr. Chairman, just a word on this amendment. I think it deserves somewhat extended reference. I indorse every word of what my colleague from Missouri [Mr. ELLIS] has said in reference to it. No one can avoid sympa-

thizing with the claims of the community, such as have been presented with reference to this town of Elwood. But this question of the protection of the banks of streams, navigable and nonnavigable, for the mere saving of abutting property, has been under consideration by the committee and by Congress for a number of years. We have at last established the policy that for all streams under the control of the Army engineers we would not recommend appropriations unless directly and immediately required in the interest of navigation. Now, it is not any desire to shut out the claims of any community or State that brings us to that conclusion. I want to say for the Committee on Rivers and Harbors that they are the best friends of the real improvement of harbors and rivers. What would happen if we threw the door wide open and let in all these extraneous matters of protection against floods and protection of banks against erosion? What would happen if we allowed undeserving claims to find a place in our bill? Why, there would be so large an amount in one of these measures, such extravagance, that the bill would become a public scandal. It would be a pork barrel, as it has been sometimes termed, and as it is sometimes termed even now.

Occasionally, I have no doubt, we make mistakes, and items are included here which should not be, but we are striving to follow certain general rules. The first to be observed is the promotion of navigation, and, I may add, with a preference for those channels and harbors where navigation already exists and increased facilities are required. We are seeking to frame our appropriation according to the prospective benefits which will acrue. We are seeking to rigidly exclude matters which do not belong to the promotion of navigation. Now, this in one. I do not want the members of the committee to omit to consider what would happen if we should consent to this item. It would mean that we must do the same on every navigable stream in the United States; and, indeed, there is no difference in principle in this regard between a navigable and a nonnavigable stream. It would mean that ultimately we must protect the banks and private property abutting on all streams in the United States, and in a very few years the provisions made for navigation would be entirely eclipsed by the much larger amounts required for the protection of property. It is for this reason that we object, and object strenuously, to this item.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. SCOTT].

The question being taken, the amendment of Mr. SCOTT was rejected.

Mr. KENNEDY of Nebraska. Mr. Chairman, I move to strike out the last word. I do not rise to oppose any of the provisions in this bill. I am heartily in favor of river and harbor improvements, and I hope that in due time the gentlemen from Missouri and the gentlemen from Illinois will have their hearts gladdened by a deep waterway from the Lakes to the Gulf. My objection to the last paragraph read is not to what it does, but to what it does *not* do. We have a provision in this paragraph for $100,000 for the Missouri River from Kansas City to Sioux City. As a matter of fact, it ought to be $2,000,000. We have in the cities of Omaha and South Omaha a large amount of freight to handle. Last year our jobbing trade was $85,000,000. The aggregate value of the stock received at South Omaha was over $90,000,000. We handled at Omaha last year over 45,000,000 bushels of grain, and we have for the reception and storage of grain an elevator capacity of 6,000,000 bushels. Our manufactures, including the output of the South Omaha packing houses, are about $200,000,000 per annum.

Mr. Chairman, we have the freight, and we have the Missouri River, and, notwithstanding all statements to the contrary, the Missouri River is more easily navigable to-day than it was in the early days when constantly used for freight transportation purposes. I base that statement not only upon my own knowledge, but upon the opinion of the engineers who are familiar with the river and who have had charge of that work. I take issue with some of the gentlemen with reference to the result of dredging the Missouri River, although I believe that the most effective method of dredging that river is by contracting the channel and letting the water do the work. That is a practical plan. It is so practicable that it will be tried, and it will prove to be a success.

During the summer months we had pleasure boats on the Missouri plying to the north and to the south. We have organized in the city of Omaha a company which is now arranging to place on the river during the coming season boats and barges for the carrying of freight. When we have demonstrated that those boats and barges can ply on the river, that freight can be carried on the Missouri, we will be back here asking from you a liberal appropriation for river improvements, and will then be satisfied not with thousands, but with millions, to restore the Missouri to the map for commercial purposes.

Now just another thought.

[The time of Mr. KENNEDY of Nebraska having expired, by unanimous consent his time was extended five minutes.]

Mr. KENNEDY of Nebraska. The question has been suggested in various forms on this floor, and in fact was asked me the other day by the distinguished chairman of the Rivers and Harbors Committee, why the Missouri and Mississippi rivers are not used to a larger extent for the transportation of freight. My answer to that question was then and is now that these rivers would have been used more largely for the transportation of freight had it not been for the common custom of railroads in paying rebates to the large shippers throughout the land. The large shippers in the cities of the United States have not been interested in the years gone by in reducing the rates; they have not been interested in cheap transportation; they have been interested solely in getting an advantage over their competitors. Large shippers, therefore, have had nothing to gain by opening up the rivers to navigation. The small shippers have not had the financial power or influence to do it.

I went up, Mr. Chairman, to the irrigation congress which was held in this city last December, and sat for nearly two days listening to the speeches and noting the proceedings. The large business interests of the land were there represented, urging liberal appropriations for rivers and harbors. I say to you and to this House that had it not been for the passage of the rate bill those powerful influences would not have been in that congress, and you would not now have behind this bill the united business interests of the country. If we should repeal the rate bill, passed at the last session, we would withdraw from this project of improving the rivers and harbors of the country the most potent influences behind it to-day.

Now, Mr. Chairman, I make these remarks because in that system of rebates I believe lie the most reasonable excuse and explanation for the fact that these rivers have not been more largely employed for transportation purposes. I believe that the future will justify me in the statement I make that, with rebates prohibited, the large shippers of the country will bestir themselves to obtain not advantages over their legitimate competitors, but cheaper rates, which will work to their advantage and to the advantage of the whole country. [Applause.]

The pro forma amendment was withdrawn.

The Clerk read as follows:

Improving harbor at Oakland, Cal.: Continuing improvement, $68,203: *Provided*, That the adopted project may be extended as recommended by the Board of Review on Rivers and Harbors in a report dated January 11, 1907, so as to include the following work: Extension of South Jetty, 500 feet; widening to 500 feet the channel 25 feet deep from San Francisco Bay to Fallon street; deepening to 25 feet the channel 300 feet wide from Fallon street to the tidal basin; deepening to 17 feet the channel 300 feet wide around the north side of the tidal basin to the tidal canal, and from the tidal canal along the Alameda shore to Tenth avenue: *Provided further*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete said improvement as herein adopted, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $300,000, in addition to the amounts herein and heretofore appropriated or authorized for said harbor.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

On page 77, after the word "avenue," in line 14, insert "and any balance remaining on appropriations or authorizations heretofore made for the improvement of the harbor at Oakland may be applied to the project as so extended."

The amendment was considered, and agreed to.

The Clerk read as follows:

Improving the waterway connecting Puget Sound with Lakes Union and Washington, Washington: For maintenance of improvement, $10,000; and the Secretary of War may make a survey and estimate of cost of said waterway or canal with one lock, with a view to the construction of the same, in conjunction with the county authorities of King County or other agency, of sufficient size to accommodate the largest commercial or naval vessels afloat; or, if deemed more advisable, with a view to the construction of a canal of less dimensions, and to submit dimensions and estimate of cost of same, together with a report upon what portion of said work will be done or contribution to be made by said county or other agency.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

After the word "agency," in line 23, page 82 of House bill, add the following:

"And the provisions of the act approved June 11, 1906, authorizing James A. Moore, or his assigns, to construct a canal, with suitable timber lock, are hereby so modified as to permit the said James A. Moore, or his assigns, subject to the conditions and stipulations of the act, to excavate a channel 75 feet wide and 25 feet deep at mean low water from deep water in Puget Sound to deep water in Lake Washington, in lieu of constructing the canal and timber lock specified in the said act,

the location of the said channel and work of excavation to be subject to the direction of the Secretary of War, and when completed and accepted by the Secretary of War the channel to be and remain a free public waterway of the United States."

Mr. BURTON of Ohio. Mr. Chairman, just a word in explanation. The county of King, in which Seattle is located, has endeavored to cooperate with the General Government in the creation of a waterway from Puget Sound to Lake Union and Lake Washington. These are fresh-water lakes located at an elevation above the level of the sea, and a very large amount of anchorage would be afforded in each of them. At the last session of this Congress an act was passed authorizing the construction by private parties of a wooden lock in the passageway between Puget Sound and Lake Union, with a view to providing a navigable passageway between the two. It has been decided that such construction is not best, and the request comes from the locality that the money which might have been used upon the wooden lock may be used for dredging, with the thought that the Government would cooperate in constructing a substantial structure of masonry in place of the wooden lock which was contemplated.

I desire it to be distinctly understood that this provision does not commit the Government to the construction of a lock and dam there. When I have said that, however, I should say that, so far as my own personal opinion or wish is concerned, I hope the time may come when the Government may cooperate in completing this waterway between the Sound and the lakes, because I recognize that this community has grown as rapidly as any in the United States; that its shipping is increasing enormously; that it has received only very small appropriations from the Government, and, last of all, that it has shown a disposition to do for itself in the way of cooperation and paying part of the expense.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

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

Mr. JONES of Washington. Mr. Chairman, I move to strike out the last word. I simply want to say this with reference to the amendment just adopted. As the chairman has stated, the people of King County and Seattle are very anxious about the construction of this canal. They are not only anxious to have it done, but they have been willing to contribute toward the construction of this work. They have donated the right of way in the first instance at a cost of $250,000. That right of way now in itself is worth over $1,000,000. Last session of Congress we passed a bill here granting to James A. Moore and his assigns permission to construct this canal with a wooden lock. The facts are in regard to that, that the county of King was to turn over to Mr. Moore $500,000 in bonds to assist him in the construction of that canal, and the people of King County actually voted those bonds four to one. When an official estimate was made, however, as to the cost of the lock, it was found that the lock would cost in itself $400,000 instead of $100,000, as Mr. Moore had estimated, so that it was found to be impossible for him to carry out the proposition. After Congress met at this session, after most of the bill had been framed, the people of King County came to the committee with the proposition for the Government to take up the proposition with their help. It was impossible, however, for the committee, under the principles it was following in the framing of the bill, to take a proposition on that would carry probably a million and a half upon the part of the Government. These people are ready and willing and have simply asked that they may be allowed to go on and spend $500,000 and possibly more in the dredging of a channel along this right of way. They recognize that it does not obligate the Government to take up this proposition, but they do feel that when they do that they will make such a showing in the construction of this canal with the increase in population and business that when we frame another river and harbor bill the Government will feel fully justified in taking on this work. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

The Clerk read as follows:

In all cases in which appropriations or authorizations have heretofore been made, or are herein made, for the completion of river and harbor works, and the amounts appropriated or authorized shall prove insufficient for completion, the Secretary of War may, in his discretion, on the recommendation of the Chief of Engineers, apply such amounts appropriated or authorized for the prosecution of such work.

Mr. BURTON of Ohio. Mr. Chairman, I would call attention to the fact that we have passed three or four paragraphs that were passed without prejudice until the completion of the reading of section 1. The first is on page 11, where I ask, as a substitute for lines 4 to 7, the adoption of the following amendment, which I send to the desk and ask to have read. I would say after consultation with the Chief of Engineers and his first assistant, with the gentlemen from New York, Mr. WALDO, Mr. FITZGERALD, and Mr. TOWNE, this paragraph has been agreed upon.

The Clerk read as follows:

Page 11, instead of lines 4 to 7, inclusive, insert the following:
"Improving Bay Ridge and Red Hook channels in the harbor of New York: The Secretary of War is authorized, in his discretion, to prosecute the improvement in said channel with a view to obtaining, first, a depth of 35 feet, and subsequently increasing said depth to the full depth allowed in the adopted project, as the available depth in the entrance channel to said harbor shall require."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

Mr. MOORE of Pennsylvania. Mr. Chairman, I rise merely for the purpose of obtaining information. I do not envy my colleagues from New York for having made this agreeable arrangement looking to a 40-foot survey, but I desire to ask the chairman of the Committee on Rivers and Harbors whether the authorization for a survey to 40 feet, as apparently is contemplated by this amendment, was made before or after the policy of the committee was settled that there should be no surveys for work in anticipation of work appropriated for, but not completed?

Mr. BURTON of Ohio. Mr. Chairman, if I may answer the question of the gentleman directly, I may say that this provision is not a survey at all; but to answer the spirit of his question, rather than the letter, I would say that the survey under which they are now at work in the New York Harbor was made in the month of December, 1898. There were half a dozen separate resolutions brought in. Under that resolution a report was made during that month giving estimates, respectively, for a channel 35 and 40 feet deep through what is now known as "Ambrose channel" to the sea. This provision inserted here is with a view to a limitation of the subsidiary project in New York Harbor, which was adopted to a depth of 40 feet in 1899. This looks toward a limitation of the depth until the deep channel out to the sea is completed. I take it that answers the gentleman's question. The gentleman wants, I understand, an explanation as to how that 40-foot channel for New York Harbor was adopted, and I shall be very glad to tell him.

Mr. MOORE of Pennsylvania. I am not rising in any contentious spirit at all.

Mr. BURTON of Ohio. Certainly not.

Mr. MOORE of Pennsylvania. But it is apparent, inasmuch as provision seems here to be made for an ultimate depth of 40 feet for a port along the Atlantic coast, that, a depth of more than 30 feet having been refused the Delaware, there is a disparity that may very easily be misunderstood by the lay mind. I am endeavoring to get information as to whether the authorization in this instance was made before the committee adopted the policy which has been explained to the House by the chairman of the committee.

Mr. BURTON of Ohio. It was made in 1898–99—that session. Further answering the gentleman's question, I think he will find that since the days of boats of even moderate draft there has always been a difference of 7 to 10 feet between the channels leading to New York and leading to Philadelphia. There have been exceptional years when Philadelphia would want more, but the general condition has been about that. I have to say, further, that the House adopted a provision for the 35 feet only, and the Senate placed on the addition.

Mr. MOORE of Pennsylvania. They have a 35-foot channel now?

Mr. BURTON of Ohio. No; they have only a 32-foot channel by way of Sandy Hook.

Mr. MOORE of Pennsylvania. I would like also to ask whether in the bill now drawing to a close there is provision made for any survey in anticipation of work appropriated for and not completed?

Mr. BURTON of Ohio. How do I understand the gentleman's question—"work appropriated for and not completed?" That is, in anticipation of the completion of the present project?

Mr. MOORE of Pennsylvania. That is correct.

Mr. BURTON of Ohio. I could not answer that question absolutely by saying "no" to it, but that is the general rule we have pursued.

Mr. MOORE of Pennsylvania. I was led to believe, as the result of the discussion relative to the Delaware the other day, that there had been no other instance in which a survey had been permitted for work in advance of work appropriated for.

Mr. BURTON of Ohio. I would say that there is no exception to that practice. There may be a case where work is so nearly finished, or different conditions have arisen, or where we find the larger project would be the cheaper in the long run, but the general principle remains.

Mr. MOORE of Pennsylvania. Then, it can be fairly stated that there is no discrimination in favor of this port so far as the committee is concerned?

Mr. BURTON of Ohio. No; there is no discrimination.

Mr. MOORE of Pennsylvania. I am looking to the future, as my colleagues from New York are, and am simply going back to the good old mother-taught suggestion, "If at first we do not succeed, try, try again." I have no objection to the amendment.

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

Mr. BURTON of Ohio. Mr. Chairman, the next paragraph which was passed without prejudice was on page 20, lines 10 and 12, inclusive, and I desire to offer an amendment there.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 20 strike out all of line 11 after the word "Pennsylvania;" also line 12, and insert in lieu thereof the following: "For the repair and construction of Dam No. 3 and for the completion of Dam No. 2, $235,000."

Mr. BURTON of Ohio. It should be said, Mr. Chairman, that this adds to the bill $35,000, an amount made necessary by a report which was received within a very few days and on which the information was not absolutely complete until after we commenced the consideration of this bill. I think that we should provide the additional sum as set forth in the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. BURTON].

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

Mr. BURTON of Ohio. The next is on page 69, line 5. I yield to my colleague on the committee [Mr. LORIMER] to offer an amendment.

Mr. LORIMER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. LORIMER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 69, line 5, strike out the words "for maintenance" and all of line 6 and insert in lieu thereof:

"Continuing improvement and for maintenance, $200,000."

Mr. BURTON of Ohio. Mr. Chairman, I want to say in regard to this that my attention has been called to the project since the return of my colleague [Mr. LORIMER], who was detained by illness during the larger part of the time the River and Harbor Committee had the bill under consideration. I regard the amendment as a proper one, and trust the committee will sustain it.

Mr. MANN. Mr. Chairman, in this connection the improvement of the Chicago River by the General Government for years has been delayed in a way on account of the tunnels which were an obstruction to navigation there. Under the law that was passed several years ago progress has been made for the removal of those tunnels, and within the last three or four or five days, I think, the contract either has been signed or the matter has been arranged so that the final removal of the tunnels is now considered as a practically established fact within a short time. And I hope when that is accomplished that in addition to the sum that is appropriated here we may have the further attention of the committee, because what has stood in the way heretofore will now be out of the way.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. LORIMER].

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

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer an amendment as a substitute for the following paragraph—the one immediately following the one just now considered. This is an additional amount for which provision is made under continuing contract. It was not brought to the attention of the committee at the time the bill was framed.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 69, after the word "dollars," in line 9, strike out the period and insert a semicolon and "*Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $170,000, exclusive of the amounts herein or heretofore appropriated."

The CHAIRMAN. The question is on agreeing to the amendment.

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

Mr. BURTON of Ohio. Now, Mr. Chairman, I desire to ask unanimous consent to recur to paragraph on pages 72 and 73 relating to the Mississippi River from the mouth of the Ohio River to and including the mouth of the Missouri River.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio for unanimous consent to recur? [After a pause.] The Chair hears none.

Mr. BURTON of Ohio. Now, Mr. Chairman, I do not wish to press this amendment, which is suggested by a letter received from the engineer in charge since this bill began to be considered, if there is any objection from the Members from that part of the river. I would like to inquire, first, in whose district is the town of Wittenberg, in Missouri?

Mr. KLEPPER. That must be off the map.

Mr. BURTON of Ohio. The gentleman says that is off the map. Then I will offer the amendment.

The CHAIRMAN. The gentleman from Ohio [Mr. BURTON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 73, after line 5, insert "and the amount of $10,000, heretofore appropriated for Wittenberg Harbor, shall be made available for the general improvement of the river."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

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

The Clerk read as follows:

SEC. 2. For preliminary examinations and surveys (other than those mentioned in section 1), contingencies, and for incidental repairs for which there is no special appropriation for rivers and harbors, $300,000: *Provided*, That no preliminary examination, survey, project, or estimate for new works other than those designated in this or some prior act or joint resolution shall be made: *Provided further*, That after the regular or formal reports made as required by law on any examination, survey, project, or work under way or proposed are submitted no supplemental or additional report or estimate shall be made unless ordered by a concurrent resolution of Congress. The Government shall not be deemed to have entered upon any project for the improvement of any waterway or harbor mentioned in this act until funds for the commencement of the proposed work shall have been actually appropriated by law: *Provided further*, That all expenses heretofore and hereafter incurred by the War Department for examinations, reports, inspections, superintendence, or any other action necessary in executing the provisions of the act of Congress approved June 11, 1906, entitled "An act to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas and navigable streams and bodies of water in or surrounding Porto Rico and the islands adjacent thereto," shall be payable from funds herein and hereafter appropriated for examinations, surveys, and contingencies of rivers and harbors, the allotments for such expenses to be made by the Chief of Engineers.

Mr. MANN. Mr. Chairman, I reserve the point of order against that in order to make an inquiry of the gentleman from Ohio [Mr. BURTON]. What is the object in saying here that no preliminary examinations shall be made unless under some prior act or joint resolution? Of course——

Mr. BURTON of Ohio. This is the case: That phraseology has been carried along from bill to bill. There is usually a small number of surveys or preliminary examinations ordered in prior resolutions or acts which have not yet been made.

Mr. MANN. This was the point that struck my mind: Of course this is merely a limitation on this appropriation where there can be no possible objection to it; but if it is in the enactment of permanent law, it attempts to say that Congress can not do something by act of Congress hereafter.

Mr. BURTON of Ohio. I do not think that there will be any trouble because of that.

Mr. MANN. The same is true as to that part of the bill in reference to reports: "No supplemental or additional report or estimate shall be made unless ordered by a concurrent resolution of Congress." Now, of course, that could be put in the bill, but you could not prevent Congress passing an act saying this shall be.

Mr. BURTON of Ohio. Certainly not.

Mr. MANN. Why do you say "unless ordered by Congress?"

Mr. BURTON of Ohio. That is practically explained in the next clause, where it provides that surveys or estimates shall be ordered by concurrent resolution.

Mr. MANN. But suppose we should pass a joint resolution?

Mr. BURTON of Ohio. The greater includes the less. That would order a survey.

Mr. MANN. I take it would be provided for, notwithstanding the fact that it would be in the teeth of the provision; but as you say that this is an old thing in the bill I do not know that it makes any difference.

Mr. BURTON of Ohio. That form was adopted quite a period of time before I was on the committee, and partly out of respect for our predecessors we have retained it.

Mr. MANN. I commend to the gentleman hereafter the remodeling of the form as to that, because it is certainly very faulty.

Mr. BURTON of Ohio. It has worked very well, and the best test of legislation is that it is effective.

Mr. MANN. It will be effective until a case arises to test the question of its effectiveness. We can not tell whether legislation is effective or not until an occasion arises to test the legislation. You have had no case to arise.

Mr. BURTON of Ohio. There will be no trouble about that.

Mr. MANN. This seems to require the War Department to

construe which one of the courses they shall pursue, where there are two given.

Mr. BURTON of Ohio. They would read the two together. We have had no trouble with this.

Mr. MANN. I withdraw the point of order.

Mr. GROSVENOR. I move to strike out the last word. I do this, Mr. Chairman, with the purpose of making a suggestion or two in regard to the grounds upon which general appropriations for the development of waterways have been supported here, from which I respectfully dissent. If I caught the drift of the argument, the proposition was that appropriations should be based upon the commerce or tonnage upon the particular waterway that was sought to be improved. In other words, the amount of appropriation should be measured by the existing tonnage upon the particular way to be improved. I think there can be no more erroneous proposition than that put forward as the underlying principle in the matter of appropriations for this work. This is an old battle that has been fought here many years ago, and I am only going to point out one or two illustrations, first stating, however, my own proposition. If anybody who has intelligently studied the situation believes that a great commerce will grow up by reason of the improvement the measure of appropriation ought to be the measure of benefits that are to come in the future and by no means limited or measured by the conditions in the past or present.

Now, I have two illustrations in my own State. When I was first a member of the Committee on Rivers and Harbors the port of Black River and the port of Ashtabula had a depth of water of about 7 to 9 feet, and when estimates were made and the attempt was made to improve those harbors by dredging to a greater depth we were met exactly with this antiquated argument, and I was challenged over and over again on this floor with the question, "What is the commerce of Black River?" Well, there was practically no commerce at all, and the same was in a measure true of Ashtabula. But we plodded ahead with the prospect of the development of commerce at those two ports. At last we succeeded in getting estimates and appropriations, and we have now a channel of something like 18 or 19 feet at each one of those ports, and the result of it is that the harbor of Ashtabula handles more of the lake trade from the upper lakes by far than the great harbor of Cleveland does.

Mr. BURTON of Ohio. Will the gentleman permit an interruption?

Mr. GROSVENOR. Certainly.

Mr. BURTON of Ohio. The commerce of Cleveland is still considerably larger than that of Ashtabula, by the proportion of about 9 to 12.

Mr. GROSVENOR. Now, the gentleman does not hear what I say, and makes a statement that does not answer my statement. The commerce of Ashtabula is with the upper of the main chain of lakes. That is what I said and what I say. It has a far greater amount of commerce with Duluth and the upper lakes than does Cleveland. Cleveland has more general commerce, that is doubtless true.

But take this revolution that has taken place at Black River——

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSVENOR. I would like to finish the sentence. I ask for two minutes more time.

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

Mr. GROSVENOR. There was a village, and now it is a place of 20,000 inhabitants. Where there was a country village there are some of the largest iron and steel manufactories in the world, and a commerce that is almost equal, so far as iron and steel is concerned, to any other harbor in the whole chain of the upper lakes.

So I say that there must be some estimation, something that brings the judgment of Congress to bear upon the future of a project, or you will waste your time in many of the appropriations. I am not complaining about anything in this bill, I want that to be distinctly understood; but I am talking of the practice about which many hours of discussion were had in the earlier days of my experience in Congress. [Applause.]

Mr. BURTON of Ohio. Mr. Chairman, just a word. Of course the committee does not, in making up this bill, consider alone the present tonnage. Indeed tonnage is not altogether a conclusive test, because the value of the freight carried, and the number of passengers, etc., must be taken into account. But I will state to my colleague that after all the best test is existing commerce, in connection with which we must consider prospective benefits in the way of commerce to be developed in the future. It would seem to me that the principle he advocates would cause us to leave the solid ground of reality and disregard existing conditions. We would be giving our attention to conjectures about what might result in the future. That certainly would not be a safe principle.

Mr. SULZER. Mr. Chairman, the so-called "Gallinger ship-subsidy bill" is dead—dead as a door nail—and now lies a corpse in the Committee on Merchant Marine and Fisheries, with no one to do it honor.

Public opinion killed it, but I think I contributed somewhat to its early demise by the speech I made in this House on Thursday, April 26, 1906, when I said in regard to it:

Ship subsidies do not build ships—they create ocean-trading monopolies. Ship subsidies will not give workmen employment in American shipyards—the money will simply go into the capacious pockets of the plutocratic beneficiaries of the shipping trust. Every scheme of this kind simply permits respectable corruption and benefits the few at the expense of the many. The principle of ship subsidies is inherently wrong and absolutely indefensible—it is unrepublican, undemocratic, and un-American—and no man who understands the question can justify the steal in the face of the facts. If we had continued the policy of the fathers we would to-day be the greatest maritime nation in the world, and our flag would be on every sea, and our ships would be carrying the commerce not alone of our own country, but perhaps half of that of all the other great nations of the world.

Now, Mr. Chairman, in order that the record regarding the legislation proposed to restore the American merchant marine may be complete, I want to send to the Clerk's desk and have read in my time the so-called "Gallinger ship-subsidy bill" as it passed the Senate, and as it died in the committee of the House.

The Clerk read as follows:

An act to promote the national defense, to create a naval reserve, to establish American ocean mail lines to foreign markets, and to promote commerce.

Be it enacted, etc., That there shall be enrolled, in such manner and under such requirements as the Secretary of the Navy may prescribe, from the officers and men now and hereafter employed in the merchant marine and fisheries of the United States, including the coastwise trade of the Atlantic and Pacific and the Great Lakes, such officers, petty officers, and men as may be capable of rendering service as members of a naval reserve, for duty in time of war, and who are willing to undertake such service, to be classified in grades and ratings according to their capacity as shown at time of enrollment. No man shall be thus enrolled who is not a citizen of the United States either by birth or naturalization. These members of the Naval Reserve shall be enrolled for a period of four years, during which period they shall be subject to render service on call of the President in time of war. They shall also possess such qualifications, receive such instructions, and be subject to such regulations as the Secretary of the Navy may prescribe. The Secretary of the Treasury is hereby authorized and directed, upon proper audit by the Auditor for the Navy Department, to pay, out of any money to be annually appropriated therefor upon estimates to be annually submitted to Congress in the Book of Estimates, to each officer, petty officer, or man thus enrolled and employed in the merchant marine or fisheries, including the coastwise trade of the Atlantic and Pacific and the Great Lakes as hereinafter provided, an annual retainer as follows: For each officer of the line or engineer corps, having the rank of lieutenant of the Naval Reserve, $110; for each officer of the line or engineer corps, having the rank of lieutenant (junior grade) in the Naval Reserve, $90; for each officer of the line or engineer corps, having the rank of ensign in the Naval Reserve, $80; for each man with a rating of chief petty officer, $70; for each man with a rating of petty officer, first class, $60; for each man with a rating of petty officer, second class, $48; for each man with a rating of petty officer, third class, $40; for each seaman, first class, $36; for each seaman, second class, $30; for each seaman, third class, $24. Such retainer shall be paid at the end of each year of service on certificate, by the Secretary of the Navy, that the member of the Naval Reserve has satisfactorily complied with the regulations, and on certificate by the Secretary of Commerce and Labor that such member has served satisfactorily for at least six months of the preceding twelve months on vessels of the United States in the merchant marine or in the deep-sea fisheries. The total number of officers, petty officers, and men enrolled in the Naval Reserve shall not at any time exceed 10,000.

SEC. 2. That in the interest of the national defense and for the performance of the public services hereinafter specified, after July 1, 1907, the Secretary of the Treasury is hereby authorized and directed to pay, subject to the provisions of this act, out of any money in the Treasury to be annually appropriated therefor upon estimates to be annually submitted to Congress in the Book of Estimates, to the owner or owners of any steam vessel of over 1,000 gross tons, and of any sail vessel of over 200 gross tons, and fishing vessel of over 20 gross tons hereafter built and registered in the United States or now duly registered by a citizen or citizens of the United States (including as such citizens any corporation created under the laws of the United States or of any of the States thereof), engaged exclusively as a common carrier for the service of the public, subventions as hereinafter provided; that is to say, (a) the sum of $5 per gross registered ton for each vessel which has been engaged in the foreign trade by sea or the deep-sea fisheries for a period of twelve months, including time necessarily consumed in receiving or discharging cargo, or not to exceed two months in making annual or extraordinary repairs; (b) the sum of $4 per gross registered ton for each vessel which, during any twelve consecutive months, has been engaged in the foreign trade by sea or the deep-sea fisheries for a period of nine months or over, but not less than twelve months, including time necessarily consumed in receiving or discharging cargo or not to exceed one month in making extraordinary repairs; (c) the sum of $2.50 per gross registered ton for each vessel which during any twelve consecutive months has been engaged in the foreign trade by sea or the deep-sea fisheries for a period of six months or over, but less than nine months, including time necessarily consumed in receiving or discharging cargo or not to exceed one month in making extraordinary repairs.

The subventions provided in this section shall not be paid to:

(a) A vessel for a voyage on which the principal part in bulk of her cargo shall have been transported from one port of the United States to another port of the United States, as provided in section

4347 of the Revised Statutes as amended by the acts of February 15, 1893, and February 17, 1898.

(b) A vessel while exclusively employed in carrying between foreign ports.

(c) A vessel for a voyage extending only to a foreign port less than 150 nautical miles from her last port of departure in the United States, or from a foreign port less than 150 nautical miles from her first port of arrival in the United States.

Sections 1 and 2 of an act approved April 15, 1904, entitled "An act to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes," shall not take effect until July 1, 1909, and until that date a vessel of the United States employed in trade between the United States and the Philippines shall receive for the period of its employment in such trade an additional subvention of 30 per cent of the rates provided in this section. After that date a vessel of the United States so engaged shall receive no subvention under this section.

A vessel receiving a subvention under this section shall not receive any other subvention, subsidy, or bounty from the Treasury of the United States.

SEC. 3. That before receiving any subvention under the provisions of section 2 of this act the owner or owners of any vessel shall contract, in writing, with sufficient sureties, with the Secretary of Commerce and Labor to fulfill each and all of the following obligations:

First. That said vessel may be taken and used by the United States, for the national defense or for any public purpose, at any time, upon payment to the owner or owners of the fair actual value of the same at the time of the taking, or a fair rate of hire to be agreed upon. And if there shall be a disagreement as to such fair actual value or fair rate of hire between the United States and the owner or owners of such vessel, the United States is hereby authorized and empowered to take the vessel at once, leaving the fair actual value or fair rate of hire to be determined thereafter by two impartial appraisers, one to be appointed by each of said parties, they to select a third, who shall act in such appraisement in case the two shall fail to agree and the provisions of this subdivision shall be embodied in every contract between the vessel owner or owners and the United States.

Second. That said vessel shall carry, free of charge, the mails of the United States, when the Postmaster-General shall so require, for the whole or any part of a voyage for which subvention shall be claimed.

Third. That until July 1, 1912, upon each departure of said vessel from the United States at least one-sixth, and after July 1, 1912, one-fourth of the crew shall be citizens of the United States, or men who have declared their intention to become citizens, and of the navigating force on deck, excluding licensed officers, at least one-half shall be able seamen, who are hereby defined to be men who have had two years or more experience on deck at sea or on the Great Lakes.

Fourth. That a vessel employed in the foreign trade shall maintain, during the period so employed, at least class A1 if a steam vessel and at least class A1½ if a sail vessel, as such classes are now established by either the Record of American and Foreign Shipping or the United States Standard Owners, Builders, and Underwriters' Association, or equivalent classification in any register of shipping of at least equal merit.

Fifth. That all ordinary repair or overhauling of said vessel shall be made in the United States, except in cases where dry docking is necessary and no American dry dock of sufficient capacity shall be within a distance of 500 miles of the location of the ship when the repairs shall be needed.

Sixth. A vessel shall not be entitled to the subvention above provided for, unless during the period of employment in the foreign trade or deep-sea fisheries the following proportions of the crew of the vessel after the dates specified shall have been enrolled in the naval reserve: After July 1, 1908, one-eighth; after July 1, 1912, one-sixth; after July 1, 1917, one-fourth: *Provided*, That if the foregoing stated proportions of naval reserves can not be obtained at a foreign port with reasonable effort, as certified by the consul, other persons may be substituted until the first return of said vessel to the United States, without forfeiture of the subvention.

SEC. 4. That the contracts provided for in section 3 shall be for a period of one year, and shall be renewed from time to time. At the expiration of each annual contract the owner of the vessel shall be required to prove to the satisfaction of the Secretary of Commerce and Labor, in such manner as the said Secretary shall prescribe, that its obligations, each and all, have been satisfactorily complied with. The Secretary of Commerce and Labor shall thereupon certify to the Secretary of the Treasury the amount of subvention to which said owner shall be entitled in fulfillment of said contract and of the provisions of this act, and the Secretary of the Treasury upon proper audit shall thereupon pay the subvention due.

SEC. 5. That the Postmaster-General is hereby authorized and directed to enter into contracts, for a term not less than five nor more than ten years in duration, with citizens of the United States for the carrying of mails on steamships hereafter built and registered in the United States, or now duly registered by a citizen or citizens of the United States (including as such citizens any corporation created under the laws of the United States or any of the States thereof), between ports of the United States and ports on the routes and for the amounts prescribed in section 6 of this act. All the provisions of the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," are hereby made applicable in all respects to the services provided for in section 6 of this act: *Provided*, That the specific rates of compensation provided for in section 5 of said act shall not apply to the services provided for in section 6 of this act, and that all ordinary repair or overhauling of a steamship employed and paid for carrying mails under sections 5 and 6 of this act shall be made in the United States, except in cases where dry docking is necessary and no American dry dock of sufficient capacity shall be within a distance of 500 miles of the location of the ship when the repairs shall be needed; and that such a steamship shall not, except as provided in section 6 of this act, receive any other subvention, subsidy, or bounty from the Treasury of the United States.

SEC. 6. That as soon as may be practicable the Postmaster-General shall establish, in the manner prescribed in section 5, the following ocean mail services:

First. From a port of the Atlantic coast of the United States to Brazil, on steamships of the United States of not less than 14 knots speed, for a monthly service at a maximum compensation not exceeding $150,000 a year, or for a fortnightly service at a maximum compensation not exceeding $300,000 a year.

Second. From a port of the Atlantic coast of the United States to Uruguay and Argentina, on steamships of the United States of not less than 14 knots speed, for a monthly service at a maximum compensation not exceeding $187,500 a year, or for a fortnightly service at a maximum compensation not exceeding $375,000 a year.

Third. From a port of the Atlantic coast of the United States to South Africa, on steamships of the United States of not less than 12 knots speed, for a monthly service at a maximum compensation not exceeding $187,500 a year, or for a fortnightly service at a maximum compensation not exceeding $375,000 a year.

Fourth. From a port of the United States on the Gulf of Mexico to Brazil, on steamships of the United States of not less than 12 knots speed, for a monthly service at a maximum compensation not exceeding $137,500 a year, or for a fortnightly service at a maximum compensation not exceeding $275,000 a year.

Fifth. From a port of the United States on the Atlantic coast south of Cape Hatteras and from a port on the Gulf of Mexico to Cuba, on steamships of the United States of not less than 14 knots speed, for a weekly service, at a maximum compensation not exceeding $75,000 a year, or for a semiweekly service at a maximum compensation not exceeding $125,000 a year.

Sixth. From each of two ports of the United States on the Gulf of Mexico and from New Orleans to Central America and to the port of Cristobal on the Isthmus of Panama, on steamships of the United States of not less than 12 knots speed, for a weekly service at a maximum compensation not exceeding $75,000 a year.

Seventh. From a port of the United States on the Gulf of Mexico to Mexico, on steamships of the United States of not less than 12 knots speed, for a weekly service at a maximum compensation not exceeding $50,000 a year.

Eighth. From a port of the Pacific coast of the United States via Hawaii to Japan, China, and the Philippines, on steamships of the United States of not less than 16 knots speed, for a monthly service at a maximum compensation not exceeding $300,000 a year, or for a fortnightly service at a maximum compensation not exceeding $600,000 a year.

Ninth. From each of two ports, namely, Puget Sound and the Columbia River, of the North Pacific coast of the United States to Japan, China, and the Philippines, on steamships of the United States of not less than 13 knots speed, for a monthly service at a maximum compensation not exceeding $210,000 a year, or for a fortnightly service at a maximum compensation not exceeding $420,000 a year.

Tenth. From a port of the Pacific coast of the United States via Hawaii and the Samoan Islands to Australasia, on steamships of the United States of not less than 16 knots speed, for a service once in three weeks at a maximum compensation not exceeding $217,000 a year in addition to the compensation now provided pursuant to contract under the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce."

Eleventh. From a port of the Pacific coast of the United States to Mexico, Central America, and Port La Boca on the Isthmus of Panama, on steamships of the United States of not less than 12 knots speed, for a fortnightly service at a maximum compensation not exceeding $120,000 a year: *Provided*, That the requirements of this section as to the rate of speed shall be deemed to be complied with if said rates are developed during a trial of four hours' continuous steaming at sea in ordinary weather in water of sufficient depth to make the test a fair and just one, and if the vessels are maintained in a condition to develop such speed at any time while at sea in ordinary weather. This trial shall be made under the direction and supervision of a board of naval officers which the Secretary of the Navy shall appoint upon the application of the owner or owners of the vessel to be tested.

SEC. 7. That all contracts hereafter made pursuant to the act of March 3, 1891, before mentioned, or pursuant to sections 5 and 6 of this act, shall provide that on each voyage the following proportion of the crew shall be enrolled in the Naval Reserve: After July 1, 1908, one-eighth; after July 1, 1912, one-sixth; and after July 1, 1917, one-fourth: *Provided*, That if the foregoing stated proportions of naval reserves can not be obtained at a foreign port with reasonable effort, as certified by the consul, other persons may be substituted until the first return of said vessel to the United States, without forfeiture of the compensation.

SEC. 8. That on proof to the satisfaction of the Commissioner of Navigation that a vessel of the United States has on any foreign voyage carried a boy or boys, a citizen or citizens of the United States, under 21 years of age, suitably trained during that voyage in steamship or engineering, in the proportion of one for such vessel, and in addition one for each 1,000 tons of her net registering tonnage, there shall be paid to the owner or owners of the vessel, out of any money in the Treasury not otherwise appropriated, an allowance equivalent to 80 per cent of the tonnage duties paid in respect of the entry in the United States of that vessel from that voyage: *Provided*, That such payment shall not be made after July 1, 1908, except in respect of any boy who is enrolled as seaman, third class, in the Naval Reserve, or is an apprentice indentured in accordance with law.

SEC. 9. That this act shall take effect on July 1, 1906.

SEC. 10. That Congress reserves the right to alter, amend, or repeal this act, in whole or in part, whenever in its judgment the public interest shall so require, without, however, impairing in any wise the obligation of any specific contract then in force which shall have been entered into under the provisions of sections 2, 3, 5, and 6 of this act.

Mr. SULZER. Now let us see for a moment just what this so-called "Gallinger ship-subsidy bill"—the bric-a-brac work of the Merchant Marine Commission—attempted to do, so that we will understand what we are considering. I want to read the subsidy part of it again:

That in the interest of the national defense and for the performance of the public services hereinafter specified, after July 1, 1907, the Secretary of the Treasury is hereby authorized and directed to pay, subject to the provisions of this act, out of any money in the Treasury, to be annually appropriated therefor upon estimates to be annually submitted to Congress in the Book of Estimates, to the owner or owners of any steam vessel of over 1,000 gross tons, and of any sail vessel of over 200 gross tons, and fishing vessel of over 20 gross tons hereafter built and registered in the United States or now duly registered by a citizen or citizens of the United States (including as such citizens any corporation created under the laws of the United States or any of the States thereof), engaged exclusively as a common carrier for the service of the public, subventions (that is, subsidies; they both mean the same thing) as hereinafter provided—that is to say, (a) the sum of $5 per gross registered ton for each vessel which has been engaged in the foreign trade by sea or the deep-sea fisheries for a period of twelve

months, including time necessarily consumed in receiving or discharging cargo, or not to exceed two months in making annual or extraordinary repairs; (b) the sum of $4 per gross registered ton for each vessel which during any twelve consecutive months has been engaged in the foreign trade by sea or the deep-sea fisheries for a period of nine months or over, but less than twelve months, including the time necessarily consumed in receiving or discharging cargo or not to exceed one month in making extraordinary repairs; (c) the sum of $2.50 per gross registered ton for each vessel which during any twelve consecutive months has been engaged in the foreign trade by sea or the deep-sea fisheries for a period of six months or over, but less than nine months, including time necessarily consumed in receiving or discharging cargo or not to exceed one month in making extraordinary repairs.

This is the salient subsidy feature of the Gallinger bill, and it is all I desire to read to the House at the present time for the purpose of this discussion.

Mr. Chairman, in place of the Gallinger bill the gentleman from Ohio [Mr. GROSVENOR] and his colleagues on the committee struck out all of the Gallinger bill and inserted in its place a new subsidy by way of amendment. This new ship-subsidy proposition is the same old foe of the people. It is the same old effort to get something from all the people for somebody for nothing. It has been pending in either one branch or the other of the Congress, in one form or another, for the last ten years. At one time it was the Hanna-Payne ship-subsidy bill, and Senator Hanna succeeded in passing it through the Senate, only to have it ignominiously defeated in the House of Representatives. In another Congress Senator Hanna did his very best to pass it again through the Senate, but failed, and in this session of Congress we have the old foe with a new face in the Grosvenor new ship-subsidy bill, reported by the Committee on Merchant Marine and Fisheries at the beginning of this session of Congress.

This new ship-subsidy bill differs but little in principle from its predecessors, and its fate should be the same. It is essentially a subsidy bill, and by subsidy I mean that the Government is compelled by law to take a part of its money, paid in taxes by all the people for the support of the Government, and give the money to a special interest to aid that interest in its special line of business. This is the scheme in a nutshell, and any policy of this character is inherently wrong in principle, constitutionally indefensible, and can not be justified by any theory of our system of government. Subsidies are monarchical and not republican; they have no place in a government of the people and by the people.

The Gallinger ship-subsidy bill was cleverly manipulated through the Senate on the 14th day of February last year by a vote of 38 to 27. Not a Democratic Senator, I am glad to say, voted for the bill, and to their eternal fame be it said that five Republican Senators voted against it. These Republican Senators, in my opinion, are entitled to the commendation of the people, and I take great pleasure in giving their names. They were: Messrs. BURKETT, DOLLIVER, LA FOLLETTE, SPOONER, and WARNER. The American people should remember these names.

Now, Mr. Chairman, I want to put in the RECORD the new ship-subsidy bill, which is a substitute for the Gallinger bill, and is proposed by the gentleman from Ohio and his colleagues on the Committee on Merchant Marine and Fisheries as a remedy for our shipping evils, and I send the same to the Clerk's desk and ask to have it read in my time.

The Clerk read as follows:

A COPY OF THE GROSVENOR SUBSIDY BILL.

That the act entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce," approved March 3, 1891, be, and hereby is, amended by adding thereto the following section:

"SEC. 10. That the Postmaster-General is hereby authorized and directed to enter into contracts for a term of ten years, with citizens of the United States, for the carrying of mails on steamships hereafter built in the United States and registered in the United States, or now duly registered by a citizen or citizens of the United States (including as such citizens any corporation created under the laws of the United States or any of the States thereof, a majority of the stock of which shall be and shall continue to be owned by citizens of the United States), between ports of the United States and ports on the routes and for amounts hereinafter prescribed.

"First. From a port or ports of the Atlantic coast of the United States to Brazil, on steamships of the United States of not less than 16 knots speed, for a monthly service at a maximum compensation not exceeding $300,000 a year, or for a fortnightly service at a maximum compensation not exceeding $600,000 a year.

"Second. From a port or ports of the Atlantic coast of the United States to Argentina, on steamships of the United States of not less than 16 knots speed, for a monthly service at a monthly compensation not exceeding $400,000 a year, or for a fortnightly service at a maximum compensation not exceeding $800,000 a year: *Provided*, That a vessel receiving compensation for mail service pursuant to contract on a voyage on this route shall not also receive compensation for mail service pursuant to contract on said voyage on the first route as described above.

"Third. From a port or ports of the United States on the Gulf of Mexico to the Isthmus of Panama, on steamships of the United States of not less than 14 knots speed, for a fortnightly service at a maximum compensation not exceeding $75,000 a year, or for a weekly service at a maximum compensation not exceeding $150,000 a year.

"Fourth. From a port or ports of the Pacific coast of the United States to the Isthmus of Panama, Peru, and Chile, on steamships of the United States of not less than 16 knots speed, for a monthly service at a maximum compensation not exceeding $300,000 a year, or for a fortnightly service at a maximum compensation not exceeding $600,000 a year.

"Fifth. From a port or ports on the Pacific coast of the United States via Hawaii to Japan, China, and the Philippines on steamships of the United States of not less than 16 knots speed, for a monthly service at a maximum compensation not exceeding $350,000 a year or for a fortnightly service at a maximum compensation not exceeding $700,000 a year.

"Sixth. From a port or ports on the Pacific coast of the United States north of Cape Mendocino to Japan, China, and the Philippines on steamships of the United States of not less than 16 knots speed, for a monthly service at a maximum compensation not exceeding $350,000 a year or for a fortnightly service at a maximum compensation not exceeding $700,000 a year.

"Seventh. From a port or ports on the Pacific coast of the United States, via Hawaii and the Samoan Islands, to Australasia, on steamships of the United States of not less than 16 knots speed for a service once in three weeks at a maximum compensation not exceeding $200,000 a year, in addition to the compensation now provided pursuant to contract under this said act of March 3, 1891: *Provided*, That the requirements of this section as to the rates of speed shall be deemed to be complied with if said rates are developed during a trial of four hours' continuous steaming at sea in ordinary weather in water of sufficient depth to make the test a fair and just one and if the vessels are maintained in a condition to develop such speed at any time while at sea in ordinary weather. This trial shall be made under the direction and supervision of a board of naval officers which the Secretary of the Navy shall appoint upon the application of the owner or owners of the vessel to be tested: *And provided further*, That all the provisions of the first nine sections of this act are hereby made applicable in all respects to the services provided for in this section: *Provided, however*, That the specific rates of compensation described in section 5 of this act shall not apply to the services provided for in this section, and that all ordinary repair or overhauling of a steamship employed and paid for carrying mails under this section shall be made in the United States, except in cases where dry docking is necessary and no American dry dock of sufficient capacity shall be within a distance of 500 miles of the location of said ship when the repairs shall be needed."

SEC. 2. That Congress reserves the right to alter, amend, or repeal this act in whole or in part whenever in its judgment the public interest shall so require, without, however, impairing in any wise the obligation of any specific contract then in force which shall have been entered into under the provisions of this act.

SEC. 3. That there shall be enrolled, in such manner and under such requirements as the Secretary of the Navy may prescribe, from the officers and men now and hereafter employed in the merchant marine and fisheries of the United States, including the coastwise trade of the Atlantic and Pacific and the Great Lakes, such officers, petty officers, and men as may be capable of rendering service as members of a naval reserve for duty in time of war, and who are willing to undertake such service, to be classified in grades and ratings according to their capacity as shown at time of enrollment. No man shall be thus enrolled who is not a citizen of the United States by either birth or naturalization. These members of the Naval Reserve shall be enrolled for a period of four years, during which period they shall be subject to render service on call of the President in time of war. They shall also possess such qualifications, receive such instruction, and be subject to such regulations as the Secretary of the Navy may prescribe. The Secretary of the Treasury is hereby authorized and directed, upon proper audit by the Auditor of the Navy Department, to pay out of any money to be annually appropriated therefor upon estimates to be annually submitted to Congress in the Book of Estimates to such officer, petty officer, or man thus enrolled and employed in the merchant marine or fisheries, including the coastwise trade of the Atlantic and Pacific and the Great Lakes as hereinafter provided, an annual retainer as follows: For each officer of the line or Engineer Corps having the rank of lieutenant in the Naval Reserve, $110; for each officer of the line or Engineer Corps having the rank of lieutenant (junior grade) in the Naval Reserve, $90; for each officer of the line or Engineer Corps having the rank of ensign in the Naval Reserve, $80; for each man with a rating of chief petty officer, $70; for each man with a rating of petty officer, first class, $60; for each man with a rating of petty officer, second class, $48; for each man with a rating of petty officer, third class, $40; for each seaman, first class, $36; for each seaman, second class, $30; for each seaman, third class, $24. Such retainer shall be paid at the end of each year of service on certificate, by the Secretary of the Navy, that the member of the Naval Reserve has complied with the regulations and has served for at least six months of the preceding twelve months on vessels of the United States in the merchant marine or fisheries. The total number of officers, petty officers, and men enrolled in the Naval Reserve shall not at any time exceed 10,000.

SEC. 4. That this act shall take effect on July 1, 1907.

Mr. SULZER. The amendment offered by the gentleman from Ohio to the so-called "Gallinger ship-subsidy bill" will not cure the evils of which the people complain, and especially will it not aid those engaged in the shipping industry. It is only an entering wedge, and those most conversant with the subject are more opposed to the amendment of the gentleman from Ohio than they are to the original Gallinger ship-subsidy bill.

It is not my purpose to-day, Mr. Chairman, to discuss at length the cause of the decline of our deep-sea carrying trade, or my own views, if I could have my way in the matter, concerning the speediest remedy to restore our merchant marine. I have not the time at my disposal to do so, even if I wanted to go into an exhaustive examination of the intricate question. I want to speak to the House at this time briefly on this ship-subsidy question and frankly point out the evils incident to subsidies and sure to follow their adoption.

My position regarding this subject I believe is well known, but I want to say again to the Members of this House that I have always been, am now, and always hope to be opposed to every effort to place upon the statute books of our country a

ship-subsidy law. I have given considerable study to this question and I think I know something about it. I agree substantially with the gentleman from Ohio regarding the deplorable condition of our merchant marine, but I differ with him absolutely respecting the cause of the decline of our over-seas carrying trade; and we are as far apart as the poles respecting the best and most practical remedy for the rehabilitation of our shipping industries and the carrying of our ocean trade in American ships, built by American workmen, manned by American sailors, and flying the American flag.

Mr. Chairman, it is a fact, and a most deplorable fact, and every man who has investigated the subject knows it, that we have less registered tonnage for ocean carrying trade to-day than we had one hundred years ago. In 1806 the United States, with a population of less than 7,000,000 inhabitants, owned more registered tonnage for ocean carrying trade than the United States in 1906, with a population of over 85,000,000. The American tonnage in 1806 was over 900,000, and it is now less than 800,000, and, what is worse still, it showed an actual decrease of more than 6,000 tons last year. In 1806 American ships, flying the American flag and manned by American sailors, carried over 90 per cent of our deep-sea trade and a great part of that of all the countries of Europe. To-day we carry very little of our own trade and practically none of other countries, notwithstanding the fact that we should be the foremost maritime power in the world. More than nine-tenths of our once great and powerful deep-sea fleet has vanished, and not one new keel for an ocean-going ship is being laid to-day on either our Atlantic or Pacific coast, while the vessels of foreign nations throng our ports and monopolize more than nine-tenths of all our import and export commerce.

In 1806 over 92 per cent of our export and import trade was carried in American bottoms; in 1906 less than 8 per cent of our imports and exports are carried in American ships. The United States pays to the owners of foreign deep-sea vessels for conveying our freights and passengers over $200,000,000 a year, and much of this vast sum of money goes to the owners of foreign steamers which are regularly enrolled on the merchant cruiser lists of European governments, manned by naval reserve officers and sailors, and available for immediate service against us in case of war. The British Empire has 14,800,000 tons of merchant shipping; Germany has 4,960,000 tons; France, 1,680,000; Norway, 1,460,000, and Italy, 1,280,000. The larger part of all these great deep-sea fleets is engaged in the ocean carrying trade, but the Government of the United States, which produces and exports more merchandise than any other nation on earth, has a fleet registry of deep-sea commerce of less than 800,000 tons.

I agree with the gentleman from Ohio that this statement of the facts exhibits a most deplorable condition of our merchant marine affairs, but I say to him, and I say to the country, that it is all our own fault, and due entirely to our own short-sighted maritime policy, and especially to our failure to enact proper navigation legislation.

The gentleman from Ohio seeks to remedy the situation by ship subsidies, and hence earnestly favors and eloquently advocates this new ship-subsidy bill, which is no remedy at all, but a mere temporary makeshift to rob the many for the benefit of the few, by taking money out of the pockets of the taxpayers generally and giving it to a few favored individuals. I am opposed to this subsidy policy. The taxpayers, when they understand it, will never consent to it. This new bill, a copy of which I shall place in the record, is a subsidy bill pure and simple, and at the very best is only a temporary expedient, and no one who understands this subject believes for a single moment that it will ever accomplish what its advocates so vociferously claim. A subsidy is a bounty, a bonus, a gratuity, and it never has succeeded, and it never will succeed, in accomplishing the purpose desired. All history proves it conclusively. Wherever and whenever it has been tried it has failed. In my opinion, if this new subsidy bill should pass as it is to-day it would not restore our American merchant marine or aid materially our shipbuilding industries. It is a waste of time to talk about ship subsidies, and I believe every honest American is absolutely opposed to them. We might just as well pass a bill to pay a subsidy to every man who grows a bushel of wheat, or a barrel of potatoes, or a bale of cotton, or who makes a wagon, or builds a locomotive, as to pay a subsidy to a man who builds a ship or sails a vessel.

The taxpayers of our country, burdened now almost beyond endurance, are opposed to ship subsidies. They are opposed to this new Grosvenor gift bill. They say no private business interests should be aided by direct grants from the Treasury. Ship subsidies are subversive of the eternal principles of justice and equality, contrary to the theory of our free institutions, of doubtful expediency, and at war with the spirit of the Constitution. Congress has no power to subsidize any trade or any calling or any business on land or sea at the expense of the taxpayers of our country.

But, Mr. Chairman, in my opinion, this new subsidy bill will not materially benefit our shipbuilding industries, and of course if it will not benefit the shipping industries of the country, no new ships will be built, and American tonnage on the high seas will not be increased, and only the ships now in commission will get the benefits of the subsidies. This being so, this new ship-subsidy bill, giving away from four to six millions of dollars a year, will benefit no shipowners except the American shipping trust, the new England fishing smacks, and perhaps a few vessels on the Pacific Ocean.

Mr. Chairman, the people who are clamoring the loudest for the ship-subsidy bill are the bounty beggars who will get the subsidies; but so far as I have been able to find out, I have heard no great demand from the honest folk of the country in favor of this iniquitous measure to take money out of the Treasury of the people and pay it over to the American shipping trust in order that it may get additional gratuities.

It seems to me, sir, that this is an inopportune time to ask for ship subsidies when the people all over the country are demanding a revision of the tariff, especially of those tax schedules which shelter monopoly and give protection to the trusts that sell their manufactured wares cheaper abroad than they do at home. But it seems that the chief argument of these ship-subsidy schemers, reduced to its simplest form and last analysis, amounts to about this: As all other monopolies are protected, therefore the shipping monopoly must be protected; as all other trusts are licensed to rob the many for the benefit of the few, therefore the shipping trust must have an opportunity to pilfer the people and get its share of the spoils. The plea, however, seems to come at a very unfortunate time, because from one end of the land to the other the people are demanding not only the prosecution of the criminal trusts, but the revision of all protective tariff taxes that aid and abet and shelter monopoly.

But the advocates and supporters of this ship-subsidy iniquity, by which all the people of the country are to be compelled to contribute a few millions of dollars a year to the American shipping trust, forget the history of the past and are reckless as to the consequences of the future. They seem to forget that consequences are unpitying, and that there is no cause without an effect. Their contention reminds one a good deal of a Chinese almanac in which every other day is labeled, "This is a lucky day to pay taxes." But these ship-subsidy grafters go even further, and write in their selfish almanac that every day is a lucky day to pay subsidies. If foreign governments grant subsidies, they say we should grant subsidies; and if foreign governments do not grant subsidies, they say that is the very reason we should grant subsidies. If foreign steamship owners raise the price of ocean freight rates, they get up in Congress and demand subsidies. If foreign steamship owners reduce ocean freight rates, they also get up in Congress and demand subsidies. Every wind that blows, in their opinion, evidently blows in favor of the Government giving the American shipping trust subsidies. But I am satisfied that the farmers and the toilers of our country, the men who pay the taxes, understand this subsidy question and are not in favor of putting their hands in their pockets and contributing gratuities to the extent of millions of dollars a year to any shipping trust or to any trust-owned steamship line.

Mr. Chairman, I have always been, and always expect to be, a sincere friend of our shipping industries and an enthusiastic advocate of just and proper and honest legislation that will build up and restore our merchant marine. I believe every true American desires the supremacy of American ships in our over-seas carrying trade, but I believe they prefer it along the lines of tonnage taxes, and not by subsidies. They see no necessity of taking money out of the Treasury and paying it to the present trust owners of ships for doing what they are already doing; and those most conversant with the subject even go so far as to declare that this new ship-subsidy scheme, if enacted into law, will not lay a new keel in any American shipyard, or secure an additional ton of freight of our over-seas commerce. Practically every dollar granted will go to the ships now afloat owned by the shipping trust.

Ship subsidies do not build ships—they create ocean-trading monopolies. Ship subsidies will not give workmen employment in American shipyards—the money will simply go into the capacious pockets of the plutocratic beneficiaries of the shipping trust. Every scheme of this kind simply permits respectable corruption and benefits the few at the expense of the many. The principle of ship subsidies is inherently wrong and absolutely indefensible—it is unrepublican, undemocratic, and un-

American, and no man who understands the question can justify the steal in the face of the facts. If the Congress should pass this pilfering, new ship-subsidy bill, I believe the people will demand its repeal in less than five years, but I hope the wisdom of this House will never permit this iniquitous bill to pass.

I am now, always have been, and always will be a friend of the American merchant marine. I long for the coming of the day when American ships will be on every sea, and our flag gloriously floating on the breeze in every port. I am willing to go as far as any man in this country to legislate for the restoration of the American merchant marine to all its former glory, and to secure for the American people their just share of the over-seas carrying trade of the world.

I know, and every man who has investigated this subject knows, that our loss of deep-sea commerce is due entirely to our own iniquitous legislation and short-sighted policies. If the American Congress would legislate intelligently regarding this subject, we could restore our merchant marine and secure nine-tenths of all our commerce on the high seas, exports and imports, without a ship subsidy, or without taking a single dollar from the pockets of the taxpayers to give subsidies to favored shipowners and shipbuilders. This whole subject is a very simple matter when reduced to an intelligent business proposition. We do not need to take a dollar out of the pockets of the taxpayers, or out of the Treasury of the United States, to revive our shipbuilding industries or restore our merchant marine. All we need to do is to legislate intelligently, repeal the iniquitous laws against our deep-sea shipping now on our statute books, put in their place laws similar to the navigation laws that were enacted by the early statesmen of the country—laws that built up our merchant marine in those historic days—laws that placed our flag on the high seas and gave us nine-tenths of our entire over-seas carrying trade. It is a simple matter, and would be done but for the influence of special interests and the tenacious power of monopoly.

Now, sir, I have introduced in several Congresses bills to accomplish this—not subsidy bills, not bills that rob the many for the benefit of the few—not bills that take money out of the pockets of the taxpayers generally and hand the money over specifically to special interests—but bills along intelligent businesslike lines, and in accordance with the policy of the fathers of the Republic and the framers of our Constitution who understood this subject of over-seas shipping trade and commerce and legislated accordingly, and the United States had in those days the finest merchant marine the world had ever seen. If we had continued the policy of the fathers, we would to-day be the greatest maritime nation in the world and our flag would be on every sea, and our ships would be carrying the commerce not alone of our own country, but perhaps half of that of all the other great nations of the world.

I introduced at the beginning of this Congress a bill to accomplish this (H. R. 8767), but it has been sleeping the sleep that never awakes in the Committee on Merchant Marine and Fisheries. It will never come out. It will never be reported, simply because it is an honest bill and not a subsidy bill, because it does not rob the many for the benefit of the few, because it will accomplish practically all the people of the country desire—the building up of our merchant marine upon legitimate lines, in a business way, and the restoration of the American flag to the high seas.

My bill is a tonnage-tax bill along discriminating lines in favor of American-built ships and against foreign-built ships—and the foreigner pays the tonnage tax. In other words, the essential difference between my ship tonnage-tax bill and the new ship-subsidy bill is that the new subsidy bill compels the American people to give a bonus, or a subsidy, or a subvention—and they are all the same—to the American shipowner, while my bill makes the foreign shipowner pay an additional tonnage if his vessel brings merchandise from countries not under its government. This bill of mine is a most comprehensive measure, covering every phase of this question, and in the judgment of those who know most about the matter it would effectually solve the problem without taking a single dollar from the pockets of the taxpayers of our country. I send this bill of mine to the Clerk's desk and ask to have it read in my time. I want the bill to go into the RECORD, so that a comparison with the other bills can be made and those interested in this subject can read it and judge for themselves.

The Clerk read as follows:

A bill to regulate commerce with foreign nations; to make preference for the use of American freighting vessels; to extend the postal service by American steamships, and to promote American trade.

Be it enacted, etc., That the law relating to vessels, to the duties of tonnage, and to the ocean mail service in force when this act shall be approved be, and the same is hereby, supplemented and amended, as follows:

PART 1. TONNAGE DUTIES.

SECTION 1. That a discriminating tonnage duty based upon the gross admeasurement, in addition to the regular duty imposed on vessel tonnage by law, shall be levied and collected from all vessels not of the United States that shall arrive with merchandise, passengers, or mails to be landed in the United States from countries, colonies, or possessions where the said cargo, in whole or in part, was laden, to which said vessels do not belong, as follows:

Clause 1. On all vessels not exceeding 5,000 tons the additional duty shall be $1.25 per ton until the 1st day of January, A. D. 1909, after which date it shall be $1.50 per ton until the 1st day of January, A. D. 1911, after which date it shall be $2 per ton on the gross admeasurement.

Clause 2. On all vessels between the sizes of 5,000 and 10,000 tons the additional duty shall be $1.50 per ton until the 1st day of January, A. D. 1909, after which date it shall be $2 per ton until the 1st day of January, A. D. 1911, after which date it shall be $2.50 per ton on the gross admeasurement.

Clause 3. On all vessels between the sizes of 10,000 and 15,000 tons the additional duty shall be $2 per ton until the 1st day of January, A. D. 1909, after which date it shall be $2.50 per ton until the 1st day of January, A. D. 1911, after which date it shall be $3 per ton on the gross admeasurement.

Clause 4. On all vessels exceeding the size of 15,000 tons the additional duty shall be $3 per ton until the 1st day of January, A. D. 1909, after which date it shall be $3.50 per ton until the 1st day of January, A. D. 1911, after which date it shall be $4 per ton on the gross admeasurement. Any vessel violating this section or refusing to pay duties as aforesaid shall not be permitted by the collector to load cargo in a port of the United States.

SEC. 2. That a duty of $1 per ton on the gross admeasurement, in addition to the regular duty imposed on tonnage by law, shall be levied and collected from every vessel not of the United States that shall arrive in ballast or without merchandise, mails, or passengers to be landed in the United States from a country, its colony or possession, to which said vessel does not belong, if it shall be shown to the satisfaction of the collector that no bounty, subsidy, or subvention of any sort from its Government has been promised, earned, or will be received in consideration of making such voyage; but in case such voyage to the United States has been made with the understanding and expectation on the part of owners, arising from law or agreement, that bounty, subsidy, or subvention of some sort will be earned or received in consideration of said voyage, then, and in that case, the duty aforesaid shall be at the rate of $2 per ton until the 1st day of January, A. D. 1909, after which date the additional duty aforesaid shall be at the rate of $2.50 per ton until the 1st day of January, A. D. 1911, after which date the additional duty shall be at the rate of $3 per ton of gross admeasurement. Any vessel violating this section or refusing to pay duties as aforesaid shall not be permitted by the collector to load cargo in a port of the United States.

SEC. 3. That a duty of 50 cents per ton on the gross admeasurement, in addition to the regular duty imposed by law, shall be levied and collected from every vessel not of the United States that shall arrive in ballast or with merchandise or passengers in a proportion less than one-fourth of her capacity for the same from the country, its colony or possession, to which said vessel or vessels may belong. But no vessel coming direct from her own country, its colony or possession, with merchandise or passengers in excess of one-fourth of her capacity for the same to be landed in the United States, shall be charged with an additional or extra tonnage duty, except in cases where the country from which she comes direct charges an additional or extra tonnage duty to vessels of the United States; and in all such cases, if there be any, the extra duty per ton of the vessel's country shall be added to the extra duty per ton of the United States, and the sum so found shall be the full charge per ton for additional or extra duty to be collected; or unless the country from which such vessel so laden or coming direct shall hold out to its vessels by law the payment of bounty, subsidy, or subvention of some sort in consideration of making voyages like the one in question, in which case three-fourths of the amount of the gratuity as aforesaid shall be charged and collected as countervailing duty in addition to the regular and extra duty otherwise chargeable and to be collected. Surveyors of tonnage shall certify to the collector the proportion of carrying capacity occupied by passengers, by freight, and by ballast, respectively.

SEC. 4. That a duty of $2.50 per ton on the gross admeasurement, in addition to the regular duty imposed on tonnage by law, shall be levied and collected from every vessel not of the United States that shall arrive from a country not its own, whether with or without cargo, but under engagement to load for another country than its own, or that shall effect such engagement after arrival at a time and while there shall be one or more vessels of American registry in port listed at the custom-house as ready and offering to engage for the same or a similar voyage, until the 1st day of January, A. D. 1909, after which date the duty aforesaid shall be at the rate of $3 per ton; but if there be not such vessel or vessels so listed at the time of arrival or of engagement in port, then tonnage duty shall be payable under section 1 or section 2; but if in addition to coming as aforesaid under engagement or making it after arrival as above, a foreign vessel shall have held out to her by law the payment of bounty, subsidy, or subvention of some sort in consideration of making voyages like the one in question, then, and in such cases, a duty of $4 per ton additional to the regular duty shall be levied and collected. And vessels of foreign register running under bounty, subsidy, or subvention by law of their country arriving at the Gulf ports of the United States from the Atlantic ports, or vice versa; or arriving at the Pacific ports of the United States from the Atlantic or Gulf ports, or vice versa; or arriving at any port of the mainland of the United States from any part of the insular possessions of the United States, or vice versa, in ballast, seeking cargo, shall pay additional tonnage duties as follows: On arrival from Atlantic to Gulf ports, or vice versa, $1 per ton; on arrival from Atlantic or Gulf ports to Pacific ports, or vice versa, $2 per ton; on arrival from any port of the mainland to any port of the insular possessions of the United States, or vice versa, $3 per ton. No foreign vessel shall take in cargo without a permit. Any vessel violating this section or refusing to pay duties as aforesaid shall not be permitted by the collector to load cargo in a port of the United States.

SEC. 5. That a tonnage duty of $1 per ton on the gross admeasurement, in addition to the regular duty imposed on tonnage by law, shall be levied and collected from every vessel that shall enter a port of the United States from a port of her own country, either with or without cargo, passengers, or mails, if she has called or stopped on the way at a port of a country not her own and there received merchandise, passengers, or mails to be landed in the United States, unless said vessel

has been built in the United States or is owned by citizens of the United States to the extent of 40 per cent, to be proved to the satisfaction of the collector and the district attorney of any United States court.

SEC. 6. That a tonnage duty, to be termed light tax, of 5 cents per ton on the gross admeasurement of every merchant vessel, not of the United States, that shall enter a port of the United States, shall be levied and collected, in addition to the duties required by preceding sections, before clearance for sea, except in case such vessel shall clear in ballast or may have made port in distress, or was built in the United States.

SEC. 7. That a tonnage duty, to be termed race tax, of 4 cents per ton, on the gross admeasurement of every merchant vessel not of the United States that shall enter a port of the United States and there discharge merchandise, passengers, or mails, shall be levied and collected, in addition to the duties required by preceding sections, if said vessel shall be manned to an extent exceeding 10 per cent of the crew by persons belonging to a different race of men from the owners of said vessel. The regular tonnage tax to be paid by all vessels in the foreign trade shall be collected hereafter on every entry; the said tax shall be computed on the gross admeasurement, and the rates shall be increased from 6 cents to 10 cents and from 3 cents to 5 cents, respectively. American mail steamers shall pay tonnage tax but once a year.

PART 2. EXPORT PREMIUMS.

SEC. 8. That all collections of tonnage duties and charges against vessels of every kind, whether regular or additional, light, race, and passenger tax, entrance and clearance fees provided by this and former acts to be levied, collected, and paid at the custom-house, and all fines, penalties, and forfeitures paid into the courts from violations of the navigation laws of the United States, this act included, shall, after the passage of this act, be set apart in the Treasury as a special fund from which to pay, first, for the support of marine hospitals for American seamen in the foreign trade; and, second, for the payment of premiums to exporters of merchandise for giving preference in the employment of vessels to those of the United States not in fact owned by themselves.

SEC. 9. That on and after thirteen months from the passage of this act there shall be paid, out of the special export fund in the Treasury provided for by section 8 of this act, to the bona fide owners and exporters of merchandise, the growth, production, and manufacture of the United States, to foreign countries not adjoining the United States, in vessels of the United States, registered pursuant to law, and not owned in fact by themselves, as follows: A premium of one-fourth of 1 per cent on the cash valuation of each shipment direct to a port not less than 65 miles from the tidal boundary of the mainland of the United States; and a premium of one-half of 1 per cent on the cash valuation of each shipment direct to a port not less than 400 miles from the port of departure in the United States; and a premium of 1 per cent on the cash valuation of each shipment direct to a port not less than 1,000 miles from the port of departure in the United States; and a premium of 1½ per cent on the cash valuation of each shipment direct to a port not less than 2,000 miles from the port of departure in the United States; and a premium of 2 per cent on the cash valuation of each shipment direct to a port, not less than 3,000 miles from the port of departure in the United States; and a premium of 2¼ per cent on the cash valuation of each shipment direct to a port not less than 4,000 miles from the port of departure in the United States; and a premium of 2½ per cent on the cash valuation of each shipment direct to a port not less than 5,000 miles from the port of departure in the United States, which premium shall be the highest paid whatever the distance in excess of 5,000 miles, and such premiums to an exporter shall be payable to his order upon report of the clearance of the vessel, with a statement of the collector of the port fixing the value of the shipment, which must be sworn to by an appraiser for the United States, within ten days, according to such regulations as the Secretary of the Treasury shall prescribe, distances between ports to be determined by the Hydrographic Office of the Navy Department and stated in sea miles.

PART 3. MAIL CARRIAGE.

SEC. 10. That the postal act, approved March 3, 1891, be, and it is hereby, amended to provide and to read as follows:

Clause 1. The Postmaster-General shall, as often as once in each year, advertise for informal proposals for the carriage of mails by sea in American vessels between such ports of our own and other countries as to exporters may seem advantageous. The advertisements shall be inserted four times weekly in a paper printed in Boston, New York, Philadelphia, Baltimore, New Orleans, Galveston, Norfolk, Charleston, Savannah, Mobile, San Francisco, Portland, and Seattle, describing the service as that of mail and naval vessels adapted to promote the postal, commercial, and naval interests of the United States, and to subserve those of their owners as well. Proposers will state the size and speed of vessels, number of trips yearly, remuneration required, time when service could be begun, and such other particulars as may seem useful for the Government to consider.

Clause 2. Within one month after receipt of informal proposals the Secretary of the Navy and the Postmaster-General shall together consider their contents, the wants of the Navy, and the needs of the Post-Office, and fix upon a schedule of requirements that will satisfy both services. The Secretary of the Navy will control the plans for the vessels and the Postmaster-General will decide upon the postal programme, and the two together shall advertise formally to let contracts for the running of the vessels required. Such advertisements shall be inserted in the same papers that called for informal proposals four times weekly, describing the route, the character of the vessels, the size and speed, the number of trips yearly, the times of sailing, and the time when the service shall begin. The letting of such contracts shall be the same as prescribed by law for the letting of inland mail contracts so far as shall be applicable to vessels. Every contract must have the approval of the President, and none shall exceed the limit of thirty years; but the President may require improved service every ten years.

Clause 3. The vessels employed under this act shall be commanded by citizens, and at least two officers and two engineers of each vessel shall also be citizens of the United States; and on each departure a portion of the crew, inclusive of firemen, shall owe allegiance to the United States, to wit: During the first year, one-eighth thereof; during the next two years, one-fifth; during the fourth and fifth years, one-fourth; during the sixth and seventh years, three-tenths; during the remainder of contract time, one-third thereof. But no mail carrier shall be delayed in sailing to obtain a crew in above proportion. It may be stipulated that mails may be brought from abroad, the foreign country paying for the service; also that passengers and baggage and freight may be carried both ways. After January 1, 1908, the mails shall be sent foreign by vessels of the United States, and no others, without express consent of Congress; and in cases of need, when private enterprise fails to undertake or carry on the service at reasonable or lawful rates of remuneration, the Secretary of the Navy shall have authority, and it shall be his duty to furnish suitable vessels of the Navy in which to send mails foreign or bring them home, until the further order of Congress.

Clause 4. That all vessels in the postal service and hereafter built for it shall be prepared to receive arms for immediate use as cruisers, scouts, or transports in time of war; and in future their plans and specifications shall be agreed upon by and between the owners and the Secretary of the Navy, the strength and stability to be sufficient to carry armament most useful in naval service, and the materials of hull and machinery to be such as will command the highest classification given by American inspection and rating. And all such vessels hereafter built shall be constructed under the inspection of a naval officer detailed by the Secretary of the Navy, to whom he will report in writing the progress made monthly, whether or not the contract is being well performed, and when the trial trip may be made; and no vessel not approved by the Secretary as fulfilling the contract shall be accepted for the service.

Clause 5. The compensation to be agreed upon and paid for such service as may be contracted for under this act shall be reasonable and as low as responsible bidders will perform the same, having regard to the encouragement to vessels provided by this act, to the commercial circumstances in each case, and to the rate of compensation for similar service paid by other countries. Where a bid may be deemed too high the programme may be modified or the route readvertised; payment for service to be made at the end of each round voyage. If the contract shall fail to be fulfilled for six months, the President may declare it forfeited, and thereupon the route shall be readvertised and let to another bidder.

Clause 6. Upon each mail vessel the United States shall have transported, free of charge, one messenger, whose duty shal be to receive, sort, take in charge, and deliver the mails to and from the United States, and who shall be provided with suitable room for himself and for the mails.

Clause 7. Officers of the Navy may volunteer for service on said vessels, and when accepted by the contractors may be assigned to such duty by the Secretary of the Navy whenever in his opinion such assignment can be made without harm to the service, and while in said employment they shall receive furlough pay from the Government and such other compensation from the contractors as may be agreed upon: *Provided*, That they shall be required to perform only such duties as pertain to the service.

Clause 8. Said vessels shall carry as cadets one American boy under 21 years of age for each 2,000 tons gross register, who shall be educated to the duties of the service as seamen, rank as petty officers, and receive reasonable remuneration.

Clause 9. Said vessels may be taken and used by the Government as cruisers, scouts, or transports at any time, on payment to the owners of their fair actual value at the time of the taking, and if there shall be a disagreement as to the value, then the same shall be settled by two appraisers, one appointed by each party, they selecting the third, who shall act in case the two shall fail to agree.

Clause 10. All vessels not of the United States coming with passengers from a country to which said vessels do not belong shall pay to the collector of the port an entrance tax of $20 for each and every passenger brought from such country who shall be landed, with his or her effects.

PART 4. GENERAL PROVISIONS.

SEC. 11. That marine underwriters or insurance companies belonging abroad, in person or through agencies in the ports of the United States, may issue policies, in conformity with State regulations, on shipments of goods, wares, and merchandise to be exported, but any discrimination made by them or their agents in the clauses of policies, in the premium rates, or effected through inspection of hulls or otherwise, which shall tend to favor the employment of foreign vessels, or tend to disfavor the engagement of vessels of the United States, shall be deemed a misdemeanor, punishable by a fine as a penalty in a district court of the United States. Said fine for the first offense shall not exceed $5,000 nor be less than $3,000; for a second offense said fine shall not be less than $10,000, and for the third offense and each one afterwards said fine shall be not less than $15,000 nor more than $25,000, and suits shall be prosecuted by the attorney of the court aforesaid for each and every violation brought to his notice. In any such suit it shall be no defense that the orders or directions of any person, or the rules and regulations of any association of underwriters, shipowners, merchants, marine surveyors, or their agents, not citizens of the United States, or that the inspection or classification of any vessel by any person, society, or authority whatsoever, can be claimed to justify the discrimination that may have been the subject of complaint. In a time of peace it shall not be lawful for any officer of the Government to receive tenders of service to be performed by vessels not of the United States, and in all contracts for the performance of public work it must be provided that transportation shall be performed by vessels of the United States.

SEC. 12. That on and after the passage of this act it shall be lawful for the space of thirty months, but no longer, for any bona fide citizen, citizens, or domestic corporation engaged in, or intending immediately to engage in, the carriage of merchandise, mails, or passengers in the foreign trade of the United States, to import and enter at the custom-house, for his or their own use, and no other, in said trade, but not to be held for sale or sold to others, and not to be employed in the domestic trade more than two months in the year, any vessel or vessels suitable therefor, of size not less than 2,000 tons gross and of age not more than 5 years, and have the same duly registered as a vessel or vessels of the United States, but upon the following conditions, nevertheless, to wit, that all vessels imported in the first six months of the term of thirty months as aforesaid shall pay a duty of $4 per gross ton; those imported in the second six months shall pay a duty of $5 per gross ton; those imported in the third six months shall pay a duty of $6 per gross ton; those imported in the fourth six months shall pay a duty of $7 per gross ton; those imported in the fifth six months shall pay a duty of $8 per gross ton measurement. The Treasury Department may allow credit on duties for imported tonnage to the extent of six and twelve months' time on secured notes of owners. And it shall be unlawful, upon penalty, as for a misdemeanor, punishable by fine of not exceeding $1,000 in a district court of the United States, for the master, owner, or agent of any foreign-built freighting vessel or yacht not duly registered, enrolled, or licensed to fly the flag of the Union from or abaft of the aftermost mast, spar, or pole, except as a sign of distress.

SEC. 13. That where it may become known to the collector that re-

bates of freight are paid in the commerce of any port of the United States, either by citizens or foreigners, he shall bring the facts to the attention of the United States district attorney, who shall bring suit to break up the practice. And for the prevention of frauds under this act, in indirect voyaging, foreign vessels not built in the country of registry shall undergo a probation of three years before being adjudged by the collector as belonging in good faith to the country of registration.

SEC. 14. That, coincident with the passage and approval of this act, section 4136 of the Revised Statutes of the United States shall stand repealed, and it shall not be lawful longer for any officer of the Government to issue a register, enrollment, or license for any vessel built abroad except such as have been captured in war and condemned as prize, and such as have been forfeited for a violation of the laws and bought at public sale, or admitted by an act.

SEC. 15. That the regular duties of tonnage computed on the gross admeasurement shall be paid alike by American and foreign vessels on each and every arrival when entry of vessel is made. Entrance or passenger tax shall be paid when permit is given for the landing of passengers from vessels not of the United States brought from countries to which said vessels do not belong. All additional tonnage duties and the light and race tax to be paid before lading permit is issued, but if loading be delayed, then, at latest, at the end of two months from date or entrance. American vessels carrying crews of which one-eighth the number are citizens or owe allegiance to the United States shall have rebate of tonnage tax to the extent of 20 per cent; if one-fourth of the crew be citizens, the rebate shall be 30 per cent; if three-eighths of the crew be citizens, the rebate shall be 40 per cent; if one-half of the crew be citizens, the rebate shall be 50 per cent; if five-eighths of the crew be citizens, the rebate shall be 75 per cent; and if three-fourths of the crew be citizens, the rebate shall be 100 per cent. The United States shipping commissioner shall ascertain and certify to the collector the proportion of citizens in each crew where rebate of tax may be demanded. Regular apprentices as seamen or engineers, if citizens, shall count as men in computing rebate of tax. In trade to and from tropical countries, where it may not be practicable to find any but natives of such regions to man American vessels, permits may be issued on applications under oath of the owner or agent by the Secretary of Commerce and Labor for one year, or while necessary, to carry a crew such as it may be practicable to engage in any given place. In all cases where vessels may be fined for infractions of law in accordance with the statutes it shall be unlawful for the Secretary of the Treasury or other Department to remit any portion thereof without an order of court; and it shall also be unlawful for the Commissioner of Navigation to order refunds of tonnage taxes that have been paid to a collector without an order of court.

SEC. 16. That sections 8, 10, 11, 12, 13, 14, and 16 of this act shall take effect upon its passage, and sections 1, 2, 3, 4, 5, 6, 7, 9, and 15 in one year and thirty days thereafter; and all acts or provisions of law in conflict herewith are hereby repealed; also any and all articles or clauses in existing conventions or treaties in contravention herewith are hereby annulled and abrogated, in conformity with the stipulations and equities of said agreements and the rights of the United States; and the formal notice of the Congress of the United States is hereby given that in one year from the approval of this act all convention or treaty stipulations for the suspension of discriminating duties under the aforesaid agreements are receded from on the part of the United States, and all enactments therefor are by this act repealed.

Mr. SULZER. Now, Mr. Chairman, that bill speaks for itself, and I have had it read at the Clerk's desk for the purpose of getting it in the RECORD, so that the people who are interested in this great shipping question can read the bill, make comparisons, and judge accordingly. I place this tonnage-tax bill by the side of the Gallinger ship-subsidy bill and the new Grosvenor subsidy bill, and submit the merits of the two measures to the impartial judgment of the taxpayers of the country, confident that the general principles of my bill will be accepted by them in preference to those of the Gallinger or any other ship-subsidy bill. My bill is a practicable, honest, businesslike measure, and, in the opinion of those most competent to testify regarding this matter, its enactment into law will go far to solve the shipping problem, restore our merchant marine, place our flag on the high seas, and give us at least nine-tenths of our ocean-going commerce. There is a difference as wide as the poles between the principle of my bill and the principle of the other bills. My bill is a tonnage-tax bill, and the foreigner pays the tax. In other words, all goods brought to this country in foreign ships from countries not their own would have to pay a heavy tonnage tax. This being the case, foreign shipowners would have to charge higher freight rates than American shipowners, with the consequence that the American shipowners would get their share of employment. This would create a demand for American-built ships, and the demand would revive our languishing shipbuilding industries and the revival of those industries would give employment to thousands and thousands of workmen on both the Atlantic and Pacific coasts. Of course no foreign shipowner will commend my bill. No subsidy grabber advocates it. No shipowners' trust favors it. No marine monopoly likes it. Naturally every foreign shipowner is absolutely opposed to it, because every foreign shipowner knows that if a bill like this should become a law in this country in less than ten years the United States might be the mistress of the seas and do a large part of the deep-sea carrying trade of the world. I do not expect foreign shipowners to favor my bill, but I know when the question is understood by the taxpayers of our country every patriotic American will be in favor of my bill in preference to the Gallinger ship-subsidy bill, which takes money out of the pockets of the people of this country and pays it over in the nature of a gratuity to a special business interest. There is no graft in my bill; no private gain at public expense; it is just a plain, simple, practical, business, maritime measure for a tax on the tonnage of the gross admeasurement of foreign ships.

Mr. Chairman, I see my time is nearly consumed and I must conclude; and in doing so I want to say that my bill is not a makeshift. It is not a temporary expedient. It is a permanent remedy, and once adopted and upon the statute books it would continue in favor for years and years to come, until the American people possessed the greatest merchant marine in all the world; and I therefore say, in conclusion, that from a careful study of the whole subject-matter I sincerely believe that the adoption of such a measure as this, in my opinion, will speedily restore our ocean carrying trade, revive our shipbuilding industries, give employment in our shipyards to thousands and thousands of men in all parts of the country, bring about an era of prosperity such as we have never known before in our shipping trade and deep-sea commerce, place our flag on ships on every ocean and in every port, and make the American sailor what he was in the historic days of the Republic—the pride of the people, the master of the seas, and the arbiter of the ocean highways of the world. [Loud applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SULZER. Mr. Chairman, I ask unanimous consent to print in connection with my speech some data bearing on the subject that I believe will be of interest to the members of this House and the country.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none and it is granted.

Mr. SULZER. Now, I desire to offer and have printed in the RECORD as part of my remarks an explanatory statement of the contents of my bill for the restoration of the American merchant marine, giving a complete history of shipping legislation in the United States and also other valuable data in connection with the bill and the subject-matter, which I trust will be interesting not only to the Members of the House of Representatives, but to the people generally of the country. It is as follows:

NATIONAL IMPROVEMENT.

THE RECOVERY OF NAVIGATION.

[Explanatory statement to accompany H. R. 21196, introduced by Mr. Sulzer December 5, 1906.]

Agriculture, manufactures, and commerce have always been regarded as interests of high national concern. Commerce includes navigation, without which it could not be carried on. These two factors being of equal importance, it is inconsistent that one should be cherished by the Government and the other suffered to be ruined. Though not intentional, such a course, to great national disadvantage and loss, has long been pursued in the United States.

The necessity existing that every independent maritime country shall have its own shipping for the carriage of its own commerce is a fact so evident that thoughtful men concede its truth. Commercial independence is a strong security for political freedom, and is based upon this relationship of the merchant to the carrier—the same flag for both. The prosperity of every people depends in great degree on freedom for industrial development, on equal opportunity with others, and on equitable relations with their neighbors. A dependent nation lacks in freedom, opportunity, and power, holds inferior rank, puts up with impositions, and submits necessarily to the rapacity of rivals and the spoliation of enemies. As seen in our own experience, lack of shipping power creates such dependency, with its evil consequences. Since our marine in foreign trade has disappeared our nation has been taking a post-graduate course as a British colony. We can carry on neither commerce nor war upon the ocean without the service of foreign shipping. This unfortunate exigency has brought in the foreign merchant and alien underwriter, the capitalistic workers for their country's flag, and these cooperate to prevent, if possible, any effort of Congress to recover our lost freedom, equality, and rank through the means of a merchant marine. With the lapse of time these evils, with others of the situation, have become intolerable.

OUR COMMERCIAL SITUATION INSECURE.

Such is now the predicament existing in our foreign trade relations. Foreigners now carry and conduct our commerce to the extent of 90 per cent. Our people have little to do with it, except to provide wharves, docks, and warehouses, furnish pilots and tugs, deepen harbors and channels, equip the coast with lights, and maintain hospitals. With a sweeping control of our foreign trade its alien managers are able to pass most of its immense volume through their own markets at their own prices. But for our tariff system they would do our manufacturing as they do our carrying, and put excessive prices on our imports. Through their commercial services, which would be better done by our own people, they absorb several hundreds of millions of export value every year, or accumulate adverse balances of commerce against us to be paid in gold. It is the want of shipping of our own that allows and favors this adverse action of our rivals, and causes our precious metals to be taken out of our mines so largely for foreign benefit and advantage. To continue a policy having such a fruitage can not be wise and good government.

The present generation of Americans has had scarcely any experience of the signal advantages of shipping of our own in foreign trade. We may dwell on one to which we have already alluded. Before the civil war, when import duties were moderate, it was our shipping trade mainly that carried our country through successfully year after year, with a balanced foreign commerce. Since the loss of our marine we have had to trust to the tariff alone—fortunately high enough to be of some assistance. It was a wonder to some why "hard times" continued under the tariff of 1894, and why "times" improved and the country became prosperous under the tariff of 1897. The difference in these cases is accounted for, partly, in the fact that we have not now the help of shipping in balancing our foreign trade as in former times,

and must depend wholly on tariff regulations. While this remains the case our prosperity will be supersensitive.

"Times" can not be "good" while crushing debts, demanding the exportation of gold, are payable abroad. It is the function of the merchants and the shipping of a country to accomplish the balancing of its commerce and to make its prosperity steady and secure. Alien merchants and shipowners have the interest of their own countries to conserve, and though they conduct our trade they let our national good alone. As we are situated now—the carriage and conduct of our commerce in foreign hands—we stand defenseless, liable at any time, whenever the shipping nations of Europe may be engaged in warfare, to experience panics and years of adversity, solely on account of our dependence upon them to carry and conduct over 90 per cent of our commerce.

Our danger is growing with time. We require now to have a balance of exports over imports of not less than four to five hundred millions of dollars per annum to continue prosperity. With a marine of our own, half of this might be sufficient. In fifty years we shall be a nation of 150,000,000 souls, and be obliged, no doubt, if without a marine, to export in excess of imports from eight to nine hundred—perhaps little short of a billion—dollars annually, with a tariff as high as the present, to maintain balanced foreign accounts with a fair degree of prosperity. Whence will come these extraordinary exports? Long before then our own population will be consuming so much of our eatable products as to leave, perhaps, very little for the sustenance of foreign nations, while our importations of foreign goods may continue without abatement, and, possibly, may be increased per capita. It is not the part of thoughtful citizens to let our country, through shipping dependency, drift into difficulty and bad circumstances, wretched and disgraced, for want of wise and adequate action for shipping restoration. It is already forty years since the close of the civil war, when Congress should have taken steps to improve the condition of our shipping trade, then plainly so impaired as never likely to recover without its judicious action. Delay has made bad matters well-nigh irreparable. So many hindrances now appear that the most efficient of remedies must be administered. Mere alleviations will be of no avail whatever. To do "something" for shipping is to do "nothing of consequence."

THE QUESTION OF REMEDY.

Rightly to solve this question we shall need to study the history of shipping, particularly in our own country; to learn the relations between shipbuilding, navigation, and commerce, and the underwriting of hulls and cargoes in all countries; to investigate the various means devised by different countries to foster their own trade or to hinder that of others; to examine our shipping experience as to the effect of protective and unprotective policies; to inquire whether or not the General Government has any duty to perform in regard to navigation, particularly whether it is under a *compact* to encourage and protect it, and, if so, by what means; above all, to determine what measures will or will not square with the Constitution, be acceptable to the people, and prove effectual.

One of the first points apparent will be the striking fact that our foreign trade is not now under the original policy of the wise founders of our Government, but our domestic trade remains as in the beginning. While the one has been ruined the other flourishes. In our foreign traffic a change was made in 1828 from protection to unprotection, which took place so gradually that the consequent losses of carriage were not generally noted. Shortly before this change of policy a culmination of carriage occurred in our own commerce—in 1825 of 95.2 per cent for imports and in 1826 of 89.6 for exports—an average of 92.4 per cent, foreign ships carrying but 7.6 per cent. Under the present unprotective policy these figures have become reversed. In 1827 the percentages of carriage were, respectively, 94.3 and 87.5. From the passage of the act of 1828 decline set in, and, with varying fortune, has persisted to the present day, as witness our statistics. The protection under which our early shipping trade was developed and matured was removed after 1828, on the application of foreign nations from time to time, conventions of "reciprocity" being made for a term of years—generally ten. Our policy as it stood was satisfactory to our own people. The change was made solely in the hope of appeasing Great Britain, to induce her to open her West Indian ports to our vessels, closed since 1783. Fortunately she took no advantage of our act for twenty-one years, contenting herself with noting the successes of other nations in cutting down our carriage. Satisfied at last that unprotected navigation would be a winning game against "America," she made such changes in her own policy, which had been highly protective for two hundred years, as gave her shipping the benefit of our act. No convention was made. Up to this time eighteen countries had made conventions with us, and our percentage of carriage had fallen off in consequence after 1827, for imports, 12.9 per cent, and for exports, 18.6 per cent. With this experience at hand, David Ricardo could point out in Parliament that we were losing carriage to "reciprocity" nations, that the indirect voyages of ships paid the best, and that England was losing much profitable business by not taking advantage of our unprotective policy. British merchants had been established for generations in every port of the world, and if they made shipments of goods to the United States from non-British ports they were obliged by our regulations to freight American ships, that being then a principle of our protective policy. So the British "navigation act" of 1651–1660 was reformed in 1849, we reciprocated, and with the following significant results to our carriage in our own commerce: In four years' time, 1850–1853 our loss of import carriage was 10 per cent, in twelve years over 21 per cent. Export carriage lost nearly 2 per cent.

The British were at war with Russia in 1855–56, and we gained some ground both in import and export trade only to lose it with more after peace was made. From all causes combined, from 1827 to 1861, our losses of carriage were, imports, 34.3 per cent, and exports, 15.4 per cent. The approach of the civil war caused a great demand for tonnage from 1857 to 1861, and export employment increased in consequence, but there is no mistaking the increase of adverse conditions, as the effect of British acceptance of our open policy—perfect equality of shipping. If the war had not come on, presumably the mistake in granting it would have been corrected. Our brightest public men, Whigs and Democrats alike, knew it then, that our navigation was hazarded; and Daniel Webster, as early as 1829, alluded to the "hard times" for shipping then experienced as the result of adverse legislation. Mr. Sprague, of Maine, in a powerful speech in the House, after the passage of the act of May, 1828, predicted its evil consequences. Mr. Buchanan, of Pennsylvania, replied that our shipping interest had become as strong after nearly forty years of invigorating protection; that from a "pigmy" it had become a "giant," and needed no further care from the Government. The division of sentiment was not on doctrinal lines. Mr. Sprague favored a low tariff, while Mr. Buchanan advocated and voted for the high tariff of 1828. His error was in thinking that ship protection need only be given for a little while. All nations that once gave it up have returned to it in one or another form, even England now having a most effective system of devices, besides her subsidy policy.

ORIGIN OF OUR EARLY SHIPPING POLICY.

It has been supposed by many that our shipping policy was copied from the famous navigation acts of England—1651–1660—but that is a mistaken presumption. It had a native origin, and differed in principle from the British, under which only British vessels could import cargoes from Asia, Africa, or America, or carry between the colonies. In Europe the different nations might trade direct to England from their own countries on payment of discriminating duties. Our system was permissive, our ships having preference for our own trade, both tonnage and tariff duties being discriminating. British law had eight distinct prohibitions, while ours had none before 1817, when two were enacted, one confining foreign vessels to direct trade and another excluding them from the domestic.

While the younger maritime nations have ever found it difficult to build up a shipping trade without protection, the systems enforced by older nations—England especially—made it necessary to protect American navigation. Our early statesmen had not to be convinced of its propriety, most of them being familiar with the shipping laws of their own States, many of these having provided such encouragement as could be applied. It was therefore natural that the disposition to foster shipbuilding, an art long established in several States; to promote shipowning, a business reaching back to the youth of the colonies; and to extend commerce, an ambition that had been cherished for one hundred and fifty years, should be as general and as strong as to advance agriculture and establish manufactures, since these three interests joined and supported each other in developing the strength and fortifying the independence of the country.

In most colonial charters discriminating duties were authorized. That of Virginia allowed a duty of 2½ per cent on all goods imported by British subjects (necessarily in British vessels) and 5 per cent on all imported by foreigners (of course, in foreign vessels). Even prohibitions were resorted to in the regulation of trade between the colonies. In 1649 an act of Massachusetts provided for retaliatory duties. Virginia also enacted them, explaining that "Virginia vessels are compelled to enter and pay fees before trading in Maryland ports. This is unneighborly, but Maryland vessels must do the same here until her laws are repealed." This was prior to the British "navigation act." From 1715 to 1774 Massachusetts imposed double duties on all goods not imported directly from the place of production. By having the best protection she came to have the most shipping. The first tonnage (or "powder") duties were laid by Virginia in 1631 and by Massachusetts in 1645—also before the "navigation act." Other colonies followed these examples. While these duties were for revenue, the acts were so framed that colonial shipping got a good degree of protection. Most colonies exempted their own vessels. The northern colonies had reciprocity agreements for exemption. Massachusetts law exempted English ships and those of Pennsylvania, New Jersey, New York, Connecticut, and Rhode Island. English shipping was subject to the tax for a while, but the owners complained, and the colonies were all commanded to cease the distinction between British ships and colonial. These regulations prove the early and the strong desire of our "States" for an American marine—to be obtained by protective regulations.

During the Revolution duties were waived, and shipbuilding nearly ceased. Intercourse with England was forbidden, while all other trade was extrahazardous. Only the State of Virginia continued her external policy. After the war tariff duties were again imposed, except in New Jersey, and tonnage duties were generally laid for ship protection in connection with tariff rates in most States. New Hampshire declared in her tariff act of 1788, that one of its principal objects was to "furnish employment for poor persons," and another was "to secure a favorable balance of trade and to prevent large sums of money from being drawn to foreign countries." In fact, the distress and ruin that had overspread the land (1784–1790), directly traceable to adverse balances of commerce from foreign transportation as well as trade, largely influenced the legislation of the period. According to British returns our trade with them for seven years showed, for exports, £6,644,753, and for imports, £17,443,284. For every dollar's worth imported five-eighths of a dollar in coin had to be exported, as adverse balance of trade; and to the extent of $2.50 per capita annually. When to this is added the adverse balance of transportation—seven-eighths of the commerce carried by foreign vessels, at the rate of one-third the value of cargo for tobacco and one-half the value of cargo for lumber, and other articles in proportion—it will be seen that the country was being spoliated at a rapid rate. No wonder it was drained of coin; nor was it any marvel that free traders became protectionists; nor in the least amazing that our people were of one mind respecting the necessity for American merchants to conduct and an American marine to carry our infant commerce—thus Americanizing it on ship and shore.

THE GERM OF NATIONAL SHIP PROTECTION.

While the American mind was shaping itself for this course the British were pursuing a policy of discouragement and hindrance, lest possibly the "States" might become in time active rivals in navigation. They had a maxim that the control of trade and transportation was a sure means of ruling the world. They made a treaty of peace with us, but refused to make one of commerce and navigation such as other countries cheerfully conceded, and down to the present time have not done so. They meant to recover the carriage of our commerce, regain the control of our foreign trade, and be in position to resume political rule. This policy was initiated by a proclamation of the King (1783) opening to our vessels the home ports, but closing all in the loyal provinces and the West Indies. Had they not opened the home ports we might have directed our trade elsewhere. As it was, we could make only direct voyages, with cargo outward and ballast homeward, while they could come direct and return indirect, carrying cargo both ways. John Adams, as our minister to London, endeavored in vain for the third time to move the British to give our shipping fair play in the trade between the ports of the two countries, but no proposals would be entertained. In his letter of October 21, 1785, to our Secretary of Foreign Affairs Mr. Adams wrote thus:

"This being the state of things, you may depend upon it the commerce of America will have no relief at present, nor, in my opinion, ever, until the United States shall have generally passed navigation acts. If this measure is not adopted we shall be divided, and the more we suffer the more will our calamities be laughed at. My most earnest

exhortations to the States, then, are, and ought to be, to lose no time in passing such acts."

A year previous the Confederate Congress had appointed a committee, with Thomas Jefferson chairman, to consider and report suitable action in view of the situation. It was recommended to make application to each State for a grant of power for fifteen years to enact and enforce regulations of commerce—"navigation laws"—adapted to encourage and protect the shipping of all the States. (This is the measure referred to by Mr. Adams.) This request not being fully complied with, the measure failed, and the States each for itself set about the work. Discriminating duties of tonnage and of tariff were the means employed. Results, a dozen different sets of "navigation laws," all aiming to protect against foreign shipping, but acting also against the vessels of sister States. The measures were too moderate. Mr. Jefferson's plan, if carried out, would probably have been better.

It may be well to show, briefly, the chief provisions of the navigation laws of the several States, which were in force until superseded by acts of Congress, 1789, and afterwards—according to compact.

SHIP PROTECTION OF THE STATES, 1784–1789.

New Hampshire, Massachusetts, Rhode Island, Connecticut: Extraordinary tonnage duties on all foreign vessels; in first two States, American vessels free.

New York: Double duties on goods by British ships, whether brought directly or through other States.

New Jersey: Tonnage duties, no other charges.

Pennsylvania: Tonnage duties on ships of "treaty nations," 5. 8d. per ton; on those of other nations, 7s. 6d. per ton. Discriminating tariff duties on Asiatic goods, foreign merchants to pay 2 per cent extra; citizens to have a rebate of 5 per cent; teas direct from China in American vessels free, but dutied heavily if brought indirect or by foreign vessels.

Maryland: Tonnage duty on British vessels, $1 per ton; upon French or Dutch, 66 cents per ton. American vessels free.

Delaware: Tonnage duties.

Virginia: Discriminating tonnage duties on French or Dutch vessels, 50 cents per ton; on British vessels $1 per ton; American vessels free. Brandy by American or French vessels free; rum by British ships taxed.

North Carolina: Discriminating tonnage and tariff duties favoring American vessels.

South Carolina: Tonnage duty, 1s. 3d. per ton; 2 per cent ad valorem extra duty on goods in foreign bottoms.

Georgia: Tonnage duty, 1s. 8d. per ton on foreign vessels.

It was stated in Congress, 1789, that the discriminating duties of all the States averaged nearly 60 cents per ton. A Virginia Member said: "One dollar per ton did not prevent British vessels from thronging the ports for cargoes." As British vessels carried both ways, the dollar differential was too small. Pennsylvania seems to have had the most considerate and effective system. Mr. Fitzsimons, of that State, a merchant, said in 1789 that "the British had established among us merchants, agents, and factors of their own, taking possession of our trade and furnishing vessels for its carriage. In some States the whole of their commerce was thus carried on." (This is our predicament to-day.) The discrimination against British merchants, amounting to 7 per cent of tariff duties, aimed to correct this condition. Necessarily, it was up to the founders of the General Government, in convention, to devise a method of protection, which in due time should Americanize both our trade and transportation. Manifestly, the method adopted by the States would have to be taken over, revised, and made effective, or some better way be discovered.

The shipping acts of the States served as monitors to the Constitutional Convention. They caused the protection of shipping by regulations of commerce to be taken over by the General Government—no other procedure appearing wise. Confirmatory of this fact is General Washington's letter transmitting the Constitution to the Federal Congress, in which he remarked:

"The friends of our country have long seen and desired that the power of making war, peace, and treaties, that of levying money and regulating commerce, and the corresponding executive and judicial authorities should be fully and effectually vested in the General Government of the Union."

SHIP PROTECTION AN OBJECT OF THE CONSTITUTION.

One of the five principal objects of the Constitution thus declared to be the regulation of our foreign and domestic trade, in other words, the establishment of a system of protective "navigation laws." It was natural that in the convention this sentiment should be general. Some have supposed that the extreme Southern States, having but a scanty shipping, took no interest in providing for a merchant marine. This is a mistake. Mr. Charles Pinckney's plan for a constitution had a clause for the regulation of commerce; and Mr. Rutledge, in a speech, "reminded the House of the necessity of securing the West India trade to this country, * * * and a navigation act was necessary for obtaining it." These delegates were from South Carolina. The only question raised and settled was whether or not a two-thirds vote should be required for the passage of shipping acts, which was a manner of voting on certain subjects in the Federal Congress. The matter was thus brought up:

In the plan of the constitution reported to the convention by a committee appointed therefor August 6, 1787, section 2 of Article VII provided for the "regulation of commerce with foreign nations and between the States." General Pinckney, of South Carolina, desired that all laws regulating commerce "shall require the assent of two-thirds of the members present in each House." The delegates from South Carolina and Georgia wanted for a while the continuance of imports of African labor, and they argued that this was necessary to induce their States to adopt the constitution. The convention finding it difficult to agree on the migration proposition, the matter was referred to a committee of eleven. Mr. Gouverneur Morris, of Pennsylvania, "wished the whole subject to be committed, including the clause relating to taxes on exports and to a navigation act." Finally, Mr. Pinckney and Mr. Langdon moved to commit section 6, as to a navigation act by two-thirds of each House. On this question only Connecticut and New Jersey voted no. The committee, in the order of States, consisted of Langdon, of New Hampshire; King, Johnson, Livingston, Clymer, Dickinson, Martin, Madison, Williamson, C. C. Pinckney, and Baldwin, of Georgia. Livingston, of New York, was chairman. He reported to strike out so much of the fourth section as was referred to the committee and insert "the migration or importation of such persons as the several States now existing shall think proper to admit shall not be prohibited by the legislature prior to the year A. D. 1800, but a tax or duty may be imposed on such migration at a rate not exceeding the average of the duties laid on imports.

"The fifth section to remain as in the report.

"The sixth to be stricken out."

The convention changed the limit of A. D. 1800 to A. D. 1808. Mr. Pinckney moved to change the report as to the two-thirds vote to the following: "That no act of the legislature for the purpose of regulating the commerce of the United States with foreign powers or among the several States shall be passed without the assent of two-thirds of the Members of the House."

EXTRACTS FROM THE SHIPPING DEBATE.

Mr. Pinckney remarked "that there were five distinct commercial interests: 1. The fisheries and West India trade, which belonged to the New England States. 2. The interest of New York, which lay in a free trade. 3. Wheat and flour, the staples of the Middle States (New Jersey and Pennsylvania). 4. Tobacco, the staple of Maryland and Virginia and partly of North Carolina. 5. Rice and indigo, the staples of South Carolina and Georgia. These different interests would be a source of oppressive regulations if no check to a bare majority should be provided. States pursue their interests with less scruple than individuals. The power of regulating commerce was a pure concession on the part of the Southern States. They did not need the protection of the Northern States at present."

Mr. Martin seconded the motion.

Continuing, Mr. Pinckney said: "It was the true interest of the Southern States to have no regulation of commerce, but considering the loss brought on the commerce of the Eastern States by the Revolution, their liberal conduct toward the views of South Carolina and the interest the weak Southern States had in being united with the strong Eastern States, he thought it proper that no fetters should be imposed on the power of making commercial regulations, and that his constituents, though prejudiced against the Eastern States, would be reconciled to this liberality."

Mr. Clymer, of Pennsylvania, remarked: "The diversity of commercial interests of necessity creates difficulties, which ought not to be increased by restrictions. The Northern and Middle States will be ruined if not enabled to defend themselves against foreign regulations."

Mr. Sherman, of Connecticut, alluding to Pinckney's enumeration of particular interests, as requiring a security against abuse of the power, observed that the diversity was of itself a security, adding that "to require more than a majority to decide a question was always embarrassing, as had been experienced in cases requiring the votes of *nine* States in Congress."

Mr. Pinckney replied that "his enumeration meant the five minute interests—it still left the two great divisions of northern and southern interests."

Mr. Gouverneur Morris opposed the object of the motion as highly injurious. "Preferences to American ships will multiply them till they can carry the southern produce cheaper than it is now carried. A navy [marine] was essential to security, particularly of the Southern States, and can only be had by a navigation act encouraging American bottoms and seamen. In those points of view, then, alone it is the interest of the Southern States that navigation acts should be facilitated. Shipping," he said, "was the worst and most precarious kind of property and stood in need of public patronage."

Mr. Williamson, of North Carolina, was in favor of making two-thirds, instead of a majority, requisite, as more satisfactory to the Southern people. No useful measure, he believed, had been lost in Congress for want of nine votes. * * * He acknowledged that he did not think the motion requiring two-thirds necessary in itself, because if a majority of Northern States should push their regulations too far, the southern people would build ships for themselves; but he knew the southern people were apprehensive on this subject, and would be pleased with the precaution.

Mr. Butler, of South Carolina, differed from those who considered the rejection of the motion as no concession on the part of the Southern States. He considered the interest of these and of the Eastern States to be as different as the interests of Russia and Turkey. Being, notwithstanding, desirous of conciliating the affections of the Eastern States, he should vote against requiring two-thirds instead of a majority.

Colonel Mason, of Virginia, said: "If the Government is to be lasting, it must be founded in the confidence and affections of the people, and must be so constructed as to obtain these. The majority will be governed by their interests. The Southern States are in the minority in both Houses. Is it to be expected that they will deliver themselves, bound hand and foot, to the Eastern States, and enable them to exclaim, in the words of Cromwell on a certain occasion, 'The Lord hath delivered them into our hands?'"

Mr. Wilson, of Pennsylvania, took notice of the several objections, and remarked that if every peculiar interest was to be secured, unanimity ought to be required. The majority would be no more governed by interest than the minority. It was surely better to let the latter be bound hand and foot than the former. Great inconveniences had, he contended, been experienced in Congress from the article of confederation requiring nine votes in certain cases.

Mr. Madison, of Virginia, went into a pretty full view on the subject. He observed that the disadvantage to the Southern States from a navigation act lay chiefly in a temporary rise of freight, attended, however, with an increase of southern as well as northern shipping, with the emigration of northern seamen and merchants to the Southern States, and with a removal of the existing and injurious retaliations among the States on each other. The power of foreign nations to obstruct our retaliatory measures on them by a corrupt influence would also be less if a majority should be made competent than if two-thirds of each House should be required to legislative acts in this case. An abuse of the power would be qualified by all these good effects. But he thought an abuse was rendered improbable by the provisions of two branches; by the independence of the Senate; by the negative of the President; by the interest of Connecticut and New Jersey, which were agricultural, not commercial States; by the interior interest, which was also agricultural in the most commercial States; by the accession of Western States, which would be altogether agricultural. He added that the Southern States would derive an essential advantage in the general security afforded by the increase of our maritime strength. He stated the vulnerable situation of them all, and of Virginia in particular. The increase of the coasting trade, and of seamen, would be favorable to the Southern States by increasing the consumption of their produce. If the wealth of the Eastern States should in a still greater proportion be augmented, that wealth would contribute the more to the public wants, and be otherwise a national benefit.

Mr. Rutledge, of South Carolina, was against the motion of his colleague. "It did not follow from a grant of the power to regulate trade that it would be abused. At the worst, a navigation act could bear hard a little while only on the Southern States. As we are lay-

ing the foundation for a great empire, we ought to take a permanent view of the subject, and not look at the present moment only. He reminded the House of the necessity of securing the West Indian trade to this country. That was the great object, and a navigation act was necessary for obtaining it."

Mr. Randolph, of Virginia, said that there were features so odious in the Constitution as it now stands that he doubted whether he should be able to agree to it. A rejection of the motion would complete the deformity of the system. He took notice of the argument in favor of giving the power over trade to a majority, drawn from the opportunity foreign powers would have of obstructing retaliatory measures, if two-thirds were made requisite. He did not think there was weight in that consideration—the difference between a majority and two-thirds did not afford room for such an opportunity. Foreign influence would also be more likely to be exerted on the President, who would require three-fourths by his negative. He did not mean, however, to enter into the merits.

Mr. Gorham, of Massachusetts, replied: "If the Government is to be so fettered as to be unable to relieve the Eastern States, what motive can they have to join it, and thereby tie their own hands from measures which they could otherwise take for themselves? The Eastern States were not led to strengthen the Union by fear for their own safety. He deprecated the consequences of disunion, but if it should take place, it was the southern part of the continent that had the most reason to dread them. He urged the improbability of a combination against the interest of the Southern States, the different situations of the Northern and Middle States being a security against it. It was, moreover, certain that foreign ships would never be altogether excluded, especially those of nations in treaty with us."

THE COMPACT FOR NAVIGATION LAWS.

Mr. Gorham was chairman of the Committee of the Whole. In closing the debate as he did he voiced the ultimatum of New England. That settled the question raised by General Pinckney's motion, and the report of the committee of eleven for striking out the "two-thirds" restriction "was agreed to nem. con." In pursuance of this vote clause 3 of section 8 of Article I of the Constitution not only empowers but makes it the duty of Congress—

"To regulate commerce with foreign nations and among the several States and with the Indian tribes."

Thus we have ship protection by navigation laws solemnly guaranteed in the very instrument that established the existence and function of Congress itself. We have even more. From the debate, especially from the closing speech, it is clear that this "enumerated power" was one of the "bonds and conditions" of the Union, just as much as the provision relative to the importation of African labor, or with respect to each State—big or little—having two Senators, or regarding the reservation of certain rights to the States, or any other fundamental proposition. Without the inclusion of ship protection by navigation laws in the Constitution, that instrument would not have been adopted. Massachusetts had most shipping, but Pennsylvania, New York, Maryland, and Virginia had respectable fleets in 1787, under protection of State laws, which would become inconsistent with the objects of the General Government; and if it did not assume the place of that of the States and legislate for shipping, there would have been a speedy end of the marine of "Young America," if the Constitution carried.

The foregoing debate and settlement of the shipping question in the Constitutional Convention has not been a matter of common knowledge, and was not known even to our early Congressmen. The proceedings were kept secret for nearly fifty years. Few libraries to-day contain Madison's private record, first published in 1837 by the Government. But now that certain interests imagine that the Government is "so fettered" as to be "unable to relieve" any of our shipping States from the decay into which this interest is fallen, and, perforce, must adopt "a modern plan" unknown to the fundamental law, supported by taxation, it is high time the American people attained to a true knowledge of the whole subject.

As we have seen, the power to regulate commerce in the interest of our marines was granted by unanimous assent, and was specially intended for this purpose. We may see from the Constitution itself that this grant having been arranged, the States were divested of power to continue laying duties, either of tonnage or of tariff, for the same purpose. (See sec. 10 of Art. I.) Thus was the protection of shipping given up by the States and taken over by the General Government—the whole matter necessarily arranged by the Convention—action which was afterwards ratified by the States and the people through the adoption of the Constitution. By this adoption the States were relieved of their natural duty to protect, and the United States, in virtue of the compact of union, promised and undertook the stipulated duty.

POPULARITY OF THE SHIPPING COMPACT.

There is ample evidence that no little of the popularity of the Constitution grew out of the shipping engagement. When its adoption was before the country, an orator of Pennsylvania held this argument:

"Every person must long since have seen the necessity of placing the exclusive power of regulating the commerce of America in the same body; without this it is impossible to regulate their trade. The same imposts, duties, and customs must equally prevail over all. * * * Whence comes it that the trade of this State, which abounds with materials for shipbuilding, is carried on in foreign bottoms? Whence comes it that shoes, boots, made-up clothes, hats, nails, sheet iron, hinges, and all other utensils of iron are of British manufacture? Whence comes it that Spain can regulate our flour market? These evils proceed from a want of one supreme controlling power in these States. They will all be done away with by adopting the present form of government. It will have energy and power to regulate your trade and commerce, to enforce the execution of your imposts, duties, and customs. Instead of the trade of this country being carried on in foreign bottoms, our ports will be crowded with our own ships and we shall become the carriers of Europe. Heavy duties will be paid on all foreign articles which can be manufactured in this country, and bounties will be granted on the exportation (?) of our commodities; the manufactories of our country will flourish, our mechanics will lift up their heads and rise to opulence and wealth."

OBSERVANCE OF THE SHIPPING COMPACT.

History notes the fact that the compact for the regulation of commerce, so beneficial to the country, as predicted by the advocates of the Constitution, was promptly acknowledged by Congress through acts of legislation, and that, for a time, the power confided to their trust—for making and enforcing navigation laws in the interest of our marine in foreign trade—was exercised to the satisfaction of the people.

The General Congress began their work April 8, 1789, James Madison proposing, in Committee of the Whole on the state of the Union, a tariff measure for revenue and trade regulation, and likewise a distinct measure of discriminating tonnage duties for the encouragement and protection of shipping. Actually, however, the first step toward this end was taken ten days afterwards, when Mr. Fitzsimons, of Pennsylvania, a merchant, introduced a tariff feature that was forthwith adopted. He moved a list of discriminating duties on Asiatic goods calculated to secure the trade of the Far East for American ships. He stated that under similar legislation by Pennsylvania we were already commanding the direct commerce with China and India, and the General Government would, of course, continue the policy of his State. Soon afterwards Mr. Madison's tonnage resolutions were taken up, but the Senate disapproving of discrimination between countries, the matter went over and a separate tonnage bill was soon after enacted. Meanwhile, Mr. Smith, of Maryland, a merchant, moved an amendment to the tariff bill then about completed to add "a clause allowing a drawback of 10 per cent on the duty payable on all goods imported in American vessels, owned and navigated according to law, by citizens of the United States," which was carried. In 1794 the rebate by American vessels was changed to an extra duty of one-tenth by foreign ships. This regulation formed the second feature and the tonnage tax the third in our original system of ship encouragement.

The provisions of the tonnage bill, owing to those of the tariff in aid of them, were moderate. The Senate would have laid higher duties. The rates were these:

"On all ships or vessels built within the United States and belonging wholly to a citizen or citizens thereof; or not built within the said States, but on the 29th day of May, 1789, belonging and during the time such ships or vessels shall continue to belong wholly to a citizen or citizens thereof, at the rate of 6 cents per ton. On all ships or vessels hereafter built in the United States belonging wholly or in part to subjects of foreign powers, at the rate of 30 cents per ton. On all other ships or vessels at the rate of 50 cents per ton" [payable at each entry. In 1804 a "light-money" tax of 50 cents a ton was added].

"*Provided always*, That no ship or vessel built within the aforesaid States and belonging to a citizen or citizens thereof shall, whilst employed in the coasting trade or in the fisheries, pay tonnage more than once in any year.

"That every ship or vessel employed in the transportation of any of the produce or manufactures of the United States coastwise within the said States, except such ship or vessel be built within the said States and belonging to a citizen or citizens thereof, shall on each entry pay 50 cents per ton."

The House bill had reserved the coasting trade to our own vessels, but the Senate preferred a tax to accomplish the exclusion desired. It also improved the House bill respecting Asiatic goods. The final provisions were these:

"On all teas imported from China or India in ships built in the United States and belonging to a citizen or citizens thereof, or in ships or vessels built in foreign countries and on the 16th day of May last wholly the property of a citizen or citizens of the United States, and so continuing until the time of importation, as follows: On Bohea tea, per pound, 6 cents; on all Souchong or other black teas, per pound, 10 cents; on all Hyson teas, per pound, 20 cents; on all green teas, per pound, 12 cents.

"On all teas imported from Europe in ships or vessels built in the United States and belonging, etc., as follows: On Bohea tea, 8 cents; on Souchong and other black, 13 cents; on all Hyson, 26 cents; on all other green, 16 cents per pound.

"On all teas imported in any other manner than as above mentioned, as follows: On Bohea tea, 15 cents; on all Souchong or other black, 22 cents; on all Hyson, 45 cents; on all other green, 27 cents per pound.

"On all goods, wares, and merchandise, other than teas, imported from China or India in ships not built in the United States and not wholly the property of a citizen or citizens thereof, nor in vessels built in foreign countries, and on the 16th day of May last wholly the property of a citizen or citizens of the United States, and so continuing until the time of importation, 12½ cents ad valorem."

While the foregoing acts carried a strong support to American shipbuilding, a registry law followed September 1, 1789. Its provisions were mainly these: Vessels built in the United States and belonging wholly to a citizen or citizens, or not built in the United States but on the 16th day of May (1789) belonging to a citizen or citizens, and no other, shall be deemed and taken to be a ship of the United States and entitled to benefits of law as such. The subsequent act of 1792 is often referred to as the first for the protection of shipbuilding, but it only reenacted the original with a few other provisions. Strong protection to shipbuilding is found in the very first act of Congress. It is not generally known that, aside from the protection of shipbuilders, the necessity existed to protect shipowners and the peace of the country, there being at the time one or more nations indisposed to recognize as American vessels such as were not built by ourselves. This is evident from a recommendation in Jefferson's report, 1793, "where any nation may refuse to consider any vessel as ours which has not been built within our territories we should refuse to consider theirs any vessel not built within their territories." This was also in the "Madison resolutions" of 1794.

OUR NAVIGATION SYSTEM AS ORIGINATED.

Such were the measures comprising the "navigation laws" of the United States, worked out and instituted by the First Congress, using the power of the Constitution given in clause 3 of section 8 of Article I, "to regulate commerce with foreign nations and among the several States, and with the Indian tribes." These laws were purely regulative, and not for revenue, but for the protection of an important national interest—the merchant marine. The tariff system established was also partly regulative for protection of industry, as the preamble of the first act stated, the authority for this being found in the clause above cited. That the President, the Senate, and House understood the intention of this "enumerated power" is indisputable. Washington had been the President of the Constitutional Convention; Senators John Langdon, of New Hampshire; William S. Johnson, of Connecticut; Robert Morris, of Pennsylvania; William Few, of Georgia; Robert Paterson, of New Jersey; Richard Bassett and George Read, of Delaware; Rufus King, of New York, and Pierce Butler, of South Carolina—nine out of twenty-two Members—had been delegates to the Convention; so likewise had been Representatives Abraham Baldwin, of Georgia; George Clymer and Thomas Fitzsimons, of Pennsylvania; Daniel Carroll, of Maryland; Nicholas Gilman, of New Hampshire; Roger Sherman, of Connecticut, and James Madison, of Virginia—the statesman sometimes called "the father of the Constitution." These

men—seventeen of the founders of the Government—knew what was implied in the regulation of commerce, and expressed in terms of "navigation laws" for the encouragement and protection of shipping power. They knew, also, that they were carrying out a compact of the Union with the States and people of the country, as true and honorable legislators they were in duty bound to do. In performing this task no private selfish interests were served. Sound economy and enlightened public policy—the national interest alone—were studied and advanced.

EFFORTS TO FURTHER ENCOURAGE NAVIGATION.

The protection given shipping by the acts of July 4 and 20 had scarcely been tested for efficacy when petitions for higher duty on foreign tonnage were sent to the Congress at the second session. One dollar per ton instead of 50 cents should be levied, especially on British ships. A report to the House May 10, 1790, caused a spirited debate, started by Mr. Smith, of South Carolina, a gentleman educated in England, while his countrymen were being shot down for demanding independence. He thought the increased duty "would bear hard on the South" and that the shipping people "should wait to learn the effects of the laws passed last session." Mr. Fitzsimons claimed that "notwithstanding the duty on foreign tonnage the produce of the country had never been in greater demand or had sold for a better price * * *." He did not favor a prohibitory duty, at the same time it was a great misfortune to have the carrying trade monopolized by foreigners. Mr. Williamson, of North Carolina, favored, and Mr. Jackson, of Georgia, opposed, an increase of duty. Mr. Page, of Virginia, spoke strongly for the increase proposed. "The dollar rate which Virginia actually laid on British bottoms can not be too high, as that experiment was attended with happy effects, British merchants immediately giving that freight to Virginia ships which till then was refused them, and without increasing the freight in British bottoms." A motion to strike out the increase, and another to substitute 75 cents for $1, was negatived. Then Mr. Smith moved postponement of the resolution. Mr. Madison was willing to grant this if the shipping of France could be excepted from the advance in rate. He moved to this effect. Mr. Hartley, of Pennsylvania, strongly supported Madison, criticising severely the vindictive policy of the British Government. Mr. Sedgwick, of Massachusetts, thought "we ought not to condemn England for maintaining her exclusive and monopolistic navigation laws, aimed primarily at the Dutch." Mr. Madison replied, showing that "the principle on which the trade with the West Indies was regulated by Great Britain was a departure from the principle of her navigation act. According to that act, all other nations were allowed to carry directly their own produce in their own vessels wherever the same trade was allowed to British vessels." He went into a full review of the figures concerning our trade and transportation with England and with the West Indies, and advocated a policy of discrimination such as would compel England to do justice to American interests. As authorized with two others, Mr. Madison reported a bill with provisions for the purpose stated. This was debated at different times, the last on June 30, 1790, when the Committee of the Whole reported, asking for further consideration "to-morrow," but from pressure of other matters in view of adjournment this went over and was not brought up for several years. Meanwhile, on request of Congress, Thomas Jefferson, then Secretary of State and in charge of foreign commerce, investigated and reported on the "privileges and restrictions" of foreign countries upon our commerce and navigation. His findings only can be cited here. This report carried weight and induced subsequent efforts of Congress and the Executive to improve the situation of our trade and transportation.

JEFFERSON'S VIEWS AS TO A SHIPPING POLICY.

Mr. Jefferson had a theory of "free commerce" which he thought would be advantageous for all nations to carry out, but if this could not be done, then he favored full protection for American commerce and navigation. He detested especially the rapacious policy of Great Britain for its unfairness towards his country. Said he, in his famous report:

"If particular nations grasp at undue shares, and, more especially, if they seize on the means of the United States to convert them into aliment for their own strength and withdraw them entirely from the support of those to whom they belong, defensive and protecting measures become necessary on the part of the nation whose marine resources are thus invaded, or it will be disarmed of its defense, its productions will lie at the mercy of the nation which has possessed itself exclusively of the means of carrying them, and its politics may be influenced by those who command its commerce. The carriage of its own commodities, if once established in another channel, can not be resumed in the moment we may desire. If we lose the seamen and artists (mechanics) whom it now occupies, we lose the present means of marine defense, and time will be requisite to raise up others when disgrace or losses shall bring to our feelings the error of having abandoned them." * * *

In conclusion, Mr. Jefferson recommended as follows:

"1. Where a nation imposes high duties on our productions or prohibits them altogether, it may be proper for us to do the same by theirs; first, burdening or excluding those productions which they bring here in competition with our own of the same kind; selecting, next, such manufactures as we take from them in greatest quantity and which at the same time we could the soonest furnish to ourselves or obtain from other countries, imposing on them duties lighter at first, but heavier and heavier afterwards, as other channels of supply open. Such duties, having the effect of indirect encouragement to domestic manufactures of the same kind, may induce the manufacturer to come himself into the States, where a cheaper subsistence, equal laws, and a vent for his wares, free of duty, may insure him the highest profits from his skill and industry. * * * The oppressions on our agriculture in foreign ports would thus be made the occasion of relieving it from a dependence on the counsels and conduct of others, and of promoting arts, manufactures, and population at home.

"2. Where a nation refuses permission to our merchants and factors to reside within certain parts of their dominions, we may, if it should be thought expedient, refuse residence to theirs in any and every part of ours or modify their transactions.

"3. Where a nation refuses to receive, in our vessels, any productions but our own, we may refuse to receive in theirs any but their own productions.

"4. Where a nation refuses to consider any vessel as ours which has not been built within our territories, we should refuse to consider theirs any vessel not built within their territories.

"5. Where a nation refuses to our vessels the carriage even of our own productions to certain countries, under their dominion, we might refuse to theirs of every description the carriage of the same productions to the same countries. But as justice and good neighborhood would dictate that those who have no part in imposing the restriction on us should not be victims of measures adopted to defeat its effect, it may be proper to confine the restriction to vessels owned or navigated by any subjects of the same dominant power other than the inhabitants of the country to which the said productions are to be carried. And to prevent all inconvenience to the said inhabitants and to our own by too sudden a check on the means of transportation, we may continue to admit the vessels marked for future exclusion on an advanced tonnage [duty] and for such length of time only as may be supposed necessary to provide against that inconvenience.

"The establishment of some of these principles by Great Britain alone has already lost us in our commerce with that country and its possessions between eight and nine hundred vessels of near 40,000 tons burden, according to the statements from official sources in which they have confidence. This involves a proportional loss of seamen, shipwrights, and shipbuilding, and is too serious a loss to admit forbearance of some effectual remedy.

"It is true we must expect some inconvenience in practice from the establishment of discriminating duties. But in this, as in so many other cases, we are left to choose between two evils. These inconveniences are nothing when weighed against the loss of wealth and loss of force which will follow our perseverance in the plan of indiscrimination. When once it shall be perceived that we are either in the system or in the habit of giving equal advantages to those who extinguish our commerce and navigation by duties and prohibitions as to those who treat both with liberality and justice, liberality and justice will be converted by all into duties and prohibitions. It is not to the moderation and justice of others we are to trust for fair and equal access to market with our productions or for our due share in the transportation of them, but to our own means of independence and the firm will to use them. Nor do the inconveniences of discrimination merit consideration. Not one of the nations before mentioned, perhaps not a commercial nation on earth, is without them." * * *

THE MADISON RESOLUTIONS OF 1794.

When Mr. Jefferson's report was made it was known that our marine was enlarging and our share of carriage increasing with time. Entrances of our tonnage in foreign trade had risen at an average of 50 per cent annually, and our carriage gain averaged about 11 per cent for exports and 15 per cent for imports. This progress was good, but not quite satisfactory. Our utmost encouragement had not been given, and justice to ourselves demanded its full extent. As a sequel to the report, Mr. Madison, in 1794, introduced in the House a set of resolutions looking to further protection of commerce and navigation, remarking that "the commerce of the United States was not at this day on that respectable footing to which, from its nature and importance, it is entitled." He referred to the situation before the adoption of the Constitution, when conflicting systems of encouragement prevailed in the different States. "The then existing state of things gave rise to that convention of delegates from the different States (at Annapolis), who met to deliberate on some general principles for the regulation of commerce which might be conducive, in their operation, to the general welfare. * * * But what has been the result of the system which has been pursued ever since? What is the present situation of our commerce? From the situation in which we find ourselves after four years' experiment, it appeared incumbent on the United States to see whether they could not now take measures promotive of those objects for which the Government was in a great degree instituted." * * *

He read the following resolutions:

"*Resolved*, As the opinion of this committee, that the interest of the United States would be promoted by further restrictions and higher duties in certain cases on the manufactures and navigation of foreign nations employed in the commerce of the United States than those now imposed.

"1. That an additional duty ought to be levied on the following articles manufactured by European nations having no commercial treaty with the United States. * * *

"2. That an additional duty of —— per ton ought to be laid on the vessels belonging to nations having no commercial treaty with the United States.

"3. That the duty on vessels belonging to the nations having treaties with the United States ought to be reduced to —— per ton.

"4. That where any nation may refuse to consider as vessels of the United States any vessel not built within the United States, the foreign-built vessels of such nation ought to be subjected to a like refusal, unless built within the United States. (We admitted to registry as American all foreign-built vessels owned by citizens on May 16, 1789. These the British would not recognize as American.)

"5. Where any nation may refuse to admit the produce or manufactures of the United States, unless in vessels belonging to the United States, or to admit them in vessels of the United States if last imported from any place not within the United States, a like restriction ought, after the —— day of ———, to be extended to the produce and manufactures of such nation, and that, in the meantime, a duty of ——— per ton extraordinary ought to be imposed on vessels so importing any such produce or manufactures.

"6. That where any nation may refuse to the vessels of the United States a carriage of the produce or manufactures thereof, while such produce or manufactures are admitted by it in its own vessels, it would be just to make the restriction reciprocal; but inasmuch as such a measure, if suddenly adopted, might be particularly distressing in cases which merit the benevolent attention of the United States, it is expedient for the present that a tonnage duty extraordinary only of ——— be imposed on the vessels so employed, and that all distilled spirits imported therein shall be subject to an additional duty of one ——— part of the existing duty.

"That provision ought to be made for liquidating and ascertaining the losses sustained by citizens of the United States from the operation of particular regulations of any country contravening the law of nations, and that such losses be reimbursed, in the first instance, out of the additional duties on the manufactures, productions, and vessels of the nation establishing such unlawful regulations."

Mr. Madison, speaking to these resolutions, said:

"We should also obtain an equitable share in carrying our own produce; we should enter the field of competition on equal terms and enjoy the actual benefit of advantages which nature and the spirit of our people entitle us to. * * *

"It is in the power of the United States, by exercising her natural

rights, without violating the rights or even the equitable pretensions of other nations—by doing no more than most nations do for the protection of their interests, and much less than some—to make her interests respected. For what we receive from other nations are but luxuries to us, which if we choose to throw aside we could deprive part of the manufacturers of those luxuries of even bread if we are forced to the contest of self-denial. This being the case, our country may make her enemies feel the extent of her power. * * *"

In the debate following Mr. Smith, of South Carolina, brought his British training to bear in an effort to protect foreign interests. He contended that "we were not worse off than France," then warred upon by the British.

Answering Mr. S., Mr. Madison said in part:

"The propositions before the committee turned on the question whether anything ought to be done at this time in the way of commercial regulations toward vindicating and advancing our national interests. * * * He professed himself 'a friend to the theory which gives to industry a free course, under the impulse of individual interests and the guidance of individual sagacity.' * * * Yet to all this, as to all other general rules, there might be exceptions, and the rule itself required what did not exist—that it should be general. To illustrate, the British navigation act, not being counterbalanced by any similar acts, had secured to Great Britain eleven-twelfths (91.66 per cent) of the shipping and seamen employed in her trade. * * *

"To allow trade to regulate itself is not, therefore, to be admitted as a maxim universally sound. Our own experience has taught us that, in certain cases, it is the same thing with allowing one nation to regulate it for another. * * * A small burden only in foreign ports on American vessels and a perfect equality of foreign vessels with our own in our own ports would gradually vanish the latter altogether."

Mr. Madison proved this from our own history, scant as it then was, but, were he living now, what a demonstration he could make. He went on to tell us why the Constitution was adopted:

"As early as the year succeeding the peace, 1784, the effect of the foreign policy (British), which began to be felt in our trade and navigation, excited universal attention and inquietude. The first effort thought of was an application of Congress to the States for a grant of power for a limited time (fifteen years) to regulate our foreign commerce."

This effort failing, the States next endeavored to effect their purpose by separate but concurrent regulations. Massachusetts opened a correspondence with Virginia and other States in order to bring about the plan. Here, again, the effort was abortive. Out of this experience grew the measures which terminated in the establishment of a Government competent to the regulation of our commercial interests and the vindication of our commercial rights.

The times, however, proved unpropitious to the carrying out of the Madison resolutions, except the first one. Other measures became urgent. The tariff was increased, and instead of a rebate on goods by American vessels 10 per cent extra duty was laid on goods by foreign vessels. Meanwhile Judge Jay was sent to England to settle certain matters by a new treaty, and discussion of the shipping subject was suspended. It was twenty-four years before Congress again considered our shipping rights and took steps to compel Great Britain to respect them, which she did in the end.

Concerning the debate on the Madison resolutions, Col. Thomas H. Benton remarks, in his "Debates of Congress," as follows:

"In the House of Representatives, 1794, occurred one of the most interesting and elaborate debates which our Congress has furnished. It grew out of the clause in the Constitution conferring power 'to regulate commerce with foreign nations,' and gives the interpretation of its authors, which is wholly different in its nature, and also distinct, from the power to lay and collect import duties. The latter was to raise revenue, the former to make such discriminations in trade and transportation as to protect our merchants and shipowners from the adverse regulations and devices of our rivals.

"While the lack of power to regulate foreign commerce was a primary defect of the Confederated Government, and the necessity for its exercise so great as to form a chief cause for creating the Federal Government, it is singular that Congress has always overlooked it or confounded it with the impost or revenue power. Though not now exercised, it is a power which has found a need for its exercise, and will find it again."

SHIP PROTECTION IN EARLY TREATIES.

It has now been sufficiently shown that Congress, in pursuance of the compact with the States, entered upon the duty of ship protection with a determination on the part of leaders to build up a commerce and navigation commensurate with the interests of the Republic. Indeed, this view of the duty of government to the country obtained from the first day of independence. This fact stands out in our diplomatic efforts as initiated by Benjamin Franklin, a believer in the freedom of trade. The treaties with France, Holland, and Sweden contained preambles admitting the right to protest against inequalities of footing. The following is from the Netherlands treaty, 1783:

"Desiring to ascertain in a permant and equitable manner the rules to be observed relative to the commerce and correspondence which they intend to establish between their respective States, countries, and inhabitants, have judged that the said end can not be better obtained than by establishing the most perfect equality and reciprocity for the basis of their agreements, and by avoiding all those burdensome preferences which are usually the sources of debate, embarrassment, and discontent; by leaving also each party at liberty to make, respecting commerce and navigation, such ulterior regulations as it shall find most convenient to itself and by founding the advantages of commerce solely upon reciprocal utility and the just rules of free intercourse; reserving withal to each party the liberty of admitting at its pleasure other nations to a participation of the same advantages."

ATTEMPTS OF ENGLAND TO CHANGE OUR POLICY.

It was after making the above-named treaties that our States enacted their navigation laws already described. From the first Great Britain was alone in her opposition, and has continued alone to antagonize every effort of "America" to become a power at sea. As to commerce, she refused to treat. As early as 1789 Parliament appointed a committee under Lord Liverpool to note and to study the acts of Congress, and to report measures for their counteraction in respect to ship protection. For twenty-five years the British ministry watched and worked to wheedle or coerce our Government into an abandonment of discriminating duties in the trade between the two countries. This course began openly in the making of the "Jay treaty," 1794, which provided for twelve years that we would not increase our discriminating duties against her vessels and would permit her to countervail those in force. In 1802 Parliament passed an act that it was desired our Congress would reciprocate, providing for perpetual nonprotection of shipping. It had no response. In 1806 a treaty was brought over by our commissioners looking to the same policy, but Mr. Jefferson returned it without submission to the Senate, for one-sidedness. In 1804 we had added 50 cents to our tonnage duty, as "light-money" tax, which the British ship had to pay because our vessels paid such tax in British ports. It was then determined to provoke a war which should sweep the seas of "Yankee" ships. We were obliged at last to accept this challenge. When peace came to be made a dilemma was presented—to cease ship protection by the means then common or to continue the war. Our Government gave way, making a "convention" for four years for a mutual suspension of discriminating duties in the direct commerce of the two countries, the West Indies remaining closed, as since 1783. In 1818 England insisted on continuing this convention for ten years, and again, in 1827, for ten more or until the expiration of one year from notice of either party. Thus it stands.

By giving way to Great Britain in 1815, we initiated a change of policy that never should have been made. The change was the worst feature, although a most unfair commerce resulted from it. British shipping brought out such goods as our market would accept; then they took cargo for the West Indies; there they loaded for the United States, discharged here, and loading again they sailed homeward, having paid no duties, for protection of "Yankee" shipping. American vessels could load and sail for a British port in Europe, there discharge, and return home in ballast, there being no discriminating duty to induce merchants to give them freights. They could not load and sail from England to a British West India port under penalty of confiscation of hull and cargo. They paid no discriminating duties, except for lights in British European ports, but neither could they get the carriage of British-owned cargoes, with protective duties off. Such duties never exceeded 25 per cent of the amount of a freight. It paid well to pay them in foreign ports, if by their means foreign merchants were induced to load our ships. Saving the duty lost the load homeward. There was no statesmanship in that for us. Besides, where we were entitled to half the transportation of the commerce with Great Britain, our vessels could get but one-quarter. Entitled to half the transportation of the commerce with the West Indies, our vessels were refused any of it.

Finding how the convention operated, Congress was not long in resolving to have the ports of the British West Indies opened, and the disadvantages of the convention minimized. In 1819 it would terminate. However, an act was passed in 1818 and another in 1820, supplementary, to the effect that American ports were closed to all vessels coming from ports which were closed to vessels of the United States. In the Senate the vote was 31 to 2, and in the House, 123 to 16—quite different from the treatment accorded Madison's resolution for the same object in 1794. The British policy was "exclusively directed against us—the vessels of other countries being indulged in a free intercourse." In 1819 Congress repealed the act of 1815, authorizing the convention with the British and other nations, to take effect in 1824, but in that year it was reenacted on account of the effort then making, and the hope existing that England would settle the West India question.

In 1825 Parliament passed an act based on the principle of an ordinance of Norway in 1823, which we rejected, in effect proposing, if we would abolish or suspend our entire system of ship protection—discriminating duties and prohibitions—open our ports to her ships with cargoes from every country in the world, England would, in reciprocation, open her West Indies to our vessels with cargoes from the United States. Needless to say, this one-sided proposition was not accepted. John Quincy Adams was then President and very desirous of closing the interminable controversy. Accordingly, it appeared to him that, if Congress would pass a measure honestly and fully reciprocal, the British ministry would accept it, and end the difficulty. Strongly urged to such action, Congress gave way and in May, 1828, we offered reciprocity in unprotection to any country that would accept the principle of an open trade for vessels and cargoes from all parts of the world, no prohibitions or protective duties in aid of shipping to exist on either side. This act was intended especially for the benefit of Great Britain—to conciliate her for the purpose stated. Had the controversy been previously settled, or Mr. Adams not been President, the original policy might have come down to the present day, and the American marine been now the glory of the Republic, as in early times.

It was argued that our vessels no longer required protection—while our navigation had been "the child of protection." In forty years it had become "a giant." For ten years past its protection had been the greatest of any period. In 1827 our share of carriage in our own commerce was, for imports, 94.3 per cent, and for exports, 87.5 per cent. In the two years preceding our carriage had been even greater. Some of our statesmen thought our ships could carry for all the world, if only protection was stripped off, notwithstanding the protective system of England was then in full operation. This notion was not based on the experience of any country, but was a bit of illusion. It was thought, too, England would see so much advantage in reciprocation that the ministry would jump at the proposition; but not they; they had the virtue of wariness, and avoided a step that might prove perilous for twenty-one years. By 1849 eighteen countries had made reciprocity conventions with us, and our percentage of carriage in our own commerce had fallen, for imports, 12.9 per cent, and for exports, 8.6 per cent, in consequence of our liberality.

From these figures the ultimate loss of at least the greater part of our carriage was plainly indicated. David Ricardo, noting this fact, pointed out in Parliament that the "indirect" voyages of vessels paid the best, and that England was losing much profitable business by not accepting the principle of our act of 1828 and sharing with other nations in the indirect carriage of American commerce. As our law stood, the merchants of England, for generations established in every port of the world, if they made shipments to the United States were obliged to freight American vessels. Why? Because, by a law of 1817, British ships could not enter cargoes from non-British ports. This was the best protection our shipping had ever had. If Ricardo could get it done away, as to British vessels, as it was already given up to those of eighteen other countries, then British shipping would take on new life, and ours would surely decline. So the "navigation act" of 1651–1660 was "reformed" in 1849. We reciprocated, the Secretary of the Treasury issuing a "circular," without waiting for the President to comply with the act by proclamation, which was never made, such was

our reckless haste in rushing to ruin. Severe losses of carriage resulted, as statistics show:

Year.	Import carriage.	Export carriage.
	Per cent.	*Per cent.*
1849	81.4	68.9
1850	77.8	65.5
1851	75.6	69.8
1852	74.5	66.5
1853	71.5	67.1
1857	71.8	60.2
1861	60.0	72.1

In four years our loss of import carriage was 10 per cent; in twelve years it was over 21. When the act of May, 1828, was under debate it was dubbed "an olive branch" for England—it might have been called a "treasure chest." Here is its text:

THE RECIPROCITY ACT OF 1828.

"That upon satisfactory evidence being given to the President of the United States by the government of any foreign nation that no discriminating duties of tonnage or impost are imposed or levied in the ports of said nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States, or from any foreign country, the President is hereby authorized to issue his proclamation declaring that the foreign discriminating duties of tonnage and import within the United States are, and shall be, suspended and discontinued so far as respects the vessels of the said foreign nation, and the produce, manufactures, and merchandise imported into the United States in the same from the said foreign nation, or from any other foreign country; the said suspension to take effect from the time of such notification being given to the President of the United States, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes, as aforesaid, shall be continued, and no longer."

The advantage to British shipping in accepting the terms of this act may be judged from the fact that it now makes use of our ports in proportion to 7 or 8 tons of British to 1 of ours, as shown in the payment of tonnage taxes in foreign trade. Also in the value of commerce brought indirect, which, in 1902, was 30 per cent of our total imports; while it was over 55 per cent of the total brought by British vessels. This indirect carriage is a privilege—it is not a right—granted in violation of the right of our own vessels on the supposition that no hurt to them would follow, but our carrying trade has been ruined, and we receive actually no reciprocation, compensation, or quid pro quo for our transgression. This takes the practical form of a bag of tribute money to a nation that is responsible far beyond all others for our dependence on the ocean—a nation that would rejoice at any misfortune that should cause a sundering of our Union and the downfall of our Republic. For this nation we cast away our own ship and build up its power to monopolize the shipbuilding, navigation, and commerce of the world. Can our statesmen realize all this, and yet do nothing toward repealing this act of 1828 and restoring to the American people the shipping rights guaranteed by the Constitution?

THE PRINCIPLES OF THE ACT OF 1828.

When this measure was introduced at the instance of John Quincy Adams, then President, it was in charge of Senator Lloyd, of Massachusetts, 1826; but on passage it was managed by Senator Woodbury, of New Hampshire, who, it is evident, delighted in his job. From 1834 to 1840 he was Secretary of the Treasury, in charge of commerce and navigation, and could have studied the ill effects of his act. On the principles of this he thus expatiated:

"These principles embraced the great paramount one of all, that trade shall be free; that all shackles on commerce should be stricken off, and in accordance with the lights and spirit of the present age, that everything in navigation, as in all other kinds of business, should be left to the fair competition of industry, enterprise, and skill. That in a country which justly boasts of the freedom and superiority of its institutions nothing is to be feared from a rivalship on this subject—free as air and extensive as the widest range of civilization."

This was, therefore, on the part of some, an acknowledged "free-trade" measure, not passed by a free-trade Congress, but by the very same that enacted the extraordinary tariff of 1828. This law is sustained now, as then, by the highest protectionists that we have had making law for the last forty years. Such is the strange inconsistency of the human mind. Unfortunately for the credit of "free trade" and the wisdom of Senator Woodbury, this law stands as a memorable failure—not a single advantage to our shipping sprung from it. Our statistics show bad effects from the first.

But Senator Woodbury did not base his argument on facts in our history or any other, or even on the principles of his bill, but appealed to conceit, to vanity and delusion, sentiments in antagonism to the proven value of our ship protection. Here is why he would cast it off:

"We are known to possess a skill and economy in building vessels, a cheapness in fitting them out, an activity in sailing them, which, without discrimination, would give us an advantage in coping with any commercial power in existence. Such are the accurate calculations of our merchants, the youth and agility of our seamen, and the intelligence of our shipmasters, that American vessels can, on an average, make three trips to Europe while a foreign vessel is making two. It must be manifest to all that circumstances like these, rather than any discriminating duty, must always give and maintain to us a superiority and protection which leave nothing to be feared from the fullest competition."

The history of our inglorious failure under the policy thus artfully championed contradicts its soundness. The "circumstances" depended on did not "always" give protection. The true and indispensable circumstance of a successful navigation is employment. A nation may have the best ship, and run her the fastest and cheapest, beating rivals at every voyage, but the very best ship and ablest mariners will fail if cargoes can not be procured. Rivals always attack at this point, not always with fair competition, but by tricks and devices that succeed. The protections—call them "restrictions," "shackles," or any bad name—sought to be removed by England for thirty-five years, and finally suspended by Adams, Lloyds, and Woodbury, were established by patriots of knowledge on the subject, to secure, and they did gain and procure, employment, engagements, and freights. If the shipping of one nation can by any means beat that of others in getting employment it can not fail to succeed. Here is a fact: The relations of our ship protection to the employment of our vessels were never discussed in the proposing, advocating, or opposing of any of our ship-reciprocity bills. Only the notions of impractical men were aired. Says Woodbury: "By this bill we now hold out the olive branch to all!" So he sacrificed our marine to placate our rivals and enemies, instead of keeping our ports shut against them forever, should that be necessary. And after all a special act had to be passed, in 1830, to get the West India ports opened, showing that our sacrifice missed its purpose, unless that was to kill off our ship protection and destroy our carrying trade—in British interest. There was never a falser step in the government of any country, and yet that step is retaken day after day, by one administration after another, as a fanatic fights and dies in what seems to him a holy cause.

WOODBURY BLIND TO HIS ABERRANCY.

With all his political science, Mr. Woodbury was unacquainted with the uses of a marine in foreign trade. When Secretary of the Treasury, in 1838, he stumbled on a mystery, which he thus stated and explained:

"The history of our commerce during the twenty years from 1818 to 1838 presents a singular change in the last half of that period, which tends strongly to illustrate the correctness of these suggestions. During the first half of it the excess of imports over exports was only about $75,000,000, or in the proportion of nearly $7,500,000 annually. But during the last ten years of it the excess was nearly $212,000,000 annually, and thus more than 250 per cent greater than it had been. Supposing that the $7,500,000 were composed principally of the fair profits and difference in valuation, the excess over that rate in the last ten years must constitute a debt, either mercantile, State, or corporate. It equals nearly $137,000,000 before 1839."

The Secretary thought this debt arose mainly "from importations beyond our wants." We may have required the goods, but the point is that we did not pay for them. Why? Because the falling off in tonnage per capita had been from an average of 5.91 cubic feet for the ten years of 1819–1828 to an average of 4.62 cubic feet for the ten years of 1829–1838, a decrease of 28 per cent in navigation. Also, there was a falling off in our proportion of carriage for the last term as against the first from an average of 92.35 to 90.43 per cent for imports and from 86.39 to 79.17 per cent for exports, an average decline of 5.11 per cent, and this upon a per capita tonnage reduced 28 per cent. Wherefore? As a result of Adams's and Woodbury's open-and-free shipping policy. Carriage in the export trade is itself an export. Our loss on this item from one period to the other was 8.35 per cent. The man who ignores the function of shipping in balancing commerce has much to learn before he assumes the rôle of a statesman.

PRESIDENT MONROE'S ACCOUNT OF RECIPROCITY.

In his message of December 5, 1821, we find a brief sketch of reciprocity, its objects and adoption, by President Monroe, a statesman familiar with all the facts in the history of our marine:

"By an act of the 3d of March, 1815, * * * a proposition was made to all nations to place our commerce with each other on a basis which, it was presumed, would be acceptable to all. Every nation was allowed to bring its manufactures and productions into our ports and to take the manufactures and productions of the United States back to their ports in their own vessels on the same conditions that they might be transported in vessels of the United States, and in return it was required that a like accommodation should be granted to the vessels of the United States in the ports of other powers. The articles to be admitted or prohibited on either side formed no part of the proposed arrangement. Each party would retain the right to admit or prohibit such articles from the other as it thought proper and on its own conditions.

"When the nature of the commerce between the United States and every other country was taken into view, it was thought that this proposition would be considered fair, and even liberal, by every power. * * * By placing, then, the navigation precisely on the same ground, in the transportation of exports and imports between the United States and other countries, it was presumed that all was offered which could be desired. It seemed to be the only proposition which could be devised which would retain even the semblance of equality in our favor."

It will be noticed particularly that this reciprocity, unlike that of 1828, applied to direct trade only. British vessels could not bring cargoes from non-British countries. It left the "indirect" trade of all nations to American ships, or to those of the country producing the cargo. Out of more than eighty countries and communities in the world, only about one-quarter sail ships at sea in foreign trade. This reciprocity, therefore, applied to the navigating nations alone. It was devised for us, but with special reference to British interest, which was hard to satisfy. When Congress authorized this reciprocity it was expected that the British would permit its application to their colonies, and thus settle the West India question. In fact, it is believed this assurance was given sub rosâ. Says President Monroe:

"Many considerations of great weight gave us a right to expect that this commerce would be extended to the colonies as well as to the European dominions of other powers. With the latter, especially with countries exclusively manufacturing, the advantage was manifestly on their side. An indemnity for that loss was expected from a trade with the colonies, and with the greater reason, as it was known that the supplies which the colonies derived from us were of the highest importance to them, * * * and because, likewise, the articles, of which those supplies consisted, forming so large a proportion of the exports of the United States, were never admitted into any of the ports of Europe, except in cases of great emergency to avert a serious calamity. When no article is admitted which is not required to supply the wants of the party admitting it, and admitted then, not in favor of any particular country, to the disadvantage of others, but on conditions applicable to all, it seems just that the articles thus admitted and invited should be carried thither in the vessels of the country affording such a supply, and that the reciprocity should be found in a corresponding accommodation on the other side. By allowing each party to participate in the transportation of such supplies on the payment of equal tonnage (duty) a strong proof was offered of an accommodating spirit. To abandon to it the transportation of the whole would be a sacrifice which ought not to be expected. The demand in the present instance would be the more unreasonable in consideration of the great inequality existing in the trade with the parent country."

Such was the basis of our system as established by the act of 1815, as reasonable as could be made and preserve equality, and through this condition would allow our shipping opportunity to prosper. Jefferson, Madison, and Monroe, pressed to avoid warfare, would go no further in stripping off ship protection. John Quincy Adams and Henry Clay could abandon the American ship without the least compunction, and it remains to be seen how much longer patriotic legislators will hold up their hands in foreign interest, with no excuse whatever worth a moment's consideration.

CONGRESSIONAL BREACH OF COMPACT.

After we had surrendered the right to protect our navigation in direct trade under the act of 1815 and by the conventions following, there remained but one other right to give up and abandon—that was the right to protect our navigation in the indirect trade. That right had been effectually exercised in 1817 by restricting foreign vessels to direct trade only from their own country or its colonies and possessions. That law conceded all their rights, but refused privileges, that were incompatible with the survival of our own shipping. But while these reciprocity measures were under consideration, especially that of 1828, what was thought of the compact for ship protection? It was undoubtedly in the mind of President Madison, in that of his Secretary of State, James Monroe, and advised upon by Thomas Jefferson. Monroe tells us the stripping of protection from the "indirect" trade was considered inadmissible in 1815. The reason assigned is the inequality that would arise, but there was doubtless the further reason that the compact of union would be broken. As a matter of equity and good conscience, so far as protection in direct trade was essential to the survival of our marine, it was a violation of the compact to suspend it. Indeed, the act of 1815 repealed our discriminating duties in direct trade, but itself was repealed in 1819, to take effect in 1824, only to be soon after reenacted, the word "suspend" taking the place of the word "repeal." The words in the act of 1828 are "suspended and discontinued." Adams and Clay may not have known Congress was not at liberty to play at ducks and drakes with ship protection—to strip it off and present it as a cast-off robe—a peace offering to our enemies, but we have no evidence that they cared. Had either of these men cared, they were in Congress for years afterwards and would have taken some opportunity to move for a correction of their mistake when they saw from statistics that our carrying trade was gradually passing into foreign hands.

It seems superfluous to argue that the Constitution should be received by Congress in good faith as its guide in legislation. If considerable time has elapsed since the act of 1828 was passed, that does not excuse Congress to-day for inaction and the condonement of wrong committed then. The maritime States, say nothing of the contingent interest of others, would be justified in taking steps to cause Congress to perform its duty as to the making and maintenance of "navigation laws." The provocation for disunion in 1861 has been termed "imaginary." There is more reality in the case of the maritime States than there was in that of the Southern States. Practically, Congress has, by an evil policy, which it continues, destroyed the foreign-trade shipping interest, which should be now very large and beneficial to the entire country. The growth of these States has been much retarded and their prestige greatly impaired. Their wealth and importance may never be what they would have been with certainty under our original shipping policy. Therefore the shipping States not only, but the entire country, must have this policy reinstated. No policy based on the taxation of the people will ever be long maintained by the majority—those of the non-maritime States.

OUR SHIPPING EXPERIENCE UNDER OPPOSITE POLICIES.

In the table following is given a list of countries under reciprocity, with a condensed statement showing the operation of our shipping policy throughout our history, and the effect produced on transportation. This last is shown by the tonnage employed, but better by the proportion of American carriage, since the tonnage may be large, but not all in use, as in 1858 to 1863. The column of carriage shows distinctly the results of competition for employment. When it has been severe, our percentage falls; when it eases up, our percentage rises, as a general rule, since the navigation laws are constant influences tending to regulate foreign competition. Of course wars and the larger events interfere with competition, and may increase or diminish it, but, with their cessation, competition assumes its way.

The periods before reciprocity, 1789–1815; from partial reciprocity to full, 1815–1828, and after full reciprocity, 1828–1906, are plainly designated. The constant and ruinous decline in our carriage is seen to originate after our reciprocity conventions began to take effect, and has continued with the extension of privileges to foreign shipping ever since. This is not only consistent with the principle involved—the survival of the strongest or best protected—but with the logic that would sacrifice any industry needing encouragement. Besides, the demonstration of the folly of our false policy is complete.

Countries under reciprocity, with statement of tonnage and comparative carriage in foreign trade, before and after reciprocity agreements.

No.	Country.	Date of effect.	Convention term.	Foreign trade shipping.	Proportion of our carriage in foreign trade. Imports.	Exports.
	BEFORE ADOPTION OF RECIPROCITY.		*Years.*	*Tons.*	*P. cent.*	*P. cent.*
		1789	.....	*123,893	17.5	30
		1790	.....	*346,254	41	40
		1791	.....	*363,110	58	52
		1792	.....	*411,438	67	61
		1793	.....	367,734	82	77
		1794	.....	438,863	91	86
		1795	.....	529,471	92	88
		1796	.....	576,733	94	90
		1797	.....	597,777	92	88
		1798	.....	603,376	91	87
		1799	.....	657,142	90	87
		1800	.....	657,107	91	87
		1801	.....	630,558	91	87
		1802	.....	557,760	88	85
		1803	.....	585,910	86	83
		1804	.....	660,514	91	86
		1805	.....	744,224	93	89
		1806	.....	798,507	93	89
		1807	.....	810,163	94	90
		1808	.....	765,252	93	88
		1809	.....	906,855	88	84
		1810	.....	981,019	93	90
		1811	.....	763,607	90	86
	War with England	1812	.....	758,636	85	80
		1813	.....	672,700	71	65
		1814	.....	674,633	58	51
		1815	.....	854,295	77	71

*Tonnage of arrivals.

Countries under reciprocity, with statement of tonnage and comparative carriage in foreign trade, before and after reciprocity agreements—Continued.

No.	Country.	Date of effect.	Convention term.	Foreign trade shipping.	Proportion of our carriage in foreign trade. Imports.	Exports.
	PARTIAL RECIPROCITY.		*Years.*	*Tons.*	*P. cent.*	*P. cent.*
1	Great Britain[4]	July, 1815	4	854,295	77	71
		1816	.....	800,760	73	68
	Netherlands (act)	1817	[9]Ind.	804,851	79	74
2	Sweden and Norway[4]	Sept., 1818	8	589,954	85	80
	Great Britain[4]	1818	10	589,954	85	80
		1819	.....	581,230	87	82
		1820	.....	583,657	90	89
		1821	.....	593,825	92.7	84.9
3	*France*	Oct., 1822	[6]2	582,701	92.4	84.1
		1823	.....	600,003	92.1	87.4
		1824	.....	636,807	93.4	88.7
		1825	.....	665,409	†95.2	89.2
4	Denmark[4]	Apl., 1826	[7]10	696,221	95½	*89.6
5	Central America[3]	Aug., 1826	[8]12	696,221	95	89.6
6	Hanseatic Republic[3]	Dec., 1827	[7]12	701,517	94.3	87.5
	Sweden and Norway[1]	Jan., 1828	[7]10	757,998	91.4	84.5
	Great Britain[1]	Oct., 1828	[7]Ind.	757,998	91.4	84.5
7	Brazil[2]	Dec., 1828	[7]12	757,998	91.4	84.5
8	Prussia	Mar., 1829	[7]12	592,859	93	86
	FULL RECIPROCITY.					
	Brit. N. A. & W. I. Colonies (act)	Oct., 1829	[9]Ind.	537,563	93.6	86.3
9	*Austria-Hungary*	Feb., 1831	[7]10	538,136	91	80.6
10	Mexico[5]	Apr., 1832	[7]8	614,121	89.4	75.8
11	*Russia*	May, 1833	[7]6	648,869	90.7	75.5
		1834	.....	749,378	89	74.4
		(9mo.) 1835	.....	788,173	92.2	77.3
12	Venezuela[2]	May, 1836	[7]12	753,094	90.3	75.4
		1837	.....	683,205	86.5	77.6
13	*Greece*	June, 1838	[7]10	702,962	90.6	82.8
14	Sardinia[3]	Mar., 1839	[7]10	702,400	88.7	78.3
15	Netherlands[4]	July, 1839	[7]10	702,400	88.7	78.3
16	Hanover[4]	May, 1840	[7]12	762,838	86.6	79.9
17	Portugal[2]	Aug., 1840	[7]6	762,838	86.6	79.9
		1841	.....	788,398	88.4	77.8
18	Ecuador[2]	1842	[7]12	823,746	88.5	76.3
		1843	.....	856,930	77.1	77
		1844	.....	900,471	86.7	70.5
19	Two Sicilies[4]	Dec., 1845	[7]10	904,476	87.3	75.8
20	Belgium[2]	Mar., 1846	[7]10	943,307	87.1	76.2
	Hanover[3]	June, 1846	[7]12	943,307	87.1	76.2
21	Oldenburg[3]	Mar., 1847	[7]12	1,047,454	77.2	65.3
22	Mecklenberg-Schwerin[3]	Dec., 1847	[7]10½	1,047,454	77.2	65.3
	Mexico[11]	May, 1848	[7]8	1,168,707	82.9	71.1
23	*New Granada*[3]	June, 1848	[7]20	1,168,707	82.9	71.1
	Great Britain (act of 1828)	1849	.....	1,258,756	81.4	68.9
24	Hawaiian Islands[3]	Aug., 1850	[7]10	1,439,694	77.8	65.5
		1851	.....	1,544,663	75.6	69.8
25	Guatamala[2]	May, 1852	[8]12	1,705,650	74.5	66.5
26	*Costa Rica*	.....do....	[7]7	1,705,650	74.5	66.5
27	Salvador[4]	June, 1852	[7]20	1,705,650	74.5	66.5
28	Peru[2]	July, 1852	[7]10	1,705,650	74.5	66.5
	Netherlands[1]	Feb., 1853	[7]2	1,916,471	71.5	67.1
29	*Argentine Republic*	Dec., 1854	None.	2,151,918	71.4	69.3
		1855	.....	2,348,358	77.3	73.8
	Two Sicilies[3]	Nov., 1856	[7]10	2,302,190	78.1	70.9
		1857	.....	2,268,196	71.8	60.2
	Denmark[1]	Jan., 1858	[7]Ind.	2,301,148	72	75
	Belgium[2]	Apr., 1859	[7]10	2,321,674	63.7	69.9
30	*Paraguay*	Mar., 1860	[7]10	2,379,396	63	69.7
	Venezuela[2]	Aug., 1861	[7]8	2,494,894	60	72.1
31	Ottoman Porte[2]	June, 1862	[7]28	2,173,537	44.8	54.5
32	*Bolivia*	Nov., 1862	[7]10	2,173,537	44.8	54.5
33	*Liberia*	Feb., 1863	None.	1,926,886	43.3	40
		1864	.....	1,486,749	24.6	30
34	*Honduras*	May, 1865	[7]7	1,518,350	29.9	26.1
35	*Haiti*	May, 1866	[7]8	1,387,756	25.1	37.7
36	Dominican Republic[2]	Oct., 1867	[7]8	1,515,648	28	39.1
37	Nicaragua[2]	June, 1868	[7]15	1,494,389	33	36.6
38	Madagascar[4]	July, 1868	None.	1,494,389	33	36.6
		1869	.....	1,496,220	31.3	34.9
		1870	.....	1,448,846	33.1	37.7
39	*Italy*	Nov., 1871	[7]5	1,363,652	31	32.6
		1872	.....	1,359,040	26.8	29.8
		1873	.....	1,378,533	27	25.7
	Salvador[2]	Mar., 1874	[7]10	1,389,815	30.2	24.6
	Peru[2]	May, 1874	[7]10	1,389,815	30.2	24.6
	Belgium	June, 1875	[7]10	1,515,598	29.2	23.7
		1876	.....	1,553,705	30.8	25.4
		1877	.....	1,570,600	31.5	23.7
		1878	.....	1,589,348	32.2	22.6
		1879	.....	1,451,505	31.6	17.6
		1880	.....	1,314,402	22	13.7
		1881	.....	1,297,635	19.9	13.3
40	*Korea*	May, 1882	[10]None.	1,259,492	19.2	12.8
	Madagascar[3]	Mar., 1883	None.	1,269,681	20.7	13.4
		1884	.....	1,276,972	22.4	14.4
		1885	.....	1,262,814	21.3	13.7
41	Spain (islands[5])	Oct., 1886	None.	988,041	20	13.6
	Spain[5] (an agreement)	Sept., 1887	None.	989,412	18.6	12.2
	Peru[2]	Oct., 1888	[7]10	919,302	18.5	11.79
		1889	.....	999,619	17.08	11.62
		1890	.....	928,062	16.68	9.03
		1891	.....	988,719	15.85	9.26
		1892	.....	977,624	17.66	8.11
		1893	.....	883,199	15.45	8.79
		1894	.....	899,698	19.43	8.74

†Carriage climax. *Tonnage of arrivals.

Countries under reciprocity, with statement of tonnage and comparative carriage in foreign trade, before and after reciprocity agreements—Continued.

No.	Country.	Date of effect.	Convention term.	Foreign trade shipping.	Proportion of our carriage in foreign trade.	
					Imports.	Exports.
	FULL RECIPROCITY—cont'd.		*Years.*	*Tons.*	*P. cent.*	*P. cent.*
		1895	.....	822,347	15.49	8.22
		1896	.....	829,833	15.76	8.57
		1897	.....	792,870	14.97	8.10
	Spain (as to Philippines) ...	Dec., 1898	10	726,213	15.97	5.87
42	*Japan*	1899	[7]12	837,229	12.36	6.87
		1900	.....	816,795	12.94	7.07
		1901	.....	879,595	11.99	6.12
		1902	.....	873,235	14.34	6.44
		1903	.....	879,264	12.88	7.10
		1904	.....	888,628	14.33	7.45
		1905	.....	943,750	15.46	9.59
		1906	.....	928,466	14.80	9.90

MEANING OF INDICES.

The index figures in second and fourth columns explain some of the conditions of the agreements.

1. Extension or renewal of term.
2. Terminated by foreign country giving notice required.
3. Merged into another country.
4. Superseded by later treaty or convention.
5. Terminated by war.
6. Convention at first protective on both sides; became nonprotective in 1828; terminable after six months' notice.
7. Continuable by its own terms; terminable on one year's notice.
8. As to shipping reciprocity articles only.
9. By act of Congress—repealable by same.
10. To be revised if desired after five years.
11. Abrogated by treaty 1853.

Italics. Countries we now have agreements with.

Ind. Term is indefinite, but terminable after one year's notice.

None. No term stated. Only two of these now valid.

In the course of eighty-four years we made "maritime reciprocity" agreements with forty-two countries, only a dozen of them of any importance—and those prior to 1850—about twenty of no consequence, and the remainder quite moderate in pretensions at sea. We have such agreements now with twenty-two countries, ten of them inconsequential in point of commerce; one now without a port. Fifteen agreements have been terminated by twelve countries, presumably for want of utility.

Our damaging competition, under our present free and open policy, has been mostly from the British. No doubt every shipping nation can make the like declaration. Only for the time between 1818 and 1830 did we have the advantage of them in time of peace. They are the nation that makes ship protection necessary to the nations of the world. Their writers have endeavored to make it appear that not their unfair and vicious competition but "economic" cause were to blame for our undoing—for instance, the use of wooden sailing ships to oppose their metal steamers; the "high protective tariff," that increased the wages of shipwrights and seamen; and the greater cost of metal materials, also due to "protection." But iron ships—the steamers—and the high tariff came after our carriage decline was long under way, and that decline was doing well for British shipping when the civil war set in, and British aiding of disunion followed up fiendishly. Since then they have made no bones of resorting to any device that would destroy the chances of employment for American vessels and secure work for their own. Witness their unjust discriminative insurance.

The following will illustrate the usual articles of conventions for their termination:

[Convention of 1827 with Great Britain.]

"ART. II. It shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the expiration of the said ten years—that is, after the 20th of October, 1828—on giving due notice of twelve months to the other contracting party, to annul and abrogate this convention, and it shall, in such case, be accordingly annulled and abrogated after the expiration of the said term of notice."

There is a sentiment indulged in by some that our reciprocity agreements should continue; that we should not regulate our trade, but get ship protection some other way. But there is no authority in the Constitution for shipping reciprocity agreements—agreements to nonprotect our navigation. Nor is there authority to protect our navigation in any other way than through regulations of commerce.

It is also set up by some that it would be discourteous and rude to terminate an agreement by which a rival is worsting us, but they have all agreed beforehand to the propriety of such action, and we have ample precedent in our own history. By an act of Congress July 7, 1798, we abrogated four treaties with France. In 1864 we abrogated at end of term a commercial reciprocity agreement with Great Britain for trade with Canada, and in 1879 we abrogated the "Burlingame" treaty with China. Not one of these agreements can be compared with our "maritime-reciprocity" conventions for their hurtfulness and harm to the country through the consequences of the shipping dependency which they have created.

OUR DOCTRINE OF SHIPPING RIGHTS.

The peculiar course of Great Britain toward the United States in our early history caused a study of the subject of international commerce the world over, especially by American statesmen intent upon securing the natural rights of a young and independent maritime nation. What these rights are became matter for serious thought and considerate, but resolute, action. Considering the question in its broader aspects, as did Doctor Franklin and other of our prominent statesmen, the transportation between two nations is a part of their commerce, and, in direct trading, plainly belongs to each country to do, and not to any third party. If one country has not the vessels and the other has them, then the whole transportation manifestly belongs to that one, and can not be justly claimed by any other. There is, therefore, no ground of right for a monopoly of navigation.

While some nations unskilled in navigation have been content to have no shipping and only a passive commerce, others qualified to build and sail have been alert to the importance of an active commerce carried on by their own vessels for two weighty reasons: First, to avoid dependence on foreign shipping, with its evils; second, to prevent payment of freights to vessels of other nations, which creates or increases adverse balances of commerce. The shipless nation is generally in foreign debt, nonprogressive, and seldom prosperous.

Regarding the true theory of commerce, said Senator Rufus King, of New York, in 1818:

"As all nations have equal rights and each may claim equal advantages in its intercourse with others, the true theory of international commerce is one of equality and reciprocal benefits. This gives to skill and to capital their just and natural advantages; any other scheme is artificial."

It was largely due to denial of equality in the matter of shipping that caused the Revolution of 1776. The colonists were treated as subordinate to their fellow-subjects; their industries and the use of their vessels were placed under inferior regulations—just as in the discriminating insurance policies of the London Lloyds still extant. It is therefore imperative now, as in the beginning, that an American system of commerce should look to protection of some kind that shall even up disadvantages and secure equality in the footing of vessels, whether natural or created by devices of our rivals, and thus conduce to the conduct of "fair commerce" and a just sharing of transportation.

That our natural rights should be protected is self-evident and axiomatic. Said Senator Barbour, of Virginia, in 1818:

"Vain, foolish, your resolutions to build ships, unless you protect your navigation. It is not to the superior fixtures of your vessels or the ampleness of their supplies you are to look for victory, but to the number and experience of your sailors. If you suffer the power who looks with jealousy on your rising commerce and with envy on the glory of your Navy to exclude you from the participation of those advantages which of right, as being derived from nature, belong to you, abandon all thoughts of an efficient marine and withdraw from the ocean."

Mr. Barbour was a Virginia farmer, but he was no less a statesman. He feared it would some time happen that, ceasing to protect our navigation, we would have to retire from the sea in disrepute.

The despotic disposition of England always justified the notion that in navigation there are no rights her subjects need respect. Might makes all the right there is; let him take who can. This being so, American vessels had no right to take cargoes into British West Indian ports, although the articles were much in demand and the trade was open to British and other vessels. Said President Madison, in his special message of 1812:

"It has become sufficiently certain that the commerce of the United States is to be sacrificed, not as interfering with the belligerent rights of Great Britain, not as supplying the wants of her enemies, which she herself supplies, but as interfering with the monopoly which she covets for her own commerce and navigation. She carries on a war against the lawful commerce of a friend that she may the better carry on a commerce with an enemy—a commerce polluted by the forgeries and perjuries which are for the most part the only passports by which it can succeed."

Felix Grundy, of Tennessee, declared:

"It is not the carrying trade about which this nation and Great Britain are now contending. The true question is the right of exporting the products of our own soil and industry to foreign markets. Our vessels are captured when destined to ports of France. * * * These depredations on our lawful commerce are not to be traced to any rules or maxims of public law, but to the maritime supremacy and pride of the British nation. * * * What, Mr. Speaker, are we called on to decide? It is whether we will resist by force the attempt made by that Government to subject our maritime rights to the arbitrary and capricious rule of her will. For my part, I am not prepared to say that this country shall submit to have her commerce interdicted or regulated by any foreign nation. Sir, I prefer war to submission."

MAIN POINTS OF OUR SHIPPING RIGHTS.

In short, as may be fully shown, the American doctrine in relation to the vessel-carrying trade, is this: Our shipping has the natural right and is entitled—

1. To carry American exports to any country whose ports are open to receive them by other vessels.
2. To carry American commerce, exports or imports, between the United States and other countries, their vessels participating with ours mutually in the carriage required to the extent of one-half the volume or value.
3. To carry all the commerce between the United States and another country, if it has no vessels of its own with which to do its share of carriage.
4. In respect to domestic commerce, American vessels are entitled to all—coasting, lake and river—no foreign vessels having any right whatever.
5. Further, the Government of the United States has the natural right and is entitled to regulate its foreign trade in a way to secure and protect all our shipping rights against the adverse footing, or protective policies and devices, of foreign countries. Further still, the Government of the United States is under a constitutional compact, as sacred as any other in that instrument, with the maritime States, to perform its duty in the enforcement of proper laws for the encouragement and protection of American navigation and to see that engagements with foreign nations involve no sacrifice of this very important interest.

Such being the principles governing the interest of the American people in the carriage of their own commerce, it can not be too often or too strongly insisted upon that American navigation for American commerce is not merely a just natural sentiment, but an imprescriptible national right, to be enjoyed equally with all other rights. And as this right may, and constitutionally must, be protected by regulations of commerce, the question is up to the Government, Why should one cent of subvention, to conciliate any nation, ever be paid from the Treasury for the partial support of a freighting marine? There is such a thing as overdone conciliation. That has already been the sacrificial altar of our marine. Our moderation on that occasion has but passed for obsequiousness.

PRINCIPLES OF THE MEASURES EMBRACED IN THE BILL.

The difficulties of our shipping situation are now such that the provisions of a measure that would have been effectual forty years ago would be quite impotent now. The means necessary to-day must be plenary, if not drastic, yet it is not proposed to resort to prohibitions,

but to establish efficacious tonnage duties prohibitive in the course of time. Every helpful expedient will be found necessary and perhaps indispensable. Tariff duties are omitted not because these are unimportant, but because it will be more convenient to consider them whenever the tariff itself may be under revision. Discriminating tariff duties may be considered as held in reserve.

The eternal principles of right—of justice toward other nations as well as duty to ourselves—should prevail throughout the act. Knowing what belongs to our notion by right, we should fearlessly claim it; aware of what belongs to others, we should in justice consider it. The ocean is for the use of all. Its monopoly should be permitted to none.

Every convalescence has its time, every wise change of policy its period. Effects are better if gradually produced. It will apparently take many years to create and instate the marine and the merchants sufficient for our commerce with its rapid growth, we are so far behind.

Any measure to be thoroughly successful must be devised and enacted in view of perpetual application. To think of such protection to American navigation as will do its work as ever to be relaxed or suspended is not to reason from history. The British have to-day, and need it, as complete protection to their navigation as that established two hundred and fifty years ago. Our shipping legislation must, therefore, be persistent in character. Each section of the bill which this discussion refers to will now receive appropriate comment.

COMMENTS UPON THE BILL.

SECTION 1. A distinct departure is made in this section from our original system of trade regulation. It is desirable that our own vessels in direct trade with other countries, carrying cargoes of more than one-fourth capacity, be not subject to extra tonnage tax; therefore, if we would not wish to pay if we should not charge it; but if another country charges it, then we should do likewise. By this course we waive protection to direct import traffic, but do so to gain protection to export carriage, the more important in our case. At present foreign vessels are importing direct 46 per cent and indirect 54 per cent of what they bring. In early times indirect importing was in our own hands—that is to say, foreign vessels confined their work to direct trade—and from 1817 to 1828 we compelled them to do this. This section, like the others to follow, makes a regulation that we are willing to observe ourselves.

SEC. 2. The intention of this section is to confine foreign vessels in our commerce to voyages from the countries to which they belong. Indirect traffic by them violates the rights of our own shipping and might be prohibited entirely, but an ample duty will in time substitute our own vessels for the foreign tonnage now in possession of our trade. The British Cunard Company has recently contracted with the Government of Austria-Hungary to bring all emigrants from that Kingdom to the United States in disregard of our right to reserve this traffic for our own vessels if Austria-Hungary can not furnish her share of this transportation. Our present shipping policy, violative of the rights of our maritime States, enables the Cunard Company thus to infringe the rights of our people. This policy cuts our own throat, for the emigrants constitute the cargo one way, and our exports furnish the cargo the other way. By securing the emigrant carriage our rivals also secure the export carriage, taking it from our own vessels.

It will be noted that in this section and in sections 3, 4, and 5 the discriminating duty is graduated, the smaller sizes of vessels paying the least and the larger sizes more per ton until the largest pays the most, in accordance with a well-known principle of transportation, which may be seen in practice not only in railway carriage, but on river, lake, and ocean. Ships four times the size of others can cut freights in two. On economic principles, therefore, vessels of 2,000 tons need twice the protection of those of 8,000 tons. If it be assumed that $5 per ton annual subvention will protect 2,000-ton vessels against those of equal or less size, then against those of 8,000 tons the protection should be $10 per ton, and against those of 16,000 tons the protection should be $20 per ton to preserve equality. It is believed that the duties need to be as high as set forth in this and following sections to be effectual in operation.

SEC. 3. The duties in this section are made lower than in the preceding section for the reason that it is less injurious to our shipping to come for cargo than to bring it, and the foreign ship can not so well pay the higher rates. There is no distant country that our vessels can afford to go to in ballast for cargo.

SEC. 4. The regulations in this section look to the prevention of such imposition upon our ships as now makes it impossible for them to secure employment in certain of our export trades, notably those of the Pacific coast, on account not only of British underwriting discriminations, but because of the bountied ships of France. These go out in ballast, the bounty being high enough to pay a profit outward whether cargo be taken or not. As we can not bounty our shipping, the only course open is handicapping by tonnage tax, unless we prohibit entrance. Proper mail and passenger steamers would not be affected by this section.

SEC. 5. This section is intended to correct a great abuse. It has been a practice of speculators in transportation in British ports, particularly in Liverpool, to engage for months and even years ahead, and to order ships for it "chartered before arrival." No American ship ever got one of these charters, but in consequence of the practice many such have been thrown idle for months, until all the "ready chartered" foreign have arrived and loaded at full rates. This has been a great evil needing regulation in our Pacific ports for twenty-five years past.

SEC. 6. With the "aid" of their Government, the French are becoming as bad as the British for violating our rights. Their great sailing ships can now come in ballast to our Atlantic ports and then go "seeking" from one side of the continent to the other, a thing no American ship can do, and this handicapping has become absolutely necessary. Our vessels can not go to a French port and get a pound of freight, and their underwriters discriminate against cargoes in them, following British example.

SEC. 7. This regulation may be of use to our shipbuilders as setting a value on the privilege described. The Germans are the chief offenders against this rule, but there are others. This measure aims at making a fair chance to run steamers of our own to various countries, and every right must be justly exercised.

SEC. 8. We have charged no "light dues" for many years, but our vessels go nowhere abroad that they are free from this tax.

SEC. 9. Some of our rivals largely employ labor on their vessels but little above that of slaves, wages being merely nominal, to the great advantage of owners in meeting competition, and in justice to our own shipping this condition of things should have a special handicap.

SEC. 10. The increase in tonnage tax as proposed enables our shipping to render good service to our country in providing seamen of our own nationality, an object worth accomplishing. Practically to most of our vessels the tax will be reduced.

SEC. 11. The fund created by this regulation, derivable mainly from foreign sources, may be fitly devoted to the inducement of employment of our vessels in the export trade. The revenue power is not exercised in raising this fund. The regulation is purely commercial, and the money will be better used for the object mentioned than in applying it to general appropriations. There seems to be no other lawful way of directly encouraging this most important object. Vessel owners will receive nothing beyond the preference given, which will be well worth obtaining, since without it ruin may follow the idleness compelled by foreign competition, which has long been most unfair and impossible to meet. The subsidy principle is not involved.

SEC. 12. The premiums herein offered appear small, but they will offset the cost of marine insurance and no doubt will be appreciated by exporters and largely contribute to their object. The fund will be ample for a number of years and useful, even if insufficient for payment the year round. As the marine enlarges and the interest gains strength there will be less need for making interest with shippers. The establishment and use of this premium fund are purely a regulation of commerce, discriminating duties coming under this head and not under the revenue power. After the marine has obtained a considerable growth the premium system might be limited to vessels below a certain size as being most in need of preference.

SEC. 13. The provisions of this section relate entirely to the ocean mail service—a matter of the very first importance to a maritime nation like ours, with a commerce bound to exceed that of any of our rivals. Our first so-called mail-subsidy bill was passed March, 1845, for the building and support of "mail and naval steamers." Congress then exercised its undoubted powers of developing and regulating the ocean postal and naval services in the national interest. In 1820 an effort had been made to get Congress to aid in establishing ocean mail steamer service, but was not successful, the advantage not then being apparent. In 1839 the British Government introduced a policy of subsidizing ocean steam mail service, and soon the prospect was that Great Britain would monopolize ocean steam navigation unless other nations followed her course. As it eventuated, her postal policy brought her great advantages by organizing letter carriage and connecting her ports with the commercial centers of the world long in advance of all other countries. It therefore behooved our Government to take responsive action, and our act of 1845 resulted. Great Britain followed up her course; our councils became divided, and the operation of our system was interrupted and discontinued, and not fully redeemed after the war, as it should have been, upon a business basis. That our commerce has suffered much by the Government lagging behind in proper legislation needs no argument here. It is probable that but for the war our policy would have been perfected, been persistent, and proved successful, and that our marine would not now be in a ruined state. Not that our postal policy would have been extended to the general marine, for this would not have been constitutional, but our shipping would have had the ability, as it had no doubt the inclination, to cause the Government to do its duty in regulating our commerce—abandoning our present open policy before it had completed its destructive work. Only about one-tenth of an adequate marine could be run as mail carriers.

Our ocean post has never been put upon a basis at once businesslike and in agreement with the genius of our people. The British method was followed—for the Government, without experience in the management of vessels, to lay down a plan of service and the subject to carry it out, inexperience to lead, practical knowledge to follow. After our original act, it devolved on the lobby to induce progress and cause an extension of the system. The lobby is a selfish, narrow institution. Clause 1 of the measure under consideration provides that the initiative of extension, not the entire design, belongs to and remains with the Government, which must advertise annually to ascertain the wants of the country in regard to mail facilities with foreign ports. It also provides for joint action of the two Departments concerned, acting upon the propositions laid before them by citizens, and calls in the President to sanction what appears the best action in any case.

2. Under the system hereby established the time of Congress will not be taken up in considering postal plans. The Executive will attend to them.

3. It appears unwise to restrict the mail service to a line to a single port or country, thus establishing a monopoly. This is not the practice of the Government with respect to railway service. All places have at least a daily service. If vessel owners can be found to run steamers to Liverpool, for instance, every day, why should Congress appoint but one day in a week and give the chance to a single line?

4. Manifestly they are not American vessels that may be owned, managed, and run by aliens. This may happen with stock companies, if not guarded against. Combinations and trusts must not be formed by lines of steamers performing quasi-public service. Hitherto no attempt has been made to prevent this unpopular action.

5. This clause provides for carrying a fair proportion of American seamen, also for American carriage of all outgoing mails. It is not only unseemly, but highly unpatriotic, for our Government to patronize foreign mail lines while neglecting its duty to encourage such lines of our own. Our conduct in this regard scandalizes republican forms of government. There have been many years when 75 to 80 per cent of our ocean-mail pay has been given to ill-disposed rivals.

6. The relationship between our naval and postal services should be real and not fictitious. Our first ocean mail carriers were superintended in building by naval constructors and commanded on their routes by naval lieutenants.

7. One of the reasons for miscarriage of our bills for mail service is the hard and fast position of the Government, Congress fixing upon a remuneration insufficient for performance under conditions stated. The matter should be left in the hands of the President, the heads of the postal and naval services, and the owners of the vessels to be employed.

11. In war time, and such times will come for many a year yet, it will always be advantageous to have at command of the Government a sufficiency of vessels for all purposes. In all our history there never was a time when we had such sufficiency, but had always to suffer for it. At all times we should be able to protect our interests on the sea, as on land, and for this the marine is only a little less useful than the Navy.

12. There appears to be no reason why the passenger business should not contribute its element of power to the protection of our steam mail lines. It will be no hardship for a German, for instance, to come to

the United States on a ship of his own fatherland, instead of taking passage on a French liner. Every nation should enjoy its own rights, every one should oppose shipping monopoly as dangerous to human freedom.

SEC. 14. The provisions of this section look to the possible abatement of the wily warfare of the British Lloyd's and other foreign underwriters carried on for more than fifty years, to drive our ships from the sea, through a system of inequitable inspection and classification of vessels to prevent their employment. A vessel's employment is her breath of life. It depends very much upon her character in the underwriters' register. If a vessel's character can be depreciated or destroyed, she had better not been built. To impair the repute of your rival's vessels, as a means of getting employment for your own, is a trick unworthy of civilized men. For a freight to be obtained at all, the rate must be cut as deep as 40 per cent, in the past, in California trade. The story of the guile, the greed, and ambition of our despoiler is a long one. She has been the underwriter of the commerce of the world, to the extent of three-fourths, and in such capacity using her power to protect her own shipping and to destroy that of rivals, she has gone far toward monopolizing shipbuilding, navigation, and commerce. Underwriting is a branch of commerce, and marine insurance can be regulated as such in the manner provided in this section. Failing in the protection of our shipping against foreign underwriters in our own ports, our marine upbuilding would be like an arch without a buttress or a keystone.

SEC. 15. The officers of our Government have been much too prone to give national work to foreign vessels—on what principle it is hard to understand, the fact being that it is the right of an American vessel to be preferred of its own Government. It is a poor education, as to the rights of our people, that will allow any officer of the Army or Navy to think that foreign vessels have equal rights with our own to work from our Government. Price can not invalidate right.

SEC. 16. The provisions of this section, being pure regulations of trade for the benefit of our vessels, should have been applied long since.

SEC. 17. Several good reasons may be given for the provisions of this section—permitting for a short period the importation of foreign-built vessels on payment of duty. First, that it is desirable to give our shipowners, or those intending to become such, the earliest chance to begin business under the new conditions. Their first need will be for vessels. Opportunities may be lost if they must wait for these to be built. Second, some of our citizens are now engaged in our foreign trade, having supplied themselves with vessels built abroad. It would be of advantage to encourage them to bring at least the best of their tonnage under our flag, and afterwards to continue business with vessels of American build. If the law operates as expected, the change attending its enforcement would be to their disadvantage, unless we let them in under it at the start. It is not their fault that they could not do business under their own flag. Third, there may be some worthy foreigners in our trade who would be glad of the opportunity to become citizens and bring some of their vessels into our marine. Their capital and skill might well be invited. Fourth, there is room for hundreds of shipowners in our foreign trade, and no time should be lost in getting them at work; otherwise our shipbuilding and carriage recovery may have a slow growth and the law fail to the utmost good. Duties will be paid on the imported tonnage and go into the premium fund.

SEC. 18. The regulations of this section are aimed at abuses extant in all our ports practiced by owners, agents, and masters of foreign vessels, one of the objects being the forestalling and prevention of employment of American vessels at fair rates of freight. Unless these rings and combinations shall be broken up and prevented from reforming there will be little use in Congress trying to rebuild our marine.

SEC. 20. The expedience of having American crews to man our vessels is clearly manifest. The only question is how to accomplish it. It is believed that the inducement supplied by this section, acting with the least hardship to owners, would be effective. It is foreseen, however, that there will be cases where it will be very difficult, if not impossible, to engage citizens in sufficient numbers or to mix them with aliens to form crews in certain trades. We can not forego the trade for want of hands; hence the necessity of permits to engage such as may be obtainable.

SEC. 21. This section provides for the earliest possible enforcement of the act; such sections of it as may be immediately applied need not wait upon the time when all shall be applicable. Had nothing been done for our marine but to terminate our ruinous reciprocity agreements with foreign nations, as should have been done years ago, there would not now be need of a year's delay in putting proper regulations into execution. It is to be hoped that an end has now come to procrastination, and that every considerate statesman regrets the inaction of the past.

NOTE.—In this bill no provisions are made for the aid that tariff duties would afford to tonnage duties. This matter is left to be considered whenever the tariff may be under revision. The main feature of this measure is the application of discriminating tonnage duties to the recovery of the indirect carrying trade as the best thing to be done first. Should the pending subvention bill be passed, it will still be imperative to enact this measure as constituting more effective, and therefore indispensable, legislation.

[H. R. 21196, Fifty-ninth Congress, second session.]

In the House, December 5, 1906.

Mr. SULZER introduced the following bill; which was referred to the Committee on the Merchant Marine and Fisheries, and ordered to be printed:

A bill to regulate commerce with foreign nations; to make preference for the use of American freighting vessels; to extend the postal service by American steamships, and to promote American trade by sea.

Be it enacted, etc., That the law relating to vessels, to the duties laid upon tonnage, and to the ocean mail service in force when this act shall be approved, be, and the same is hereby, supplemented and amended as follows:

PART 1.—TONNAGE DUTIES.

SECTION 1. That no vessel coming direct from her own country, its colony or possession, with merchandise or passengers in excess of one-fourth of her capacity for the same, to be landed in the United States, shall be charged with an additional or extra tonnage duty, except in cases where the country whence she sailed direct charges an additional or extra tonnage duty to vessels of the United States; and in all such cases, if any there be, the extra duty per ton of the vessel's country so charged shall be added to the extra duty per ton of the United States, and the sum so found shall be the full charge per ton for additional or extra duty to be collected; or unless the country whence such vessel so laden or coming direct shall hold out to its vessels by law the payment of bounty, subsidy, or subvention of some sort in consideration of making voyages like the one in question, in which case three-fourths of the amount of the gratuity as aforesaid shall be charged and collected as countervailing duty in addition to the regular and extra duty otherwise chargeable and to be collected. And every vessel not of the United States that shall arrive in ballast or with merchandise or passengers in a proportion less than one-fourth of her capacity for the same from the country, its colony or possession, direct as aforesaid, shall pay a duty of 50 cents per ton on the gross admeasurement, in addition to the regular duty imposed by law. And if a country whence a vessel may come direct in ballast or with freight or passengers less than one-fourth her capacity, as aforesaid, holds out to its vessels by law the payment of bounty, subsidy, or subvention of some sort, in consideration of making voyages like the one in question, then the countervailing duty shall be one-half of the amount of the gratuity payable as aforesaid, to be added to the regular and extra duty and collected as aforesaid. Surveyors of tonnage shall ascertain and certify to the collector the proportion of carrying capacity occupied by passengers, by freight, and by ballast, respectively, and no vessel so laden shall be discharged except upon acceptance of the report of the surveyor by the master or agent of the vessel.

SEC. 2. That a discriminating tonnage duty, based upon the gross admeasurement in all cases, in addition to the regular duty imposed on vessel tonnage by law, shall be levied and collected from all vessels not of the United States that shall arrive with merchandise, passengers, or mails to be landed in the United States from countries, colonies, or possessions where the said cargo, in whole or in part, was laden, to which said vessels do not belong, as follows:

Clause 1. On all vessels not exceeding 4,000 tons gross the additional duty shall be $1.25 per ton until the 1st day of January, 1909, after which date it shall be $1.50 per ton until the 1st day of January, 1911, after which date it shall be $1.75 per ton.

Clause 2. On all vessels between the sizes of 4,000 and 8,000 tons the additional duty shall be $1.50 per ton until the 1st day of January, 1909, after which date it shall be $1.75 per ton until the 1st day of January, 1911, after which date it shall be $2 per ton.

Clause 3. On all vessels between the sizes of 8,000 and 12,000 tons the additional duty shall be $1.75 until the 1st day of January, 1909, after which date it shall be $2 per ton until the 1st day of January, 1911, after which date it shall be $2.50 per ton.

Clause 4. On all vessels between the sizes of 12,000 and 16,000 tons the additional duty shall be $2.25 per ton until the 1st day of January, 1909, after which date it shall be $2.75 per ton until the 1st day of January, 1911, after which date it shall be $3.25 per ton.

Clause 5. On all vessels exceeding the size of 16,000 tons the additional duty shall be $3.50 per ton until the 1st day of January, 1909, after which date it shall be $4 per ton until the 1st day of January, 1911, after which date it shall be $5 per ton. Any vessel violating this section or refusing to pay duties as aforesaid shall not be permitted by the collector to load cargo in a port of the United States.

SEC. 3. That a discriminating tonnage duty, based on the gross admeasurement in all cases, in addition to the regular duty imposed on vessel tonnage by law, shall be levied and collected from all vessels not of the United States that shall arrive in ballast without merchandise, passengers, or mails to be landed in the United States from countries, colonies, or possessions to which said vessels do not belong, as follows:

Clause 1. On all vessels not exceeding 4,000 tons gross the additional duty shall be 75 cents per ton until the 1st day of January, 1909, after which date it shall be $1 per ton until the 1st day of January, 1911, after which date it shall be $1.25 per ton.

Clause 2. On all vessels between the sizes of 4,000 and 8,000 tons the additional duty shall be $1 per ton until the 1st day of January, 1909, after which date it shall be $1.25 per ton until the 1st day of January, 1911, after which date it shall be $1.50 per ton.

Clause 3. On all vessels between the sizes of 8,000 and 12,000 tons the additional duty shall be $1.25 per ton until the 1st day of January, 1909, after which date it shall be $1.50 per ton until the 1st day of January, 1911, after which date it shall be $1.75 per ton.

Clause 4. On all vessels between the sizes of 12,000 and 16,000 tons the additional duty shall be $1.50 per ton until the 1st day of January, 1909, after which date it shall be $1.75 per ton until the 1st day of January, 1911, after which date it shall be $2 per ton.

Clause 5. On all vessels exceeding the size of 16,000 tons the additional duty shall be $2.50 per ton until the 1st day of January, 1909, after which date it shall be $3 per ton until the 1st day of January, 1911, after which date it shall be $4 per ton. Any vessel violating this section or refusing to pay duties as aforesaid shall not be permitted by the collector to load cargo in a port of the United States.

SEC. 4. That a discriminating tonnage duty, based on the gross admeasurement in all cases, in addition to the regular duty imposed on vessel tonnage by law, shall be levied and collected from all vessels not of the United States, but of a country that holds out to its vessels by law the payment of bounty, subsidy, or subvention of some sort in consideration of making voyages like the one in question, that shall arrive in ballast, without merchandise, passengers, or mails, to be landed in the United States from countries, colonies, or possessions to which said vessels do not belong, as follows:

Clause 1. On all vessels not exceeding 4,000 tons gross the additional duty shall be $1 per ton until the 1st day of January, 1909, after which date it shall be $1.25 per ton until the 1st day of January, 1911, after which date it shall be $1.50 per ton.

Clause 2. On all vessels between the sizes of 4,000 and 8,000 tons the additional duty shall be $1.25 per ton until the 1st day of January, 1909, after which it shall be $1.50 per ton until the 1st day of January, 1911, after which it shall be $1.75 per ton.

Clause 3. On all vessels between the sizes of 8,000 and 12,000 tons the additional duty shall be $1.50 per ton until the 1st day of January, 1909, after which date it shall be $1.75 per ton until the 1st day of January, 1911, after which date it shall be $2 per ton.

Clause 4. On all vessels between the sizes of 12,000 and 16,000 tons the additional duty shall be $1.75 per ton until the 1st day of January, 1909, after which date it shall be $2 per ton until the 1st day of January, 1911, after which date it shall be $2.25 per ton.

Clause 5. On all vessels exceeding the size of 16,000 tons the additional duty shall be $2.75 per ton until the 1st day of January, 1909, after which date it shall be $3.50 per ton until the 1st day of January, 1911, after which date it shall be $5 per ton. Any vessel violating this section or refusing to pay duties as aforesaid shall not be permitted by the collector to load cargo in a port of the United States.

SEC. 5. That a discriminating tonnage duty, based on the gross admeasurement in all cases, in addition to the regular duty imposed on

vessel tonnage by law, shall be levied and collected from every vessel not of the United States, that shall arrive from a country not its own, whether with or without cargo, passengers, or mails, for another country than its own, or that shall effect such engagement after arrival at a time and while there shall be one or more vessels of American registry in port listed at the custom-house as ready and offering to engage for the same or a similar voyage, as follows:

Clause 1. On all vessels not exceeding 4,000 tons gross the additional duty shall be $2 per ton until the 1st day of January, 1909, after which date it shall be $2.25 per ton until the 1st day of January, 1911, after which date it shall be $2.50 per ton.

Clause 2. On all vessels between the sizes of 4,000 and 8,000 tons the additional duty shall be $2.75 per ton until the 1st day of January, 1909, after which date it shall be $3 per ton until the 1st day of January, 1911, after which date it shall be $3.25 per ton.

Clause 3. On all vessels between the sizes of 8,000 and 12,000 tons the additional duty shall be $3 per ton until the 1st day of January, 1909, after which date it shall be $3.50 per ton until the 1st day of January, 1911, after which date it shall be $4 per ton.

Clause 4. On all vessels between the sizes of 12,000 and 16,000 tons the additional duty shall be $3.25 per ton until the 1st day of January, 1909, after which date it shall be $3.75 per ton until the 1st day of January, 1911, after which date it shall be $4.25 per ton.

Clause 5. On all vessels exceeding the size of 16,000 tons, the additional duty shall be $3.50 per ton until the 1st day of January, 1909, after which date it shall be $4 per ton until the 1st day of January, 1911, after which date it shall be $5 per ton.

Clause 6. But if, in addition to coming as aforesaid, under engagement or making it after arrival, as above, a foreign vessel shall have held out to her by law the payment of bounty, subsidy, or subvention of some sort in consideration of making voyages like the one in question, then, and in such case, a duty of 25 per cent over and above the rate per ton stated in clauses 1, 2, 3, 4, and 5 of this section shall be levied and collected: *Provided, however*, That if there be no vessels of American register listed at the custom-house at the time of arrival, or of engagement afterwards, as ready and offering to engage for the same or a similar voyage, then tonnage duty shall be payable under section 2, 3, or 4, according to the circumstances described. Any vessel violating this section or refusing to pay duties as aforesaid shall not be permitted by the collector to load cargo in a port of the United States.

SEC. 6. All vessels not of the United States running under bounty, subsidy, or subvention of some sort, arriving at the Gulf ports of the United States from the Atlantic ports, or vice versa; or arriving at the Pacific ports of the United States from the Atlantic or Gulf ports, or vice versa; or arriving at any port of the insular possessions of the United States, or vice versa, in ballast and without freight or passengers, seeking cargo, shall pay additional tonnage duties for the privilege thus enjoyed, as follows:

On arrival from Atlantic to Gulf ports, or vice versa, 30 cents per ton; on arrival from Atlantic or Gulf ports to Pacific ports, or vice versa, $1 per ton; on arrival from any port of the mainland to any port of the insular possessions of the United States, or vice versa, $2 per ton, gross measurement in all cases. No vessel not of the United States shall discharge or take in cargo without a permit from the collector. Any vessel violating this section or refusing to pay duties as aforesaid shall not be permitted by the collector to load cargo in a port of the United States.

SEC. 7. That a duty of 50 cents per ton on the gross admeasurement, in addition to the regular duty imposed on vessel tonnage by law, shall be levied and collected from every vessel that shall enter a port of the United States from a port of her own country, either with or without cargo, passengers, or mails, if she has not come direct, but has called or stopped on the way at a port of a country not her own and there, either in or off the port, has received merchandise, passengers, or mails, and the same shall be landed in the United States, unless said vessel has been built in the United States or is owned by citizens of the United States to the extent of 40 per cent, to be proved to the satisfaction of the collector and the district attorney of any United States court.

SEC. 8. That a tonnage duty, to be termed "light tax," of 3 cents per ton on the gross admeasurement of every merchant vessel not of the United States that shall enter a port of the United States shall be levied and collected, in addition to the duties required by preceding sections, before clearance for sea, except in case such vessel shall clear in ballast, or may have made port in distress or was built in the United States.

SEC. 9. That a tonnage duty, to be termed "race tax," of 4 cents per ton, on the gross admeasurement of every merchant vessel not of the United States that shall enter a port of the United States and there discharge merchandise, passengers, or mails, shall be levied and collected, in addition to the duties required by preceding sections, if said vessel shall be manned to an extent exceeding 10 per cent of the crew by persons belonging to a different race of men from the owners of said vessel.

SEC. 10. That the regular tonnage tax referred to in preceding sections shall be paid by all vessels in the foreign trade, whether American or foreign, shall be hereafter collected on every entry and computed on the gross admeasurement. The present rates shall be increased from 6 cents to 10 cents and from 3 cents to 5 cents, respectively. American steamers carrying mails shall pay tonnage tax but once a year.

PART 2.—EXPORT PREMIUMS.

SEC. 11. That all collections of tonnage duties and charges of every sort against vessels of every kind, whether regular or additional duties, light, race, and immigrant tax, entrance and clearance fees and permits provided by this and former acts to be levied, collected, and paid at the custom-house, and all fines, penalties, and forfeitures paid into the courts from violations of the navigation and revenue laws of the United States, this act included, shall, after the passage of this act, be set apart in the Treasury as a special fund from which to pay, first, for the support of marine hospitals for American seamen employed in the foreign trade, and, second, for the payment of premiums to exporters of merchandise for giving preference in the employment of vessels to those of the United States not in fact owned by themselves. No part of this fund shall ever be covered into the general Treasury, but be carried over.

SEC. 12. That on and after fifteen months from the passage of this act, there shall be paid, out of the special export fund in the Treasury provided for by section 11 of this act, to the bona fide owners and exporters of merchandise, the growth, production, and manufacture of the United States, to foreign countries not adjoining the United States, in vessels of the United States, registered pursuant to law, and not owned in fact by themselves, as follows: A premium of one-fourth of 1 per cent on the cash valuation of each shipment direct to a port, not less than 65 miles from the tidal or national boundary of the mainland of the United States; and a premium of one-half of 1 per cent on the cash valuation of each shipment direct to a port, not less than 400 miles from the port of departure in the United States; and a premium of three-fourths of 1 per cent on the cash valuation of each shipment direct to a port, not less than 1,000 miles from the port of departure in the United States; and a premium of 1 per cent on the cash valuation of each shipment direct to a port, not less than 2,000 miles from the port of departure in the United States; and a premium of 1¼ per cent on the cash valuation of each shipment direct to a port not less than 3,000 miles from the port of departure in the United States; and a premium of 1½ per cent on the cash valuation of each shipment direct to a port not less than 4,000 miles from the port of departure in the United States; and a premium of 1¾ per cent on the cash valuation of each shipment direct to a port not less than 5,000 miles from the port of departure in the United States; and a premium of 2 per cent on the cash valuation of each shipment direct to a port not less than 6,000 miles and upward from the port of departure in the United States. These premiums to an exporter shall be payable to his order upon report of the clearance of the vessel, with a statement of the collector of the port fixing the value of the shipment, which must be sworn to by an appraiser for the United States, within ten days, according to such regulations as the Secretary of the Treasury shall prescribe, distances between ports to be determined by the Hydrographic Office of the Navy Department and stated in sea miles.

PART 3.—MAIL CARRIAGE.

SEC. 13. That the postal act approved March 3, 1891, be, and it is hereby, amended to provide and to read as follows:

Clause 1. That the Postmaster-General shall, as often as once in each year, advertise for informal proposals for the carriage of mails by sea in American vessels between such ports of our own and other countries as to exporters may seem advantageous. The advertisements shall be inserted four times weekly in papers printed in Boston, New York, Philadelphia, Baltimore, New Orleans, Galveston, Norfolk, Charleston, Savannah, Mobile, San Francisco, Portland, and Seattle, describing the service as that of mail and naval vessels adapted to promote the postal, commercial, and naval interests of the United States and to subserve those of their owners as well. Proposers will state the size and speed of vessels, number of trips yearly, remuneration required, time when service could be begun, and such other particulars as may seem useful for the Government to consider.

Clause 2. That within one month after receipt of informal proposals the Secretary of the Navy and the Postmaster-General shall together consider their contents, the wants of the Navy, and the needs of the postal service, and fix upon a schedule of requirements that will satisfy both interests. The Secretary of the Navy will control the plans for the vessels, and the Postmaster-General will decide upon the postal programme, and the two together shall advertise formally to let contracts for the running of the vessels required for the line. Such advertisements shall be inserted in the same papers that called for informal proposals four times weekly, describing the route, the character of the vessels, the size and speed, the number of trips yearly, the times of sailing, and the time when the service shall begin. These requirements shall not be such that bidders can not be found. The Navy Department shall pay the cost of formal advertising. The letting of such contracts shall be the same as prescribed by law for the letting of inland mail contracts, so far as shall be applicable to vessels. Every contract must have the approval of the President, and none shall exceed the limit of thirty years; but the President may require improved service every ten years.

Clause 3. That the vessels employed under any contract made under this act shall constitute a line which shall have a sailing day or days as often as three times a week, but no line shall monopolize the carriage of mails to any foreign port. Another line may have a contract to run to the same port on different days of the same week and from the same port.

Clause 4. That the owners of lines contracting for mail carriage may be persons or corporations, but if the latter the contract must be with the individuals of the board of directors, who must be citizens of the United States and at all times prepared to swear that not more than 40 per cent of the capital stock of the corporation is held by aliens, and that a citizen manages the line, under penalty of forfeiture of the contract, which, in such case, the President of the United States is hereby authorized to declare. No line shall combine or consolidate with another, under the same penalty.

Clause 5. That the vessels employed under this act shall be commanded by citizens, and at least two officers and two engineers of each vessel shall also be citizens of the United States, to wit: During the first year, one-eighth thereof; during the next two years, one-fifth; during the fourth and fifth years, one-fourth; during the sixth and seventh years, three-tenths; during the remainder of contract time, one-third thereof. But no mail carrier shall be delayed in sailing to obtain a crew in above proportion. It may be stipulated that mails may be brought from abroad, the foreign country paying for the service; also that passengers and baggage and freight may be carried both ways. After July 1, 1909, the mails shall be sent foreign by vessels of the United States, and no others, without express consent of Congress; and in cases of need, where private enterprise fails to undertake or carry on the mail service at reasonable or lawful rates of remuneration, the Secretary of the Navy shall have authority, and it shall be his duty to furnish suitable vessels of the Navy in which to send mails foreign or bring them home, until the further order of Congress.

Clause 6. That all vessels in the postal service and hereafter built for it shall be prepared to receive arms for immediate use as cruisers, scouts, or transports in time or war; and in future their plans and specifications shall be agreed upon by and between the owners and the Secretary of the Navy, the strength and stability to be sufficient to carry armament required in naval service, and the materials of hull and machinery to be such as will command the highest classification given by American inspection of vessels. And all such vessels hereafter built shall be constructed under the inspection of a naval or engineer officer detailed by the Secretary of the Navy, to whom he will report in writing the progress made monthly, whether or not the contract is being well performed, and when the trial trip may be made; and no vessel not approved by the Secretary as fulfilling the contract as to hull and machinery shall be accepted for the service.

Clause 7. That the compensation to be agreed upon and paid for such service as may be contracted for under this act shall be reasonable and as low as responsible bidders will perform the same, having regard to the encouragement to vessels provided by this act, to the commercial

circumstances in each case, and to the rate of compensation for similar service paid by other countries. Where a bid may be deemed too high the programme may be modified or the route readvertised, payment for services to be made at the end of each round voyage. If the contract shall fail to be fulfilled for six months, the President may declare it forfeited, and thereupon the route shall be readvertised and let to another bidder; but on no account shall the service be abandoned to other countries. Readvertising shall be done in a paper printed in Washington, D. C.

Clause 8. That upon each mail vessel the United States shall have transported, free of charge, one messenger, whose duty shall be to receive, sort, take in charge, and deliver the mails to and from the United States, and who shall be provided with suitable room for himself and for the mails.

Clause 9. That officers of the Navy may volunteer for service on mail vessels, and when accepted by the contractors may be assigned to such duty by the Secretary of the Navy whenever, in his opinion, such assignment can be made without harm to the service, and while in said employment they shall receive furlough pay from the Government and such other compensation from the contractors as may be agreed upon: *Provided*, That they shall be required to perform only such duties as pertain to the service.

Clause 10. That said vessels shall carry as cadets one American boy under 21 years of age for each 2,000 tons gross register, who shall be taught the duties of the service as seamen, rank as petty officers, and receive reasonable remuneration.

Clause 11. That said vessels may be taken and used by the Government as cruisers, scouts, or transports at any time, on payment to the owners of their fair actual value at the time of the taking, either for service by the voyage, by the month or year, or may be purchased outright, and if there shall be a disagreement as to the value, then the same shall be settled by two appraisers, one appointed by each party, they selecting the third, who shall act in case the two disagree.

Clause 12. That all vessels not of the United States coming with passengers from a country to which said vessels do not belong shall pay to the collector of the port an immigrant tax of $20 for each and every passenger brought from such country who shall be landed with his or her effects.

PART 4.—GENERAL PROVISIONS.

SEC. 14. That marine underwriters or insurance companies belonging abroad, in person or through agencies in the ports of the United States, may issue policies in conformity with State regulations, on shipments of goods, wares, and merchandise to be exported, but any discrimination made by them or their agents in the clauses of policies, in the premium rates, or effected through inspection of hulls or otherwise, which shall tend to favor the employment of foreign vessels or tend to disfavor the engagement of vessels of the United States, shall be deemed a misdemeanor punishable by a fine as a penalty in a district court of the United States. Said fine for the first offense shall not exceed $5,000 nor be less than $3,000; for a second offense said fine shall be not less than $10,000, and for the third offense and each one afterwards said fine shall be not less than $15,000 nor more than $25,000, and suits shall be prosecuted by the attorney of the court aforesaid for each and every violation of this section that may be brought to his notice. In any such suit it shall be no defense that the orders or directions of any person or the rules and regulations of any association of underwriters, shipowners, merchants, marine surveyors, or their agents, not citizens of the United States, or that the inspection or classification of any vessel by any person, society, or authority whatsoever, can be claimed to justify the discrimination that may have been the subject of complaint. A refusal to insure goods, wares, and merchandise under this act, to be carried by American vessels, shall forfeit the privilege of doing business in American ports or make the parties fineable as above, to be decided by the court.

SEC. 15. That in a time of peace it shall not be lawful for any officer of the Government to receive tenders of service to be performed by vessels not of the United States, and in all contracts for the performance of public work it must be provided that transportation shall be performed by vessels of the United States. And the transportation of passengers, mails, goods, wares, and merchandise between the United States, its Territories, and possessions, and the ports and places of the Panama Canal Zone is hereby declared to be reserved for vessels of the United States under the coastwise laws.

SEC. 16. That in a time of war it shall not be lawful for vessels not of the United States to import or land anywhere in the United States, its Territories, or possessions, any goods, wares, or merchandise the growth, production, or manufacture of a country not at peace with the United States. And all goods, wares, and merchandise imported by a vessel, not of the United States, admitted to storage in bonded warehouse, is hereby limited to a period of ten days, within which time the lawful duties and charges must be paid, whether entered for consumption or reexportation. In cases where minimum or reciprocity duties are imposed by law on goods, wares, and merchandise imported, there shall be levied, collected, and paid full rates of duty, notwithstanding any convention, if the same shall have been brought in by a vessel not of the United States or not of the reciprocating country from which such goods, wares, or merchandise were exported, or if the same, not being the growth, production, or manufacture of a country contiguous to the United States, shall have been brought across the line from such country.

SEC. 17. That on and after the passage of this act it shall be lawful for the space of thirty months, but no longer, for any bona fide citizen, citizens, or domestic corporation engaged in, or intending immediately to engage in, the carriage of merchandise, mails, or passengers in the foreign trade of the United States, to import and enter at the customhouse, for his or their own use and that of no other person or persons in said trade, and not to be held for sale or sold to others, and not to be employed in the domestic trade more than two months in the year, any vessel or vessels suitable therefor, of size not less than 2,000 tons gross, and of age not more than 5 years, and have the same duly registered as a vessel of the United States, but upon the following conditions, nevertheless, to wit: That all vessels imported in the first six months of the term of thirty months, as aforesaid, shall pay a duty of $4 per gross ton; those imported in the second six months shall pay a duty of $5 per gross ton; those imported in the third six months shall pay a duty of $6 per gross ton; those imported in the fourth six months shall pay a duty of $7 per gross ton; those imported in the fifth six months shall pay a duty of $8 per gross ton measurement. The Treasury Department may allow credit on duties for imported tonnage to the extent of six and twelve months' time on secured notes of owners, with interest at 2 per cent per annum. And it shall be unlawful, upon penalty as for a misdemeanor, punishable by fine of not exceeding $1,000 in a district court of the United States, for the master, owner, or agent of any foreign-built freighting vessel or yacht not duly registered, enrolled, or licensed to fly the flag of the Union from or abaft of the aftermost mast, spar, or pole, except as a sign of distress.

SEC. 18. That the making or offering to make exclusive contracts for the carriage of exports of goods, wares, or merchandise to foreign countries, conditioned partly on the future shipment of same by no other line or vessel, and the payment of rebates of freightage in consideration thereof, is hereby declared a misdemeanor punishable by fine in a district court of the United States of not less than $1,000 nor more than $5,000 on each conviction of the owner, agent, or master of any such offending line or vessel, and the vessel or vessels of such owner, agent, or master so convicted shall not thereafter be permitted to load cargo in the United States, if under foreign registry. Where it may become suspected by or known to the collector of any port that such contracts are in force and that rebates of freightage are offered, promised, or paid in an endeavor to engross the carriage of export goods, wares, or merchandise, he shall forthwith place the facts before the district attorney, who shall bring suit to break up the practice. And for the prevention of frauds under this act in direct voyaging, foreign vessels not built in the country of registry shall undego a probation of three years before being adjudged by the collector as belonging in good faith to the country of registration, unless built in the United States.

SEC. 19. That after the passage of this act it shall not be lawful for any officer of the Government to issue a register, enrollment, or license for any vessel built abroad except such as have been captured in war and condemned as prizes; such as have been forfeited for a violation of the laws and bought at public sale, or may have belonged to a country that has come under the Government of the United States or been admitted by an act of Congress.

SEC. 20. That the regular duties of tonnage, computed on the gross admeasurement, and the usual passenger tax shall be paid alike by American and foreign vessels on each and every arrival, in foreign trade, when entry of vessel is made. Immigrant tax shall be paid when permit is given for the landing of passengers from vessels not of the United States, brought from countries to which said vessels do not belong. All additional tonnage duties and the light and race tax shall be paid before lading permit is issued, but if loading be delayed, then, at latest, at the end of two months from date of entrance. American vessels carrying crews of which one-eighth the number are citizens, or owe allegiance to the United States, shall have rebate of tonnage tax to the extent of 20 per cent; if one-fourth of the crew be citizens, the rebate shall be 30 per cent; if three-eighths of the crew be citizens, the rebate shall be 40 per cent; if one-half of the crew be citizens, the rebate shall be 50 per cent; if five-eighths of the crew be citizens, the rebate shall be 75 per cent, and if three-fourths of the crew be citizens, the rebate shall be 100 per cent. The United States shipping commissioner shall ascertain and certify to the collector the proportion of citizens in each crew where rebate of tax may be demanded. Regular apprentices as seamen or engineers, if citizens, shall count as men in computing rebate of tax. In trade to and from tropical countries, where it may not be practicable to find any but natives of such regions to man American vessels, permits may be issued, on applications under oath of the owner or agent, by the Secretary of Commerce and Labor for one year, or while necessary, to carry a crew such as it may be practicable to engage in any given place. In all cases where vessels may be fined for infractions of law, in accordance with the statutes, it shall be unlawful for the Secretary of any Department to remit any portion thereof without an order of court duly recorded; and it shall also be unlawful for the Commissioner of Navigation to order refunds of tonnage taxes that have been paid to a collector without a trial and judgment of the case.

SEC. 21. That sections 11, 13, 14, 15, 17, 18, 19, and 21 of this act shall take effect upon its passage, and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 16, and 20 in one year and thirty days thereafter; and all acts or provisions of law in conflict herewith are hereby repealed; also any and all articles or clauses in existing maritime reciprocity conventions or treaties, whose time fixed has expired, that are in contravention herewith, are hereby annulled and abrogated, in conformity with the stipulations and equities of said agreements and the rights of the United States. And the formal notice of the Congress of the United States is hereby given all countries concerned that in one year from the approval of this act by the President all convention or treaty stipulations for the suspension of commerce regulations under the aforesaid agreements, so far as they are terminable, are receded from on the part of the United States, and all enactments therefor are by this act repealed. An agreement as above not yet terminable may be observed until its term expires, but not longer.

In addition to what has already been put in the RECORD, I desire, Mr. Chairman, to have printed as part of my remarks a very able article regarding the shipping industry in the United States by Hon. W. W. Bates, former United States Commissioner of Navigation, and president of the Shipping Society of America.

THE JUSTICE OF THE DEMAND FOR PROPER SHIP PROTECTION—CONGRESS WRONG IN CONTINUING THE PRESENT UNPROTECTIVE POLICY—OF BENEFIT TO A FEW FOREIGN NATIONS, BUT RUINOUS TO OURSELVES.

By William W. Bates, ex-United States Commissioner of Navigation; author of American Marine and American Navigation, and president of the Shipping Society of America.

By the adoption of the Constitution the United States of America became a nation. One of the principal objects of this evolution was the development of the shipping trade and the maintenance of a merchant marine for the carriage of American commerce. The several States enjoyed political independence, but that would be greatly increased in consequence by taking on national life. Under wise government commercial independence would follow and prosperity be planted on firm and fertile ground. Unless this movement were made shipbuilding, navigation, and commerce would remain mostly in foreign hands, our political independence be insecure, and our people become a prey to the spoilers of shipless States, the foremost of these our "mother country." In point of fact, the shipping question pioneered the way for all that were solved, first, by the Revolution, then by the Constitutional Convention. Moreover, the earliest renown of our Republic in civil affairs was won by our merchant marine, appreciated and encouraged, as it was, to extend our commerce throughout the world.

OUR COMMERCIAL RIGHTS.

The British would gladly have saved us the trouble of exercising our rights of navigation and of developing commercial power. Their course was shaped to that end long before the Revolution, as ever since. Jefferson's Summary View of the Rights of America, written for the enlightenment of Congress in 1774, sets out the "encroachments and usurpations attempted by the legislature of one part of the Empire upon those rights which God and the laws have given equally and independently to all." The following citation will show not only the tyranny of the British Government, but the esteem for commerce and navigation cherished by the early mentors of our country:

"Some of the colonies having thought proper to continue the administration of their government in the name and under the authority of His Majesty King Charles I, * * * the Parliament for the Commonwealth took the same in high offense, and assumed upon themselves the power of prohibiting their trade with all other parts of the world except the island of Great Britain. This arbitrary act, however, they soon recalled, and by solemn treaty, entered on the 12th day of March, 1651, between the said Commonwealth, by the commissioners, and the colony of Virginia, by their house of burgesses, it was expressly stipulated by the eighth article of the said treaty that they should have 'free trade as the people of England do enjoy to all places and with all nations, according to the laws of that Commonwealth.' But that upon the restoration of His Majesty King Charles II their rights of free commerce fell once more a victim to arbitrary power, and by several acts of his reign, as well as some of his successors, the trade of the colonies was laid under such restrictions as show what hopes they might form from the justice of a British Parliament were its uncontrolled power admitted over these States. * * * Besides the duties they imposed on our articles of export and import, they prohibit our going to any markets northward of Cape Finisterre, in the Kingdom of Spain, for the sale of commodities which Great Britain will not take from us and for the purchase of others with which she can not supply us, and that for no other than the arbitrary purposes of purchasing for themselves, by a sacrifice of our rights and interests, certain privileges in their commerce with an allied state, who, in confidence that their exclusive trade with America will be continued, * * * have raised their commodities called for in America to the double and treble of what they sold for before such exclusive privileges were given them, * * * and at the same time give us much less for what we could carry thither than might be had at more convenient ports. That these acts prohibit us from carrying in quest of other purchasers the surplus of our tobaccos remaining after the consumption of Great Britain is supplied, so that we must leave them with the British merchant for whatever he will please to allow us, to be by him reshipped to foreign markets, where he will reap the benefits of making sale of them for full value. * * *

"By an act passed in the fifth year of the reign of his late Majesty King George II an American subject is forbidden to make a hat for himself of the fur which he has taken perhaps on his own soil.

"* * * By another act * * * of the same reign the iron which we make we are forbidden to manufacture, and heavy as that article is and necessary in every branch of industry, besides commission and insurance, we are to pay freight for it to Great Britain and freight for it back again for the purpose of supporting, not men, but machines in the island of Great Britain."

It was imagined by the British that the essential and primitive rights of the colonists could be extinguished by preventing their exercise. Hobbes says: "Right is laid aside either by simply renouncing it or by transfering it to another. By simply renouncing, when he cares not to whom the benefit thereof redoundeth. By transferring, when he intendeth the benefits thereof to some certain person or persons." Vattel says: "The rights of navigation, fishing, and others that may be exercised on the sea belonging to the right of mere ability are imprescriptible."

Deeply impressed with the sacredness and value of every right conferred by the Creator, the American people came out of the Revolution determined that no nation should thereafter interpose to benefit from grasping them. On the other hand, the British Government to win its unholy contest by unjust regulations, diplomacy, or warfare on occasion.

AN UNJUST ROYAL PROCLAMATION.

Under British law only British vessels could import merchandise from Asia, Africa, or America, or carry between the colonies. Some relaxation must be made or American vessels of the new flag could not trade with the "mother country," and, consequently, British vessels would have no right in American commerce. Our Government wanted a commercial treaty, but this was refused. A royal proclamation was issued annually, the home ports declared open, but those in the provinces and the West Indies closed—to vessels of the Stars and Stripes. A quintal of fish could not be landed from a boat. All intercourse must be British. Our country had no difficulty in getting desirable treaties with France, Holland, Sweden, and other countries, not only for commerce to home, but colonial ports. The peculiar course of Great Britain caused general study of our natural and international rights as a maritime nation, and determined the people more than ever to contend for their exercise. Only fair and equitable commerce was sought. We had no ambition to rival England in attempting a monopoly of navigation. We could do our own, and no nation should engross it.

The effect of the proclamation was to unite the States anew in the sentiment that American shipping rights must be specially protected against foreign encroachment. The subject was taken up in the Confederate Congress, and Mr. Jefferson headed a committee that reported in favor of asking the States for authority to enact such laws as would meet the policy of England. Full authority not being given to the General Government, each State for itself made such regulations of trade as seemed best, and we soon had a dozen systems of ship protection, necessarily in conflict, except in foreign trade. The need of a general system of navigation law soon became evident; among the motives for reforming the Government none were stronger than that of securing the full exercise of every right on the sea as on the land.

THE CARRYING TRADE AN ESSENTIAL PART OF COMMERCE.

Our statesmen advanced no pretensions unfounded in reason and justice. They claimed that the carrying trade was an essential part of commerce—transportation going with trade. By prior right it belongs to the party originating the traffic, but the other has secondary right. No parties have rights of carriage where they have no interest in the cargo. American vessels have the right to carry American products to any country whose ports are open to their importation. In domestic commerce the carrying belongs to the vessels of American ownership. Where two nations have intercourse it belongs to their vessels and no others to do the transportation—"half and half"—others can not claim a just right of interposition. If one country has not the vessels, and the other has, then the whole carriage between them belongs to that one of necessity, and can not be justly claimed by any other. Rights of carriage are not obtainable by underbidding in rates of freight. That principle would justify a monopoly of navigation—a circumstance opposed to the rights and interests of mankind. However, a privilege may be granted the vessels of a country not concerned in the trading between others to carry the cargoes exchanged, but it is historic that if possible the carrying country will abuse its privilege and intercept and gain the trade of one or both. The only preventive is refusal of privilege and shipping of a country's own. A dependence on foreign shipping militates against fair prices for exports and imports not only, but the payment of freight to ships of other countries causes or increases balances of commerce against a country. Alexander Hamilton said: "To preserve the balance of trade (commerce) in favor of a nation ought to be a leading aim of its policy."

Mr. Williamson, of North Carolina, said in 1790: "By permitting foreigners to carry our produce for us, in order to pay for the fine goods they furnish us, we have to raise more from the soil by one-third than if we carried it ourselves. With such views so general, it is no wonder protective regulations were enacted. Those in force at the time of making and adopting the Constitution may be thus set out:

NAVIGATION LAWS OF THE STATES.

New Hampshire, Massachusetts, Rhode Island, Connecticut: Extraordinary tonnage duties on all foreign vessels; in first two States. American vessels free.

New York: Double duties on goods by British vessels, whether brought directly or through other States.

New Jersey: Tonnage duties, no other charges.

Pennsylvania: Tonnage duties—on ships of "treaty nations," 5s. 8d. per ton; on those of other nations, 7s. 6d. per ton. Discriminating tariff duties; on Asiatic goods, foreign merchants to pay 2 per cent extra; citizens to have a rebate of 5 per cent; teas direct from China in American vessels free, but dutied if brought indirect or by foreign vessels.

Maryland: Tonnage duty on British vessels, $1 per ton; upon French or Dutch, 66 cents per ton. American vessels, free.

Delaware: Tonnage duties.

Virginia: Discriminating tonnage duties—on French or Dutch vessels, 50 cents per ton; on British vessels, $1 per ton; American vessels, free. Brandy by American or French vessels, free; rum by British ships, taxed.

North Carolina: Discrimination tonnage and tariff duties favoring American vessels.

South Carolina: Tonnage duty, 1s. 3d. per ton; 2 per cent ad valorem extra duty on goods in foreign bottoms.

Georgia: Tonnage duty, 1s. 8d. per ton on foreign vessels.

The discriminating duties of all the States, it was said in Congress, 1789, averaged nearly 60 cents per ton. A Virginia member said: "One dollar per ton on British vessels did not prevent their thronging the ports for cargoes." As British vessels came laden, the differential was too small for them. New York and Pennsylvania had the most effective systems, because of the differential on goods imported. Mr. Fitzsimons, of Pennsylvania, said in Congress, 1789, that "the British had established among us merchants, agents, and factors of their own, taking possession of our trade and furnishing vessels for its carriage. In some States the whole of their commerce was thus carried on." Necessarily, in 1787, it was up to the founders of the Federal Government to devise a method of protection, which, in due time, should Americanize both our trade and transportation. Manifestly the method adopted by the States would have to be taken over, revised, and made effective, or some better way discovered.

SHIP PROTECTION BY TRADE REGULATION.

In the plan of the Constitution reported to the convention by a committee appointed therefor, August 6, 1787, section 2 of Article VII—the second of "enumerated powers" to be granted to Congress—provided for the "regulation of commerce with foreign nations and between the States." This meant the taking over of the method of the States as to foreign nations, no other course appearing practicable. South Carolina and Georgia desiring for a time the continuance of African migration, their Delegates urged that without this stipulation their States would not adopt the Constitution. The convention was unprepared to adopt the idea, and the matter was referred to a special committee of eleven. General Pinckney contending for the passage of "navigation laws" by a two-thirds vote of each House only—this, too, was referred to the same committee, Livingston, of New York, chairman. He reported in favor of African migration until A. D. 1800. In the convention the figure was made 1808. When the report was again taken up Mr. Pinckney moved to postpone it in favor of his proposition—a two-thirds vote on navigation bills. A debate ensued. Mr. Pinckney did not carry his State. Only four States voted to postpone, whereupon the report which favored a majority vote was agreed to nem. con.—none dissenting.

EXTRACTS FROM THE DEBATE.

General Pinckney conceived: "It was the true interest of the Southern States to have no regulation of commerce, and that the power of regulating commerce was a pure concession on their part," but withal he thought it proper that "no fetters should be imposed on the power of making regulations."

Mr. Clymer, of Pennsylvania, declared: "The Northern and Middle States will be ruined if not enabled to defend themselves against foreign regulations."

Mr. Sherman, of Connecticut, observed that "to require more than a majority to decide a question was always embarrassing, as had been experienced in certain cases in Congress."

Mr. Gouverneur Morris, of Pennsylvania, thought the object of the motion "highly injurious." "Preferences to American ships will multiply them till they can carry the southern produce cheaper than it is now carried. A marine was essential to security, particularly of the Southern States, and can only be had by a navigation act encouraging American bottoms and seamen."

Mr. Williamson, of North Carolina, favored making two-thirds instead of a majority requisite, "as more satisfactory to the southern people."

Mr. Spaight, of Virginia, contended that "the Southern States could at any time save themselves from oppression by building ships for their own use."

Mr. Butler, of South Carolina, for good reasons, "would vote against the two-thirds proposition."

Colonel Mason, of Virginia, thought, as the Southern States were in

the minority of interest, "it would be fair to guard against hasty regulations."

Mr. Wilson, of Pennsylvania, remarked: "If every peculiar interest was to be secured, unanimity ought to be required. The majority would be no more governed by interest than the minority."

THE STATESMANSHIP OF VIRGINIA.

Mr. Madison, of Virginia, went into a pretty full exposition of the subject: "The disadvantage of the Southern States from a navigation act lay chiefly in a temporary rise of freight, attended, however, with an increase of southern as well as northern shipping; with the emigration of northern seamen and merchants to the Southern States, and with a removal of the existing injurious retaliations among the States on each other. The power of foreign nations to obstruct our retaliatory measures on them by a corrupt influence would also be less if a majority should be made competent than if two-thirds of each House should be required. * * * An abuse of the power would be qualified with all these good effects. But he thought an abuse was rendered improbable by the provision of two branches, by the independence of the Senate, by the negative of the President, by the interest of Connecticut and New Jersey, which were agricultural, not commercial States; by the interior interest, which was also agricultural in the most commercial States; by the accession of Western States, which would be altogether agricultural. He added that the Southern States would derive an essential advantage in the general security afforded by the increase of our maritime strength. He stated the vulnerable situation of them all, and of Virginia in particular. The increase of the coasting trade and of seamen would be favorable to the Southern States by increasing the consumption of their produce. If the Eastern States should in a still greater proportion be augmented, that wealth would contribute the more to the public wants and be otherwise a national benefit."

Mr. Rutledge, of South Carolina, opposed the motion of his colleague: "It did not follow from a grant of the power to regulate trade that it would be abused. At the worst, a navigation act could bear hard a little while only on the Southern States. As we are laying the foundation for a great empire, we ought to take a permanent view of the subject, and not look at the present moment only. He reminded the House of the necessity of securing the West India trade to this country. That was the great object, and a navigation act was necessary for obtaining it."

Mr. Randolph, of Virginia, favored the two-thirds proposition, but would not enter into the merits.

THE ULTIMATUM OF NEW ENGLAND.

Mr. Gorham, of Massachusetts, chairman of the committee of the whole, closed the debate as follows:

"If the Government is to be so fettered as to be unable to relieve the Eastern States, what motive can they have to join it, and thereby tie their own hands from measures which they could otherwise take for themselves? The Eastern States were not led to strengthen the Union by fear for their own safety. He deprecated the consequences of disunion, but if it should take place, it was the southern part of the continent that had the most reason to dread them. He urged the improbability of a combination against the interest of the Southern States, the different situations of the Northern and Middle States being a security against it. It was, moreover, certain that foreign ships would never be altogether excluded, especially those of nations in treaty with us."

THE COMPACT OF NAVIGATION LAWS.

The foregoing debate has not been a matter of common knowledge. The proceedings of the Convention were kept secret for nearly fifty years. Very few libraries contain Madison's private record, first published in 1837. But now that our Government pretends to think itself "so fettered" that it can not "relieve" any of our shipping States according to compact, it is high time that the American people understand the meaning in the Constitution of clause 3 of section 8, granting power to Congress in these words: "The Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." This power, as we have seen, was granted with unanimous assent, and was specifically intended to enable Congress to develop and maintain an American marine, by means of "navigation laws." Having arranged this grant, the States were divested of power to continue laying duties of tonnage or of tariff for the same purpose. (See sec. 10 of Art. I.) Thus was the protection of shipping given up by the States and taken over by the Federal Government—the whole matter arranged by the Convention—action which was afterwards ratified by the States and the people through the adoption of the Constitution. By this adoption the States were relieved of their natural duty to protect, and the United States, in virtue of the compact of union, promised and undertook the stipulated duty.

History tells us that Congress acknowledged the compact above described; exercised for a time the power confided to their trust; yea, are exercising part of this power to-day, and that the States have never interfered with this bounden duty. There can be no mistaking the nature of this compact and trust, so vital to the rights and interests of the maritime States. The Federal Constitution itself, in its entirety, has been styled "a compact between the States by which it was ratified." The Confederation which the Union supplanted was an undoubted compact. Under the Constitution, without consent of Congress, no State can enter into compact with another State or foreign power. In fact, each grant of power is at once a compact, a trust, and a promise to be relied upon while the Republic lasts. A present-day critic may question the agreement that all the States, regardless of population, shall have two Senators, yet this proposition was found to be basic—there could be no Union without it. In days gone by, a dreadful war, for the Union on one side and disunion on the other, almost rent the country in twain, because the compact provided for the toleration of African servitude while it should exist in any of the States, yet there could have been no Union without this toleration, and slavery was only abolished as an act of warfare. We have nowadays a clamor for ship protection by means of gratuities of the Government, yet it is clear from an exposition of the case, that there could have been no Union of the original States without a compact for the protection of shipping by "navigation laws"—the fitting regulation of commerce by discriminating duties and prohibitions. The idea of gratuities could not have been entertained.

CONGRESSIONAL BREACH OF COMPACT.

All went well with the American marine while the regulations for its encouragement were carried out in good faith—until a faithless change of policy, from protection to unprotection, was made, 1828, the object being to conciliate Great Britain and induce her to open her West Indian ports, closed to our vessels in 1783. Great Britain always resented our ship protection. She had the best in the world for herself, but it was her conceit that no other nation had any business on the ocean. It was a serious mistake to suppose that any policy whatever would induce her Parliament and people to change their course of imposition with respect to "foreign" shipping. Our sacrifice was in vain—nevertheless Congress continues it.

THE "RECIPROCITY" ACT OF 1815.

In his message of December, 1821, President Monroe sketched the object of the act of 1815, permitting "reciprocity" in direct trade, being the basis for the British convention of that year. Even this first step, so far as it withdrew protection, conflicted with the compact of union. Said President Monroe:

"By an act of the 3d of March, 1815, * * * a proposition was made to all nations to place our commerce with each on a basis which, it was presumed, would be acceptable to all. Every nation was allowed to bring its manufactures and productions into our ports and to take the manufactures and productions of the United States back to their ports, in their own vessels, on the same conditions that they might be transported in vessels of the United States; and in return it was required that a like accommodation should be granted to the vessels of the United States in the ports of other powers. The articles to be admitted or prohibited on either side formed no part of the proposed arrangement. * * *

"When the nature of the commerce between the United States and every other country was taken into view, it was thought that this proposition would be considered fair and even liberal by every power. * * * By placing, then, the navigation precisely on the same ground as the transportation of exports and imports between the United States and other countries it was presumed that all was offered which could be desired. It seemed to be the only proposition which could be devised which would retain even the semblance of equality in our favor."

This act applied to direct trade only. British vessels could not bring goods from France or other foreign countries. As a vital protection, it left the indirect trade closed to foreign shipping. It was devised to appease England, and but for her insistence would not have had existence. It was hurtful in removing discriminating duties—the inducement for foreign merchants to freight our vessels homeward.

INDIRECT RECIPROCITY UNDESIRABLE.

In 1822 Norway, then having direct "reciprocity," opened her ports to our vessels from whatever place arriving and with whatever articles laden, and requested reciprocation. President Monroe referred the matter to Congress. This would have been a reversion of policy incompatible with the constitutional compact, and had been rejected for inadmissibility in 1815. President Monroe said:

"I have presented thus fully to your view our commercial relations with other powers, that seeing them in detail with each power and knowing the basis on which they rest, Congress may, in its wisdom, decide whether any change ought to be made, and if any, in what respect. If this basis is unjust or unreasonable, surely it ought to be abandoned; but if it be just and reasonable and any change in it will make concessions subversive of equality and tending in its consequences to sap the foundations of our prosperity, then the reasons are equally strong for adhering to the ground already taken [a] and supporting it by such further regulations as may appear to be proper should any additional support be found necessary."

In its wisdom, Congress did not touch the subject of indirect reciprocity, but held Monroe's view—until Adams came into office.

THE RUINOUS RECIPROCITY ACT OF 1828.

This act grew out of an act of Parliament in this way: The idea of the Norwegian proposition was adopted by England in 1825, when a law provided, if the United States would admit to her ports the vessels of Great Britain with cargoes from any country, on the same footing as American vessels—no protection by discriminating duties on either side—then Great Britain would open her West Indian ports to American vessels with American produce. Congress would not accept a proposition so unfair. John Quincy Adams's predecessors would have disapproved a fair proposition for indirect reciprocity, but he unreasonably concluded that if Congress made a return proposition entirely fair it would be accepted and the long controversy would be ended. The act was passed, but England paid no attention to it for twenty-one years. In 1830 the West India ports were opened on other grounds, a special act being passed. Various nations took early advantage of our new policy, which was calculated to help their shipping and hurt our own, as statistics show.

In 1849 England made such changes in her laws as permitted reciprocation on the basis of our act, and in four years' time we lost of our import carriage 10 per cent and in twelve years over 21 per cent. With eighteen other countries benefiting from Adams's policy, we had by 1850 lost 13 per cent of import carriage and of export carriage about 9 per cent. Under this policy, down to the civil war, we lost carriage as shown by this comparison: 1827, import carriage, 94.3; export carriage, 87.5; 1861, import carriage, 60; export carriage, 72.1.

At this rate of decline we would have been where we are now had the war never come; it destroyed 38 per cent of our carriage; and nothing has been done by Congress toward its restoration. On the contrary, the policy responsible for the extinction of our shipping trade has been maintained as a sacred thing, no more to be disturbed than the foundations of religious belief. This policy, instituted to placate Great Britain, seems to be maintained in a spirit of abject submission, though there never was a treaty for it in remembrance of "auld lang syne." The British carry about 60 per cent of our foreign trade. Over 55 per cent of what they import for us is brought from countries not their own.

Thus the contention of two hundred and fifty years for the carriage of our commerce has been well repaid. We stand defeated and disgraced and appear to feel contented. We have only to repeal our act of 1828 and terminate the conventions under it, now time-expired and equities preterlapsed, to regain our former position as to all foreign shipping. But after forty years of delay there is nothing to show that, if our last ton of shipping in foreign trade was at the bottom of the ocean, Congress would do a thing in the way of protection to cause its replacement—nothing but to reject impracticable propositions for ship subvention, subsidy, or bounty.

THE ONLY LOGICAL AND EFFECTUAL REMEDY.

The policy of unprotected transportation was experimental. It was not intended by Congress to sacrifice our marine or to lessen our car-

[a] This reference is to the act of 1819, repealing that of 1815, with a view to dropping the reciprocity policy in 1824 and having no more of it with any nation.

riage, though it was felt that chances were being taken. It was even contended that "free trade" would secure a larger share of proportionate carriage, but if the policy proved detrimental our conventions could be terminated and we could return to protection by giving a year's notice after ten years of trial.

Some European nations under the stress of unprotection having instituted bounty and subsidy systems (contrary to the equities of our conventions), it is proposed to follow their example and make the taxpayers of the United States put up money for the support of our marine. The warrant for this course is not found in the Constitution, and foreign examples can not be recognized as competent authority. It is illogical, being no way related to the cause of our difficulty, which is the suspension of our protective navigation laws, solemnly agreed upon and provided under the Constitution, of which said suspension was a perfidious breach. Our shipowners or others desirous of becoming shipowners, nor any of our maritime States, have any ground to stand on in demanding of the Government and the people that gratuities of any kind be paid for the support of a merchant marine. The shipping trade is but one of a thousand of the employments of our people, not one of them having any right whatever to call upon the Treasury for money wherewith to exist. The protection to industries provided in the Constitution is seated in the regulation of foreign commerce and nowhere else. It is not even in the power to lay duties for revenue. That is one thing, but the regulation of commerce is distinctly another thing, involving the exercise of a different power.

THE CONSTITUTIONAL DEMAND.

But the maritime States and the people in interest have a ground of demand on the Government, absolutely solid, for protection to shipping. This is the compact for a performance of its accepted duty; the honoring of its special engagement—the execution of the covenant for navigation laws. This and this only can be demanded. This and this only is logical or will prove effectual. Henceforth it will be insisted on and urged as just and expedient. Say nothing of the national interest, the shipping trade, as a very important industry, has a right to bread. Congress does a deep injustice to offer a stone. Unregulated commerce, with any amount of subsidy, subvention, or bounty, is no equivalent whatever for conditions prior to 1828. Those conditions were not only economical but political. Our ports were closed to foreign indirect traffic. Foreign vessels had no more show then for indirect trade in competition with ours than they have now in our domestic trade. Against foreign indirect trade we had protection by prohibition. All subsidy and bounty bills look to keeping this trade open and giving it no protection at all. The donation policy only squints at protection.

There are conditions that beat money—such were those changed in 1828. Those conditions are essential factors in running American vessels. They must be restored or there will never be an American marine adequate for American commerce; but in the interest and for the benefit of foreign nations we shall be forever a dependent on the ocean, virtually in subjection to the shipping powers, who will grow, strengthen, and fatten on the profits of our great and increasing commerce. The shipping society of America, exercising what influence it may have, has but one demand to make, and that, as in duty bound, it will ever urge the observance by Congress of the Constitution in this important matter of ship protection. If Congress will not act its part it should at least acknowledge failure and offer to resign its authority and set the maritime States at liberty to make regulations once more for themselves.

I also desire to print, Mr. Chairman, in this connection an interview published in the Philadelphia North American a year or so ago which speaks for itself, and proves that I have not changed my opinion regarding the proper kind of legislation to restore the American merchant marine to its former prestige:

Representative WILLIAM SULZER, of New York, was seen last night at the Stratford-Bellevue Hotel talking to some old friends of this city.

"I just dropped in on my way home from Washington," said Mr. SULZER, "to see a few of my old friends in Philadelphia, especially that genial poet, Larry McCormick, who keeps the best hotel in the world."

"I haven't a word to say about politics—wait until the fight begins."

"Yes," continued Mr. SULZER, "I expect the next Congress to be a busy one, and I hope it will meet the expectations of the people and pass some of the bills the people favor. I want to see the next Congress do something for our merchant marine. It is a very important subject, and has been neglected too long. We must do something quickly to regain our oversea carrying trade.

"You remember," continued Mr. SULZER, "that at the beginning of the first session of the last (the Fifty-eighth) Congress a joint committee was appointed to investigate the cause of the decline of our merchant marine, and instructed to recommend to the next session legislation to restore our former glory in oversea carrying trade. I voted for the resolution to appoint that committee, and when I did so I indulged the hope that the bright day was not far distant when something more than empty words and hollow promises would be done for the shipping interests of the United States.

"At last I thought that now something is going to be done in a businesslike way for our merchant marine. That joint committee met, organized, and held sessions in all the large cities of the country during the summer and fall of 1904. The committee called many witnesses and took a great deal of testimony, which testimony was filed at the beginning of the last session of the Fifty-eighth Congress with the Committee on Merchant Marine and Fisheries. The committee made an elaborate report, but the most luminous mind in the country can not comprehend what it means or recommends. And the bill that was reported with it was a trust bill—a bill that can not be passed, a subsidy bill—to rob the many for the benefit of the few. The whole thing was a farce, and nothing was done for our merchant marine. The time for final adjournment arrived, and legislation for our merchant marine—to place the American flag again where it was before the civil war, on every sea and in every port—was suspended, like Mohammed's coffin, somewhere between heaven and earth.

"I think it is pretty well understood by the country that I am a friend of the great shipping interests of the United States, and have done all in my power since I have been a Member of Congress to aid in a practical way the immediate restoration of our merchant marine. I have introduced several bills in different Congresses, and had a bill pending in the last House of Representatives that, if it were enacted into law, would solve the problem and give our own people our oversea carrying trade. This bill of mine is in line with the promises of the Republican party's platform in favor of discriminating duties. I am opposed to subsidies. I am opposed to robbing the many for the benefit of the few. I stand now and have always stood on this question just where President McKinley stood when he said:

"'We must encourage our merchant marine. We must have more ships. They must be manned by and owned by Americans. The policy of discriminating duties in favor of our shipping which prevailed in the early years of our history should be again promptly adopted by the Congress and vigorously supported until our prestige and supremacy on the seas are fully attained.'

"I have given much study to this subject," continued the Congressman, "and in my opinion a subsidy bill can not pass Congress. It has been tried over and over again, and has always failed. Such a bill, I say, can never pass Congress. I know a bill along the lines of discriminating duties can. It is our old and true policy and the only feasible remedy.

"It is a fact, and we all know it, that the United States in 1810, with 7,000,000 inhabitants, owned more registered tonnage for over-sea carrying trade than the United States of 1905, with a population of 80,000,000. In 1810 we had 981,000 tonnage. It is now 873,000, and worse still, the record showed an actual decrease of 6,000 tons last year. In 1810 American ships, manned by American sailors, carried 91.5 per cent of their country's ocean trade, and, moreover, a great share of that of Europe.

"In 1861, though we had already lost our Atlantic steam lines and our shipbuilding was falling off, we still carried 65.2 per cent of our own trade and some of the trade of other nations; but American ships last year conveyed only 8.8 per cent of our own imports and exports. Our registered tonnage in 1861 stood 2,496,000. It stands now at 873,000. More than two-thirds of our once great and powerful deep-sea fleet has vanished, and not one new keel for an ocean ship is being laid on either our Atlantic or Pacific coast line; and, meanwhile, an ever-increasing fleet of foreign vessels throngs our ports and monopolizes the carrying of more than nine-tenths of our import and export commerce. It is a disgrace to the legislative branch of the Government. It is a sad commentary on our wisdom and sagacity.

"The United States pays to these foreign vessels for conveying our freights and pasengers over $200,000,000 a year. Much of this vast sum of money goes to steamers which are regularly enrolled on the 'merchant cruiser' list of European Governments, manned by their naval-reserve officers and sailors, and are available for active service against us in case of war.

"The British Empire has 14,800,000 tons of merchant shipping; Germany, 2,960,000 tons; France, 1,480,000 tons; Norway, 1,260,000 tons; Italy, 1,180,000 tons. By far the larger part of all these fleets is engaged in ocean-carrying trade; but the United States of America, which produces far more merchandise and now sends more abroad than any other nation, has a fleet registered for deep-sea commerce of only 873,000 tons. What a deplorable spectable.

"That is the situation at present. The Republican party is much to blame for the present condition of the American merchant marine. It is charged with the responsibility. It has a united and solid majority in Congress. What has it done for this vast interest? But there should be no politics in this matter. It should rise above the clash of party, for it demands the best patriotic effort and thought of the country. We are spending millions every year to build up a large navy, but the recent war between Russia and Japan clearly proves that a big navy is of little consequence without a splendid merchant marine, from which the navy can be equipped and to act as an auxiliary fleet.

"I shall reintroduce my bill on the first day of the next Congress and do all in my power to pass it. If I can get some help from the Republicans, it will pass and become a law; and if it does, the problem will be solved and our merchant marine will be restored and American ships flying the American flag, manned by American sailors, will again be seen on every sea and in every port throughout the world."

Mr. Chairman, I also desire to print in the RECORD, as a part of my remarks, some data in connection with this matter, and referring particularly to the Shipping Society of America.

THE SHIPPING SOCIETY OF AMERICA—CAUSE OF ITS FORMATION AND ACTIVITY, ITS OBJECTS, PRINCIPLES AND ORGANIZATION.

To the people of the United States:

The undersigned promoters, citizens of different States, desirous of securing our rights on the ocean, beg leave to address the public on the subject or our ocean-carrying trade, and to call the attention of Congress to certain facts that should be considered in relation thereto.

First. That this trade, essential to our commercial prosperity and national advancement, has been ruined by the present disadvantageous policy of "maritime reciprocity," and that under it, considering the experience of the past forty years, there is no probability that it will ever recover the ground once held under the fostering policy instituted in 1789, nor unless our Government returns to that policy, which was suspended in 1828, and conventions made since with foreign nations, whereby their shipping has flourished while ours has perished.

Second. That it is undisputed that in the constitutional convention it was declared and acknowledged that an essential condition of the Union then to be formed was the empowering of Congress to regulate our foreign commerce so that we might maintain an American marine. Failing this stipulation, the Constitution would lack advantage to the shipping States and would therefore be rejected. It was then and there agreed that "navigation laws" for the protection of shipping should be enacted by the Federal Government in lieu of those existing in most of the States, which would necessarily be made void. This agreement became a compact between the several States and the United States, which Congress has no right to nullify or set aside in the interest of foreign nations, and which good faith requires shall ever be honestly observed. Thus it was our shipping policy was settled by the Constitution not to be defenseless, but protective in character.

Third. Notwithstanding the express covenant of the convention, ratified and stipulated in clause 3 of section 8 of Article I of the Constitution, concerning the regulation of foreign commerce, in 1815 the Government usurped authority and set aside, conditionally, the laws which, in the case of direct navigation, had governed as to all nations until then; and, in 1828, did also set aside, conditionally, the laws which in the case of indirect navigation were in force then, by suspending these laws through acts of Congress and by conventions, as demanded by foreign nations from time to time. That these changes of policy were erroneous—the last a fatal blunder—is amply proved by the ruin that has resulted to our ocean-carrying trade, it being indisputable that whereas our proportionate participation in our own commerce in 1829 was nearly 90 per cent, the figure of late has been below 9 per cent.

This consequence is not astonishing, but might have been logically expected from the greatly increased competition created by giving foreign vessels in our trade a footing the same precisely as our own, whether they brought goods from their own or other countries. Built up and defended by discriminative regulations, our marine has perished from their suspension. Manifestly it is unjust to the shipping interest and of continuous damage to the country to pursue a policy fraught with such results, and it must be reformed.

Fourth. Our Government had no warrant in law or equity for depriving the shipping States, or their people, of even the least particle of their rights under the Constitution; nor does the comity of nations call for it. Protective "navigation laws" were promised; the country needs that promise carried out; every honest citizen demands it, and a good Government offers no justification for shrinking from its duty in such a case. Substitute legislation, without warrant in the Constitution, is not performance of duty. Moreover, any measure tolerating continuance of the present policy, of equal rights to foreign vessels and no preference to our own, can not possibly be effectual, and should not be accepted by our shipping interest.

Fifth. When the late marine commission was appointed all the friends of shipping hoped that the time had come at last when, not "something," but the proper and unfailing law would shortly be enacted. But in this there has been disappointment. The bill recommended by the majority, instead of invoking the power to regulate our foreign commerce, is but a "subvention" scheme, in avoidance of the Constitution, proposed for the short period of "ten years."

The rights of our shipping have been ignored, the privileges of foreign shipping continued, and our shipowners, instead of being protected in their rights by navigation laws according to compact, have been made objects of liberality for a short time. Americans! it is not "bounty," but business, that is essential to the recovery of our carrying trade. Employment—freights are wanted. The work that is indispensable to survival can only be obtained by abating the excessive competition in the carrying trade which was created by the adoption of our present policy, and which attaches to it. Foreign shipping admitted to our trade must again be handicapped by regulations—extra duties—to the point where our own may be preferred. Just and fair discrimination at the custom-house will secure employment to our vessels with certainty, and there is no other principle available for a system of ship encouragement that can be relied upon continuously without violation of the Constitution. Under the compact of the Union, it is the bounden duty of Congress to apply this principle, but having just refused to do it, it is necessary and urgent for the friends of shipping to exert themselves in all proper ways to cause a change of disposition and the execution of duty.

Sixth. For the foregoing and other reasons the undersigned hereby mutually agree to and with each other to join in forming and constituting "The Shipping Society of America," to the intent that through its medium and by its endeavor the public interest may be enlisted and its opinion enlightened as to the rights of our shipping and the duty of our Government; and that there may be formulated and urged upon Congress the passage of appropriate and lasting legislation at the earliest possible moment.

Seventh. "The Shipping Society of America" makes no distinction in its membership, except the single one of belief in the necessity of reforming our present shipping policy and resorting to regulations of commerce for the recovery of our foreign carrying trade. On this ground all are invited to enlist and stand for the time to come.

"The Shipping Society of America" shall be constituted and organized as follows:

1. The body of the society shall be as many as will support its policy. On joining, each one will contribute $1 to the general fund.
2. The government will devolve upon a grand council of 500; on joining, each will contribute $5.
3. An executive committee of 100 shall be chosen from the council; when notified of their election each shall be liable for an additional contribution of $5 on the call of the treasurer.
4. A legislative committee of fifteen shall be chosen from the executive committee.
5. An expert subcommittee of five shall be chosen from the legislative committee to formulate the shipping legislation which the society will support. Three of the five may report it to the legislative committee, and after consideration, nine of the legislative committee may report it to the executive committee for introduction to Congress.
6. The officers shall consist of a president and two vice-presidents; secretary and two assistant secretaries; treasurer, organizer, and assistants as may be necessary. Until the council shall choose permanent officers, those serving will be officers pro tempore, appointed by the promoters of the society. All the pro tempore and permanent officers must be members of the council.

Alva Adams, governor, Denver, Colo.; J. S. Temple, president of the Denver Chamber of Commerce and Board of Trade; W. F. P. Mills, publisher Mining Reporter, Denver, Colo.; Wm. W. Bates, retired builder, ex-United States Commissioner of Navigation, author of works on shipping; E. T. Wheelock, editor Sentinel, Milwaukee, Wis.; Samuel Adams Robinson, M. D., Covesville, Va., and a large number of others of all political parties.

The Clerk read as follows:

Coosa River, with a view to locating and constructing Dam No. 5.

Mr. BURTON of Ohio. I desire to offer an amendment to come in after line 21.

The Clerk read as follows:

Page 90, after line 21, insert "Alabama and Coosa rivers between Montgomery and Wetumpka."

The amendment was agreed to.

The Clerk read as follows:

CONNECTICUT.

Branford Harbor and the rocks in Morris Cove.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer an amendment there.

The Clerk read as follows:

Page 92, after the word "Harbor," in line 2, strike out the words "and the rocks in Morris Cove."

The amendment was agreed to.

The Clerk read as follows:

New Haven Harbor, with a view to determining whether a greater depth is needed.

Mr. BURTON of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Page 92, after the word "Harbor," in line 3, insert "and the rocks in Morris Cove."

The amendment was agreed to.

The Clerk read as follows:

To connect by canal Rehoboth Bay with Delaware Bay at or near Lewes, through Lewes Creek and Gordon Lake.

Mr. BURTON of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Page 92, after line 14, insert "St. Johns River, from its mouth to Dover."

The amendment was agreed to.

The Clerk read as follows:

Clearwater Harbor and Boca Ceiga Bay to Tampa Bay.
St. Andrews Bay.

Mr. BURTON of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Page 92, after line 24, insert "St. Marks River at the mouth."

The amendment was agreed to.

The Clerk read as follows:

Bay surveyed to Pensacola quarantine station, with a view to getting 24 feet of water.

Mr. BURTON of Ohio. Mr. Chairman, I think there is a slight mistake there, at the top of page 93. It should be "Pensacola Bay to quarantine station" instead of "bay surveyed to Pensacola."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Change line 1, page 93, so that it will read: "Pensacola Bay to quarantine station, with a view to getting 24 feet of water."

The amendment was agreed to.

The Clerk read as follows:

Caloosahatchee River, from Lake Okechobee to its mouth, including Orange River.

Mr. BURTON of Ohio. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Page 93, strike out the words "its mouth," in lines 3 and 4, and insert in lieu thereof the words "the Gulf."

The amendment was agreed to.

The Clerk read as follows:

Sabine River from its mouth to Belzoria and Logansport.

Mr. BURTON of Ohio. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 93 strike out the word "Belzoria," in line 24, and insert the word "Belzora."

The amendment was agreed to.

Mr. BURTON of Ohio. Mr. Chairman, I also offer the following amendment.

The Clerk read as follows:

On page 93, after line 25, insert the words "Bayou Plaquemine Brule."

The amendment was considered, and agreed to.

The Clerk read as follows:

Lower Thoroughfare, at or near Wenona, Deals Island, with a view to deepening the channel and constructing a basin.

Mr. BURTON of Ohio. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 95, after line 14, insert "Potomac River, with a view to obtaining greater depth to Lower Cedar Point."

The amendment was considered, and agreed to.

The Clerk read as follows:

Gasconade River, with a view to obtaining 3 feet depth from its mouth to Gasconade.

Mr. BURTON of Ohio. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 97, strike out the word "Gasconade," line 22, and insert the word "Gascondy."

Mr. BURTON of Ohio. Mr. Chairman, I move to strike out the last word for the purpose of asking some gentleman a question. Is this the proper spelling?

Mr. CLARK of Missouri. Yes; there are two towns, one is Gasconade and the other is Gascondy. I do not know whether it is spelled d-y or d-a.

Mr. SHACKLEFORD. It is spelled d-y.

Mr. CLARK of Missouri. It is a new town just built on a new railroad.

The amendment was considered, and agreed to.

Mr. BURTON of Ohio. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

On page 97, after line 32, insert "Missouri River from its mouth to Kansas City, and from Kansas City to Sioux City, provided the Secretary of War may in his discretion cause to be made such further general instrumental survey as may be deemed necessary."

The amendment was considered, and agreed to.

The Clerk read as follows:

Jamaica Bay, with a view to obtaining a channel 100 feet wide and 6 feet deep through Great South Bay to Penconic Bay, including channels to Parsonage and Sumpawams rivers and Freeport and Massapequa creeks.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer an amendment at that point.

The Clerk read as follows:

Page 99, after the word "deep," in line 6, insert the words "to and."

The amendment was considered, and agreed to.

The Clerk read as follows:

Waterway connecting Sevan Quarter Bay with Deep Bay, with a view to obtaining a depth of 6, 7, and 8 feet, respectively.

Mr. BURTON of Ohio. Mr. Chairman, I move to strike out the last word for the purpose of asking some gentleman from North Carolina a question. It has been suggested that there is an error in the spelling of the word Sevan. [After a pause.] I hear of no complaint, and I will withdraw the pro forma amendment.

The Clerk read as follows:

Maumee River, from deep water in Lake Erie to the Toledo railways and terminal bridge at Toledo, with a view to obtaining greater depth and an increased width of approximately 100 feet.

Mr. BURTON of Ohio. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 101, line 5, strike out the words "Toledo railways and terminal" and insert the words "Fassett Street."

The amendment was considered, and agreed to.

Mr. KEIFER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Add after line 7 on page 101 the following paragraph:
"Big Miami River, from the Ohio River, at or near Cincinnati, northward along the line of the Miami and Erie Canal to a connection with Lake Erie, at or near Toledo, and as to its practicability, utility, and with a view to obtaining the cost, if completed, of a ship canal connecting, for the purposes of trade and commerce, the Ohio River and Lake Erie."

Mr. MANN. Mr. Chairman, I reserve the point of order on that.

Mr. KEIFER. Well, we had better dispose of the point of order first.

Mr. MANN. I am perfectly willing.

Mr. KEIFER. I don't know what the gentleman's point of order is.

Mr. MANN. The point of order is that an amendment of this sort upon this bill is not in order, because it is neither the improvement of a river or a harbor. That matter was settled years ago in the case of the Hennepin Canal. The point of order was sustained by the Chairman at that time, that it was not in order upon a river and harbor bill on the ground that the Hennepin Canal was not an improvement of a river or a harbor, and the item went out on the point of order. I take it this is substantially the same thing. If it were for the improvement of a river, very well; but this is for the improvement of a ship canal to connect two bodies of water, and not an improvement of a river and not an improvement of a harbor.

The CHAIRMAN. Does the gentleman insist upon his point of order?

Mr. MANN. I do.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. I am perfectly willing to reserve the point of order if the gentleman desires to be heard, but he insisted upon its being disposed of first.

The CHAIRMAN. It is perfectly clear to the Chair that this is not within the jurisdiction of this committee.

Mr. MANN. I will reserve the point of order in order that the gentleman may be heard.

The CHAIRMAN. The Chair will recognize the gentleman from Ohio.

Mr. KEIFER. Mr. Chairman, I supposed that as we were dealing with matters that were connected with the building of a ship canal from Chicago to the Mississippi, and thence to the Gulf, that we were dealing with a bill that almost anything relating to water courses and water transportation was proper upon. Mr. Chairman, I offered this amendment in good faith. I want at least to give notice so that we may not hear in the years to come, as we have heard with reference to some Illinois projects, that this is a new thing. I will remind the committee that the first suggestion with reference to the building of this canal to connect the water of Lake Erie with the water of the Ohio was made by a now obsolete gentleman of the past, Mr. George Washington. The second to advocate this, even before the adoption of the Constitution of the United States, was the man whose name has been so frequently used, if not abused, called Thomas Jefferson, the father of Democracy. All along down the line it has been insisted that the most important internal improvement was the connection of the Lakes with the Ohio River, so that commerce can pass thence through the Ohio and the Mississippi to the Gulf. If this amendment could have been put in this bill and the survey made it would be found entirely practicable. There are now reservoirs and work all along the line, and it would be cheap compared to other ship canals that we are building—cheap because it would connect more people who live on the shores of the Lakes with the other parts of the country, and with the world, than there were in this country at the time that the Constitution of the United States was adopted. The great cities of Chicago, Detroit, Cleveland, Buffalo, if you please, and Toledo could sail their vessels through this proposed ship canal to the Ohio, and thence to the Gulf, and thence anywhere in the world.

The CHAIRMAN. The point of order is sustained.

Mr. BURTON of Ohio. Mr. Chairman, if I may have unanimous consent to make a statement, I will say to my colleague that the possible routes for a canal from the Ohio River to the Lakes were very elaborately surveyed some years ago and a report made in 1896, which appears in the Engineer's reports for that year. It gives the most complete and accurate data in regard to these prospective routes between the river and the Lakes that is anywhere available.

Mr. KEIFER. That was not an unfavorable report, but it was merely connected with and applied, I think, to the canal system.

Mr. BURTON of Ohio. Substantially so.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RHODE ISLAND.

Wickford Harbor, with a view to obtaining a depth of 15 feet and for the removal of a ledge known as "General Rock."

Mr. GRANGER. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Rhode Island offers the amendment which the Clerk will report.

The Clerk read as follows:

Providence River, with a view to extending deep-water area to Kettle Point.

Mr. BURTON of Ohio. Mr. Chairman, I have no objection to that.

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

The Clerk read as follows:

SOUTH CAROLINA.

Broad River, from Granby to Ninety-nine Island shoals.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 101 strike out line 22 and insert the following:
"Congaree River, from the present head of navigation to the mouth of Broad River, and Broad River, from its mouth to Ninety-nine Island shoals."

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

Mr. BURTON of Ohio. It seems to me a section has been passed there, and I desire to offer an amendment to the preceding item.

The CHAIRMAN. Without objection, the committee will recur to the preceding paragraph; and the gentleman from Ohio offers the amendment which the Clerk will report.

The Clerk read as follows:

Page 101, after the word "North," in line 23, insert the word "Fork."

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

The Clerk read as follows:

South Edisto River, from its mouth to Scotts Bridge.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 101, after the word "South," in line 26, insert the word "Fork."

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

The Clerk read as follows:

Shine River.

Mr. DAVIDSON. Mr. Chairman, in line 1, page 102, I move to strike out the word "Shine" and insert the word "Shem."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 1, page 102, strike out the word "Shine" and insert the word "Shem."

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

The Clerk read as follows:

Shipyard River.

Mr. BURTON of Ohio. Mr. Chairman, I did not hear the item "Shipyard River" read, and I desire to offer an amendment immediately following that.

The CHAIRMAN. The gentleman from Ohio offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Page 102, after line 2, insert: "Great Peedee River from Georgetown to Peedee Station."

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

Mr. GARRETT. Mr. Chairman, I offer the following amendment:

The CHAIRMAN. The gentleman from Tennessee offers the amendment which the Clerk will report.

The Clerk read as follows:

Page 102, after line 10, insert: "Main branch of Forked Deer River from its mouth to the town of Dyersburg, with a view to the construction of locks and dams."

Mr. GARRETT. Mr. Chairman, I would like to ask the chairman of the committee, if I may, what the basis is, if you have any basis that can be announced, to provide for surveys for locks and dams?

Mr. BURTON of Ohio. Not unless there is prospective traffic of some value. The survey already made of this river makes it probable you would not have water enough for slack-water navigation. Then another thing, if we attempt to construct locks and dams to the extent which would be indicated by adopting this, the contracting force of the whole country might as well stop all other classes of work and attend to constructing locks and dams.

Mr. GARRETT. I want to ask if there is any fixed tonnage you have as a basis?

Mr. BURTON of Ohio. Oh, no.

Mr. GARRETT. There is no fixed tonnage as a basis?

Mr. BURTON of Ohio. No.

Mr. GARRETT. Did you take into consideration the character of the stream as well as its fixed tonnage?

Mr. BURTON of Ohio. This is a stream which is not at all in a class with those where we have provided for locks and dams, and very few even approaching it have been surveyed. In those cases where surveys have been made the report has been unfavorable.

Mr. GARRETT. Has there been any stream in the United States of this class for which locks and dams have been provided?

Mr. BURTON of Ohio. I should say not. If so, I should say it was a decided mistake. I trust the amendment will not prevail.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

Arroyo Colorado, with a view to obtaining a channel 8 feet in depth from Harlingen to deep water at Point Isabel.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

On page 102, after the word "feet" in line 15, insert the words "or less."

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:

Bellingham Harbor.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

On page 104, line 7, after the word "Harbor," insert:
"Snohomish River from the mouth to Lowell."

Mr. BURTON of Ohio. Mr. Chairman, I desire to have a modification made, at the request of my colleague, on the item in line 5, with the words "north of Seattle." I ask unanimous consent that those words, in line 5, be stricken out.

The CHAIRMAN. Without objection, they will be stricken out.

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. BURTON].

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

Mr. JONES of Washington. Mr. Chairman, I desire to offer an amendment to follow after the amendment just adopted.

The Clerk read as follows:

For ship canal connecting the waters of Puget Sound with Grays Harbor.

Mr. MANN. Mr. Chairman, I reserve the point of order upon that.

Mr. JONES of Washington. Mr. Chairman, if the gentleman intends to insist on the point of order, I do not care to take up the time of the committee.

The CHAIRMAN. The Chair is ready on the point of order.

Mr. JONES of Washington. This has been urged by our people for a good many years, and there never has been any survey made. Our legislature has memorialized Congress, and, while personally I am doubtful that anything will come of it, they would like very much at least to have a survey made. That is all I care to say with reference to it. I hope the gentleman will withdraw his point of order.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] insist on his point of order?

Mr. MANN. I think so, Mr. Chairman. This is a dangerous proposition.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

WEST VIRGINIA.

Guyandot River.

Mr. BURTON of Ohio. Mr. Chairman, I ask unanimous consent that we may return to page 93.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to return to page 93. Is there objection?

There was no objection.

Mr. BURTON of Ohio. I ask for the insertion of the following amendment after line 9 on page 93.

The CHAIRMAN. The Clerk will report.

The Clerk read as follows:

Savannah River for 30 miles below Augusta.

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:

All surveys and examinations provided for by this act, and the reports thereon, shall either be completed on or before the first Monday in November, 1908, or else a preliminary report be made in which the reasons for delay shall be stated: *Provided*, That all reports of preliminary examinations and surveys which may be prepared during the recess of Congress, and be ready for printing, shall, in the discretion of the Secretary of War, be printed by the Public Printer as documents of the following session of Congress.

Mr. MANN. Mr. Chairman, I reserve a point of order upon the paragraph. I would like to ask the chairman whether this is the paragraph that is in the existing law? How does the Secretary of War print a document of the House of Representatives during the recess?

Mr. BURTON of Ohio. He can do that and have it filed at the beginning of the session. There is a similar provision in the law of 1905, or, perhaps, the same provision. It is extremely desirable for this reason: With many of these reports there is a map or plat. Should the filing of that report, including the map, be delayed until the first of the session, it will not come to the House from the Public Printer in its completed form for thirty days, or even more, so that the delay in the printing of the maps and presentation of the document in its entirety creates a very serious disadvantage.

Mr. MANN. I wished to know about that, and if it has worked all right, well, I have nothing to say; but it seemed very awkward, unless it has always been in practice, for the Secretary of War to print a document of the next session of Congress, which does not commence until December. It must have a number; it must be given the indicia of coming through the Speaker; but if it has worked in the past without complication, very well.

Mr. BURTON of Ohio. The transmission is as of the first day. The object of this provision is to enable them to print the maps and have the documents all ready to present on the first day of Congress.

Mr. MANN. Well, they can do that; but, as I said, they print it as a document, and a document has a number.

Mr. HULL. Can not the document room give the number? They know it.

Mr. MANN. But we are now entering upon a session of Congress as a new Congress.

Mr. HULL. Would they not give it a number, No. 1?

Mr. MANN. They can not give the number. I suppose they could arbitrarily do so.

Mr. HULL. They give the number to all the documents.

Mr. MANN. The President's message is printed as a docu-

ment and various other things come into Congress at the beginning of the session that are ordered printed. These must be the first ones ordered printed. The first document printed is Document No. 1. If this has worked all right, I have nothing to say.

Mr. BURTON of Ohio. It has worked well. I only looked to the essential feature of its operation and not to the nonessential point, relating to the number.

Mr. MANN. But the nonessential is frequently very essential in so far as the administration feature is concerned. I withdraw the point of order.

The Clerk read as follows:

SEC. 4. That the compilation of laws of the United States relating to the improvement of rivers and harbors authorized by section 13 of the river and harbor act of June 13, 1902, and joint resolution of Congress approved February 1, 1905, shall be extended to include all such laws enacted up to the close of the second session of the Fifty-ninth Congress; and 3,000 copies of this compilation shall be printed under the direction of the Secretary of War, of which 600 copies shall be for the use of the Senate, 1,400 copies for the use of the House, and 1,000 copies for the use of the office of the Chief of Engineers, United States Army.

Mr. MANN. I reserve the point of order on that. Who made this compilation?

Mr. BURTON of Ohio. It is made at the War Department. The work has already been done and a provision was made for it in the act of 1902; but there is, as I understand, a law which provides that unless documents ordered by Congress are filed within a year after the passage of the statute or resolution providing for them they shall not be printed. They did not have this ready until after the expiration of the year, so they brought it down to date and will have it ready for publication. These facts make necessary this provision. The work upon it has substantially all been done.

Mr. MANN. I thought they issued a compilation a little while ago.

Mr. BURTON of Ohio. It is not the same thing. The one to which the gentleman refers is a list of the surveys, projects, and appropriations, but this proposed compilation gives the statutes relating to rivers and harbors, and I think it will prove very valuable.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

SEC. 6. That those members of the International Waterways Commission created in accordance with section 4 of the river and harbor act of June 13, 1902, who represent the United States shall have power, and it shall be their duty, to investigate and report upon the conditions and uses of the waters adjacent to the boundary lines between the United States and Canada, and of waters flowing from the United States into Canada or from Canada into the United States, and of the tributaries of such waters; also upon the maintenance and regulation of suitable levels; and also upon the effect upon the shores of these waters and the structures thereon and upon the interests of navigation by reason of the diversion of these waters from or change in their natural flow; and, further, to report upon the necessary measures to regulate such diversion, and to make such recommendations for improvements and regulations as shall best subserve the interests of the two Governments in said waters. They shall, upon the order of the Secretary of War, locate the boundary line upon international waters between Canada and the United States as heretofore established, wherever the same is not clearly defined or wherever for any other reason a relocation is desirable, and shall prepare a series of modern charts upon which it shall be delineated; they shall also recommend the erection of such monuments as they may deem necessary to enable such boundary line to be accurately ascertained. Nothing in this section shall be deemed to in any manner affect or enlarge the powers of the members of said Commission representing the United States as constituting a part of the International Commission without the duly authorized assent of the members representing Canada. The members of said Commission representing the United States shall, in concurrence with the members representing Canada if practicable, or without such concurrence, report to the Secretary of War upon such other matters from time to time connected with the uses, improvement, or conditions of the waters hereinbefore mentioned, or upon any proposed diversion thereof, when required to do so by him; and the said members of such Commission representing the United States are authorized to rent such room or rooms in Washington as may be necessary for the performance of the duties intrusted to them.

Mr. MANN. I make the point of order against section 6.

Mr. KEIFER. I desire to offer an amendment.

The CHAIRMAN. Does the gentleman make or reserve the point of order?

Mr. MANN. I am perfectly willing to reserve the point of order.

Mr. BURTON of Ohio. I think we had better have a decision of the Chair as to whether it is in order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BURTON of Ohio. I do not know that I object, but I shall desire to offer an amendment.

The CHAIRMAN. If the Chair can have the attention of the committee——

Mr. BURTON of Ohio. The section as it stands is clearly subject to the point of order.

The CHAIRMAN. The Chair has not examined the section very closely, but the Chair feels very certain that a proposition to give power to a boundary line commission on an international water course is not within the jurisdiction of the committee. If the chairman of the committee desires to offer an amendment, the Chair will first recognize him.

Mr. BURTON of Ohio. I desire to offer as a substitute for that the first four lines of section 6 and the last two and a half lines at the end of the section; so as it will read:

That those members of the International Waterways Commission, created in accordance with section 4 of the river and harbor act of June 13, 1902, who represent the United States shall have power to rent such room or rooms in Washington as shall be necessary for the performance of the duties intrusted to them.

Mr. MANN. I reserve the point of order on that.

The CHAIRMAN. The amendment has not yet been read.

The Clerk read as follows:

Insert in lieu of the matter stricken out:

"That those members of the International Waterways Commission, created in accordance with section 4 of the river and harbor act of June 13, 1902, who represent the United States, shall have power to rent such room or rooms in Washington as may be necessary for the performance of the duties intrusted to them."

Mr. MANN. I reserve the point of order on that.

Mr. KEIFER. I want to offer an amendment.

The CHAIRMAN. The gentleman can not offer an amendment until the point of order is disposed of.

Mr. MANN. Then I withdraw the point of order.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order. The Chair recognizes the gentleman from Ohio [Mr. KEIFER] to offer an amendment.

Mr. KEIFER. Not to the pending amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. BURTON].

The amendment was agreed to.

Mr. KEIFER. Mr. Chairman, I offer the following amendment to the bill.

The CHAIRMAN. The gentleman from Ohio [Mr. KEIFER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add to the bill:

"SEC. 7. The several appropriations made by section 1 of this act are made subject to the right of the Secretary of War, with the approval of the President of the United States, to appoint a board of inspection, consisting of three engineer officers of the United States Army not lower in rank than captain, which board shall, if deemed necessary by the Secretary of War, with like approvel, visit any place he may designate which it is proposed by the provisions of this act to improve and there fully investigate the same and report in writing to the Secretary of War as to the public necessity, utility, and practicability of the proposed improvement at the place so designated, and whether or not such improvement will, if made, result in substantial public benefit in promoting interstate or foreign trade or commerce, stating in a summary way the facts, if any, which in its opinion may tend to show such necessity, utility, and practicability and such public benefit, and setting forth as to each place designated its situation and condition in respect to such trade or commerce by water transportation at the time the report is made and what its situation and condition would be, in such respect, should the proposed improvement be made; also showing in what way, if any, the general public, through increased trade or commerce, will be benefited; also showing how the common defense or general welfare will be promoted, if at all, by the proposed expenditure of money at such place, and setting forth such other things relating to such expenditure as the Secretary of War may deem important and require."

"Any such board appointed as aforesaid shall separately investigate and report on each place designated as aforesaid and referred to it for investigation; and more than one such board may be in existence at the same time.

"Upon the receipt of a report from such board the Secretary of War, with the approval of the President, shall have the right to limit the amount of money to be expended and by this act appropriated for the improvement of any place thus reported upon to a sum less than that so appropriated for such place, or to withhold the expenditure of any money appropriated by this act for such place.

"The necessary expenses incurred by any such board in making an investigation and report as to any place shall be paid out of the sum appropriated by this act for its improvement."

Mr. FINLEY. Mr. Chairman, I wish to reserve a point of order on that amendment.

The CHAIRMAN. The gentleman from South Carolina reserves the point of order on the amendment.

Mr. KEIFER. Mr. Chairman, this is an amendment in the nature of a limitation, and is very usual in some form or other. It is intended to save the money of the United States if the Secretary of War, with the approval of the President of the United States, shall find in his judgment that it is necessary to make examination of places appropriated for under section 1 of this bill. It requires the Secretary to have the approval of the President before he appoints a board to go to investigate and find out whether the proposed improvement will be a public benefit. This has been carried out without such a provision of law, by Presidents of the United States without regard to party, in the past. But such provisions have been offered before. If it should turn out that the Secretary of War discovers that it is wise to spend a few thousand dollars for the purpose of ascertaining the probable benefit of the important things that are proposed in this bill, he is authorized to do so. Take, for ex-

ample, that great river, the Choctawhatchee River in Alabama, where the engineers are directed to go and survey, with a view of getting, for the purposes of national commerce, a depth of water of 3 feet, running up somewhere, with a possibility that when that is found the ships of the world may sail in and engage in national commerce. Or take others. On page 101 is a proposition; the North Edisto River from its mouth to Orangeburg, with a view to obtaining 3 feet of water. Is this national in character? Is this to be that kind of an improvement that the chairman of the Committee on Rivers and Harbors regards as of great public utility? If it is, it is on the theory that we may build anything to a place where we can hope to build up some sort of trade or commerce. I will find a dozen or more places in my district where, if you will build a railroad less than 10 miles long, we will build up more commerce than you will get on some twenty of the projects of this kind contained in this bill. Why should not the Government build railroads, or turnpikes, or something of the kind for the purpose of building up commerce and navigation?

Mr. FINLEY. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Ohio yield?

Mr. KEIFER. Oh, yes.

Mr. FINLEY. I wish to ask the gentleman if this amendment to the amendment is limited to surveys?

Mr. KEIFER. Oh, no; it is not limited to that at all. It is limited to nothing but those projects that are appropriated for in the bill. It does not affect surveys at all. I only referred to those matters that are mentioned under the head of surveys because I believe the policy of the great committee is to open the way for those great commercial things that are to arise from 3 feet of water in some inlet or little river.

Mr. FINLEY. Mr. Chairman, as I understand the gentleman, his amendment does not affect the surveys only, but goes to other matters in the bill.

Mr. KEIFER. It does not go to the surveys; only to the appropriations mentioned in section 1 of the bill. The Secretary of War is not obliged to avail himself of the provisions at all. It is wholly left to his discretion, as with about all the original appropriations for rivers and harbors.

Mr. FINLEY. Mr. Chairman, that is a long amendment, but, as I caught the reading, it contains legislation and is much more than a limitation.

The CHAIRMAN. It is not a limitation; it is legislation.

Mr. FINLEY. I insist on my point of order.

The CHAIRMAN. But the gentleman must recollect that the river and harbor bill is not a general appropriation bill within the meaning of clause 2, Rule XXI. Legislation is proper on a river and harbor bill, and the Chair overrules the point of order.

Mr. BURTON of Ohio. Mr. Chairman, I desire to be heard just a moment. In the first place, my colleague is wrong in his understanding of the facts relating to river and harbor improvements. We already have a board of five members that review all surveys before they are considered by Congress at all, and every precaution which would be accomplished by his measure is obtained through the instrumentality of that board.

This contention is one for the careful consideration of Congress. It proposes in a word that a bill shall be introduced here, that Congress shall deliberate upon it and pass it, and then we shall pursue the unprecedented course of creating a board that shall decide whether the law passed, the appropriations made by Congress, shall be executed or not. I do not think this House or this committee desires to listen to such a proposition as that. That is all I care to say, and I ask for a vote.

Mr. KEIFER. Mr. Chairman, it is very easy to set aside a matter by making a general remark about it and saying in effect that we are invading the powers of Congress; but I think there is no river and harbor appropriation bill, or anything relating to one, in the first fifty or sixty years of this country that was not left substantially in the discretion of the Secretary of War and the President as to the mode and manner and probably the final expenditure of the money. Later on, notwithstanding the boards of engineers, such Presidents as Grant and Cleveland looked into the matter, and if they saw what they deemed was a useless expenditure of money they withheld its expenditure altogether in certain instances.

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

Mr. KEIFER. Yes.

Mr. MANN. From a casual listening to the amendment as read, I judge that it provided that no portion of the money appropriated for improvements should be expended until after a commission or the board appointed by the Secretary of War had examined the project.

Mr. KEIFER. There is no such provision in the amendment at all, and nothing like it.

Mr. MANN. Will the gentleman from Ohio state what his amendment does cover?

Mr. KEIFER. I will state, if I can, what is plainly written in the amendment, that the amendment leaves it within the discretion of the Secretary of War, with the approval of the President of the United States, to appoint a board and order it to examine any particular place, but there is no limitation unless he chooses to exercise that power on any of the appropriations. There is none whatever, and none is proposed. But if it should turn out that this great commission or board that is followed sometimes by the great Committee on Rivers and Harbors and repudiated in many more instances, if it should turn out that it had made a mistake, and this committee should happen to indorse its action and thousands of dollars were appropriated for the purpose of building up trade and commerce where none existed, and that there could not be any trade and commerce there if the money appropriated for the particular place was expended, then it could order a board, such as the amendment provides for, to examine into it.

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

Mr. KEIFER. Certainly.

Mr. MANN. The gentleman's proposition is this: That the War Department or the Engineer Department having reported against a project and then the project having been brought to Congress, and Congress having adopted the project, Congress proposes to turn it over to the Secretary of War to ascertain whether the Secretary of War will carry out the project adopted by Congress against the recommendation of the Secretary of War.

Mr. KEIFER. There is absolutely nothing of the kind in the proposed amendment.

Mr. MANN. Well, I wonder if the gentleman has read his amendment?

Mr. KEIFER. I have read it through, and I drew it, and I know the meaning of the language. There is nothing of the kind in it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and the amendment was rejected.

Mr. MORRELL. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Add as an additional section the following:

"SEC. 7. That it is the sense and desire of this Congress that hereafter the appropriation bill for the rivers and harbors shall be given the same consideration and shall be on the same scale as those for the Army, Navy, and other large appropriation bills, and constant large appropriations being necessary to enable the United States to keep pace with the other nations of the world, and being for the good of the country at large, that this appropriation shall hereafter be an annual one."

Mr. BURTON of Ohio. Mr. Chairman, I reserve the point of order on that. I don't think it is quite fair to bring in that kind of a proposition here on this bill. Many of us favor that, but to bring it in here and tack it onto an appropriation bill I do not think is proper.

Mr. PAYNE. Mr. Chairman, this has already been debated by the gentleman from Pennsylvania and others, and there is other business that the House would like to get at this afternoon.

The CHAIRMAN. The gentleman from Pennsylvania has been recognized.

Mr. MORRELL. Mr. Chairman, I insist on my right to be heard.

Mr. PAYNE. Mr. Chairman, then I make the point of order.

The CHAIRMAN. The gentleman from Pennsylvania has been recognized to offer an amendment. Who makes the point of order on the amendment?

Mr. PAYNE. I make the point of order.

Mr. BURTON of Ohio. I reserve the point of order, Mr. Chairman.

The CHAIRMAN. Will the gentleman state his grounds for the point of order?

Mr. MORRELL. The gentleman from Ohio has reserved his point of order.

The CHAIRMAN. The Chair understood the gentleman from New York to insist upon the point of order.

Mr. PAYNE. Mr. Chairman, it is not germane to the bill.

The CHAIRMAN. The Chair will examine the amendment.

Mr. PAYNE. Of course it is utterly incompetent to provide by law what another Congress shall do.

The CHAIRMAN. The Chair thinks that the amendment is germane. The Chair overrules the point of order.

Mr. BURTON of Ohio. Mr. Chairman, I would like to be heard on that. This amendment has no place here.

Mr. MORRELL. Mr. Chairman, I think the distinguished gentleman reserved his point of order.

Mr. BURTON of Ohio. Mr. Chairman, it is a glaring piece of buncombe; that is all it is.

Mr. MORRELL. Mr. Chairman, I thought I had the floor?

The CHAIRMAN. If the gentleman from Ohio has made the point of order and desires to discuss it, the Chair will recognize him. Otherwise the Chair will recognize the gentleman who offered the amendment.

Mr. MORRELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MORRELL. Mr. Chairman, as I understand it, the point of order was raised by the gentleman from New York [Mr. PAYNE]. The Chair looked at the amendment and decided that it was germane, and then recognized myself—"the gentleman from Pennsylvania." How can a point of order be made twice as to the same thing? It has once been overruled.

The CHAIRMAN. The gentleman from Ohio reserved the point of order to permit discussion of the merits of the proposition, as the Chair understood. If that point is reserved, the Chair will recognize the gentleman to discuss the merits of the proposition. If the point is made and not reserved, the Chair will rule.

Mr. BURTON of Ohio. Do I understand the Chair then——

The CHAIRMAN. The Chair will hear any gentleman who wishes to discuss the point of order.

Mr. BURTON of Ohio. Mr. Chairman, this is a bill made up of specific items for the appropriation of money for rivers and harbors, and giving directions as to the manner and method in which that money shall be expended. Now, here is a declaration of policy which might come very properly in a declaratory resolution. If it has any force at all it is a direction as to what the next Congress shall do, a direction which is empty and which this Congress has no right to make. I sincerely trust this question in the first place will not be presented to the committee, and that if it is presented it will be voted down, because it has no place here.

The CHAIRMAN. The Chair is ready to rule on this proposition. This is a proposition which is germane to the river and harbor bill. The only question is a question of germaneness or a question of jurisdiction. On the river and harbor bill there is a perfect right to legislate on any question germane to the bill, and the Chair overrules the point of order, and recognizes the gentleman from Pennsylvania to discuss his amendment.

Mr. MORRELL. Mr. Chairman, I have already taken up the time of the House for a few minutes on the general purposes of this resolution, and I shall not occupy more than two or three minutes at the present time.

I appreciate the fact that legislation is delayed; that it is the desire of every Member of Congress that such speed as possible should now be had for the rest of the session. Mr. Chairman, I was delighted in the course of debate yesterday to hear the distinguished chairman of the Rivers and Harbors Committee, in answer to why this, that, or the other locality should not receive more money, reply practically in these words, "How is it possible to distribute the small sum of from twenty-five to thirty million dollars per year for rivers and harbors over this great country, and give everybody what they wanted?" I agree with that proposition, and that is one of the reasons why I want forcibly to bring the terms of this new section before the House. He also referred to the fact that Pennsylvania and Philadelphia had generously contributed the amount of $5,000,000 toward the improvement of the Delaware River. Now, Mr. Chairman, I do not believe in that policy. I do not think that any State or any particular locality should be taxed doubly for that thing which essentially belongs to the Federal Government. The Government maintains the post-offices, the Government maintains the Army and Navy, and why, after having assumed the charge of our rivers and harbors, any locality should be taxed a second time is an anomaly to me. Mr. Chairman, I trust that this section will be given the attention and the vote that it deserves. How can we, if we vote down this section, come to another Congress and ask for more than the paltry sums that we are given to-day? And I call them paltry for the reason that they are when it is realized that this is a biennial appropriation, and when they are taken in comparison with the appropriations that are annually made for the Army and Navy, and other great appropriations, and also when we stop for a moment to think that in this present fiscal year we are going to spend $25,000,000, the same amount of money almost that is carried in this bill for one year for the Panama Canal. That is all I have to say.

Mr. BURGESS. Mr. Chairman, I want to suggest to my friend from Pennsylvania that I think it will be much better if he withdraws this amendment, and in making that request I wish to assure him that no man in this House is more heartily in favor of annual river and harbor appropriation bills than myself, but I believe that many Members of this House will take the view that it is improper, in a bill of this character, to make a declaration of this sort, and hence will vote against this amendment. Now, if this amendment fails, it will go out through the press to the country that this Congress refuses to declare in favor of annual river and harbor appropriation bills, and the cause which the gentleman from Pennsylvania and myself have so much at heart will be largely injured rather than aided by pressing this question in this shape now. Undoubtedly these bills ought to be passed annually; undoubtedly greater amounts ought to be carried in the bill, but that is a great question, a great administrative question, to be determined by the dominant party in power, and no one Congress can declare for another Congress what the rule shall be; and that being the fact, the danger is that this amendment will be voted down and the country will get the impression that Congress itself has declared against annual river and harbor appropriation bills, and for that reason I earnestly ask the gentleman not to press this amendment at this time in this bill. [Applause.]

Mr. MORRELL. Mr. Chairman, as this resolution is still in the Rivers and Harbors Committee, if the gentleman will suggest some method other than by attaching it in the form of an extra section to this bill, by which it can be brought before this House, and every Member of this House, whether a member of the River and Harbor Committee or not, be given an opportunity to vote or express their opinion of the merit or demerit of this section, I will be glad to withdraw it.

Mr. BURGESS. I would suggest to the gentleman the question could be met by the introduction of a separate resolution. It only involves the mere declaration of what the present Members of this House think ought to be done; that is all.

Mr. MORRELL. This additional section is exactly the language of a resolution already introduced by me, and the resolution remains in the Committee on Rivers and Harbors.

Mr. BURGESS. Very well, then——

Mr. MORRELL. Will the gentleman report that resolution from the Committee on Rivers and Harbors?

Mr. BURGESS. I can only speak for myself. I will vote for any such resolution most cheerfully as a declaration of my opinion as to what ought to be done, but the gentleman must realize that this involves a great question of administration to be determined by the dominant party, whatever it may be, that is in power, and it is useless for us to provoke a discussion at this time over this sort of a question.

Men will vote against this amendment because they think it ought not to be put into this bill who would really be disposed to unite with gentlemen and myself in bringing about what we seek to declare for by the resolution. It will be much better for the great cause that we have at heart not to press this now, I feel certain.

Mr. MORRELL. I would like to ask the distinguished chairman of the committee——

Mr. BURTON of Ohio. Mr. Chairman, I must decline to answer further questions on this.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was rejected.

Mr. BEDE. Mr. Chairman, I ask unanimous consent for five or ten minutes.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Minnesota [Mr. BEDE] have ten minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BEDE. Mr. Chairman, I had thought of saying a few words a little earlier in the reading of this bill, but yesterday and the day before were largely devoted to eulogies, as has already been suggested, and I thought it unwise for one of my temperament to obtrude himself and disturb the devotions of this body. If I could offer a eulogy, I would not only offer it to the chairman, who I hear has some thought of retiring from the committee, and to the gentleman from Alabama [Mr. BANKHEAD], who not only retires from the committee, but from Congress, and has already received some mention, but also to the gentleman from Michigan [Mr. BISHOP], and the gentleman from West Virginia [Mr. DOVENER], who retires also from the committee and from Congress on the 4th of March. But I have recently discontinued eulogies because I was so outdone and so completely flabbergasted by the remarks of a little tot in my own State. She had just started to school at the age of 6 years, and after spending a few days in that new enterprise and new world to her, her mother asked her how she liked the teacher.

In true feminine fashion she praised her teacher to the superlative degree, and then capped the climax of her eulogy by exclaiming, "Why, mamma, she's good enough to marry God." [Laughter.]

I can not hope to compete with this and shall hereafter leave eulogies to the kindergarten. But I may be permitted in passing to suggest that the chairman of the Rivers and Harbors Committee is a bachelor, and that from year to year he sleeps with the river and harbor bills. [Laughter.] And I have not the slightest doubt that the angels come to him in his dreams and tell him what to do with the Delaware River and the Ohio River and Chicago's alimentary canal. [Great laughter.] But if he had been married as much as I have [laughter], he would know a little bit more, perhaps, about diplomacy; he would understand that you can not bring a stick of candy home to one tot and not bring something to the other without making discord in the home and perchance driving the cricket from the hearth.

And so sometimes we have to do things that we can scarcely afford in order to keep all parts of the country upon an equality. Because of these conditions and the pressure from all parts of the country, I realize that we need a great, strong man at the head of this committee, and if the gentleman from Ohio does resign, I hope he will resign in my favor, so that the chairman will at least not be far from the Great Lakes, whose waters bear the chief commerce of our country. [Laughter and applause.]

Sometimes when I think of the propositions that are brought to the Rivers and Harbors Committee I am reminded of a little incident, which I think the leaders of the House will permit me to tell, because it illustrates a point and stands so pat. It is about a class of boys in school who were receiving instruction on the several senses and functions of the body. The teacher said to them: "Now, my dear little boys, remember that your eyes are made to see with, your ears are made to hear with, your nose is made to smell with, and your feet are made to run with," when one of the boys exclaimed, "Hold on, teacher; I ain't made right. My nose runs and my feet smell." [Great laughter.]

So, Mr. Chairman, some things that are offered to our committee must be eliminated and some must be fumigated [laughter], for some parts of the country were not made right, and we have been doing the best that we could.

Something has been said about the chairman dominating the Rivers and Harbors Committee. He dominates that in no other sense than he dominates the Committee of the Whole in the consideration of this bill. He sometimes dominates me, as the census statistics dominate me, because of the breadth of the ground they cover and their demonstrable accuracy. But when it comes to establishing great national policies I yield my opinion to no man on the River and Harbor Committee or off it, and the chairman of that committee does not ask us to yield in matters of that kind. But, as I have already suggested, he has given great thought to river and harbor improvements for many years and knows many things not familiar to the general body of this House, and very naturally and very properly has a large following on both sides of this Chamber.

There is one thing about the river and harbor bill I would like particularly to mention. It holds the Union together. [Laughter.] We have been doing many things during the last generation to bring the North and South in closer touch. We have been building a few railroads to the Gulf; that has helped some. We have been raising the Stars and Stripes on many Federal buildings and public schools; that has helped more. We have been making fortunes in all of the States of the Union, which permit us to come and go and know each other better than we did. That has pushed the good work along. But let me add that the waters of the Missouri from the Rocky Mountains join the waters of the Ohio from the Alleghenies. The waters of the Mississippi, coming from the frozen North, join with the waters of the Tennessee and Cumberland from the sunny South and flow on in majestic manner to the sea. That helps most. For these great waterways, with their commerce and community of interest, will do more to bind the North and South together than all the bands of iron or hooks of steel, or flags or fortunes. The State lines are indeed still dimly seen, but Mason and Dixon's line has been obliterated forever.

I have long advocated $50,000,000 a year or $100,000,000 in our biennial bill for internal improvements. And now I behold my dreams come true. We have put more than $83,000,000 into the measure now before us, and I have an abiding faith that the Senate will do the rest. [Laughter and applause.]

I have been surprised at a few things that happened in this House. Most of all was I surprised when the gentleman from The Hague—I mean from Missouri [laughter and applause]—took the position that he did. He has given us more trouble for a man of peace than any man of that sort I have ever known. [Laughter.] Indeed, I am inclined after all to think, despite his professions, that he is a man of war and stands very close to me in believing in a big Navy and the simple life. [Laughter.] This bill could have been made better, but it could have been made so only by making it bigger. I was inclined myself to include a few items that do not appear in this measure, but I was overwhelmed by the majority of the committee. However, it contains nothing which I would strike out.

Let me say for my own section of the country that the commerce of Lake Superior is not 40,000,000 tons, as expressed here yesterday by one speaker, but during the last year 52,000,000 tons passed up and down through the Soo Canal. It can be demonstrated that this freight was carried $1.75 a ton cheaper for the shipper, the consumer, the producer—for all the people—than it could have been carried by rail, thus making a total saving of more than ninety millions a year, to say nothing of the cheaper railroad rate, as a result of water competition, on freight never shipped by water at all. Therefore it can be shown that the saving on the traffic of Lake Superior alone in a single year is more than all the Government has spent on all the lakes in all the history of our country. If like conditions can be shown elsewhere in the Union, I think the River and Harbor Committee will be as willing to make appropriations for such other undertakings as for the channels and harbors from Buffalo to Duluth.

It has been stated that $19,000,000 have been appropriated for the Great Lakes. Thirteen million dollars of that is in two items; for an alternate channel in the Detroit River to prevent this Great Lake traffic being choked up if an accident should occur at that point, and an additional lock at the Soo to prevent the choking of the traffic at that place if the one lock failed us.

These two items of $13,000,000 may be charged to me instead of the chairman of the committee, for they are of as much importance to my district as if made in the harbor of Duluth itself.

Then I might go a little farther away from home. I have tried to do the best I could for New England and New Jersey. You know that the work of creation was finished in seven days, when it surely ought to have had eleven. It was not very well done. There are a lot of places, like the boy already mentioned, that were not made right. Therefore the River and Harbor Committee or the local community must step in and do almost endless work. About the only item that has been seriously criticised here was the appropriation for Cape May, N. J. I wish to say that after looking that up a little more thoroughly I feel that if there was but one vote for that particular feature in this bill that vote would be my own. I took occasion to look up the distances at the Coast Survey, and find it is 140 miles from Cape May to Sandy Hook and 185 miles from Cape May to Norfolk, Va., while between those two points, for a distance of 225 miles, there is not a deep-water harbor on the Atlantic coast.

I sailed up that coast a year ago on the little ship *Cherokee* from Santo Domingo. On the second trip afterwards it was wrecked off the shoals of Atlantic City while struggling desperately to reach New York. There was no opportunity for it to save itself or its crew except by drifting onto the bar. I do not know that the improvement at Cape May will prove practical, but I believe the experiment is worth trying. Local capitalists have spent more than $3,000,000 to make a deep and safe harbor of 700 acres in area, and the appropriation in this bill is merely to improve the entrance. I am firmly for it.

Some folks, of course, have not got all that they want in this bill. They may feel a little bit unlucky. But they should brace up like the little boy who, when laughed at and jibed because he was born while his father was in the Army, responded: "I think it was lucky enough that mother was at home." [Laughter.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Several MEMBERS. Take ten minutes more.

Mr. BEDE. I think five minutes will be plenty.

The CHAIRMAN. Is there objection to extending the time of the gentleman five minutes?

There was no objection.

Mr. BEDE. And now let me refer to one of the practical features of river and harbor improvement. We have taken away railroad rebates. What does that mean? In the past the rich man has received the rebates and the poor man has paid the freight. Now, without the rebates the rich men are turning toward water transportation, and they are going to have it as they never did before. We are going to improve the Ohio and the upper Mississippi, and to some extent the Missouri, bad

as it is. I realize that if a man owned the Missouri he would have to go out every morning and find his river. [Laughter.]

No one can tell where it is going to be from one day to another. It is a most difficult stream to control. With its floods and its disasters it sometimes is called the Mother of Dragons. The Mississippi is the Father of Waters, and when the Father of Waters and the Mother of Dragons get together at St. Louis it is no wonder that my friend from that good city has a little trouble. [Laughter.]

But even if the gentleman from Ohio [Mr. BURTON], chairman of the River and Harbor Committee, should retire, I want the people along the Delaware and along the Ohio to know that they still have one friend in that body. The gentleman from Ohio has done, I think, about all that could have been done with the many conflicting interests that have come before us, and has tried to do the best, not for his State, not for my State, not for the State of any member of the committee, but for the whole United States, and the reception given to our measure in this House is a compliment to us all.

I did not rise to make a speech and shall detain the House but a moment more. I could not help thinking, when one of the gentlemen was talking about Green River yesterday, of the little instance which occurred when the River and Harbor Committee was traversing the Ohio. At every point that we stopped in Kentucky some members of the local community presented each member of our committee with a quart bottle of the real thing. We were traveling with light baggage, and before we got through we had more than we could carry. [Laughter.] More than we could carry in our valises. I understand that some of the members sent their clothes home by express and kept the liquor with them. [Laughter.] And I wondered if it was on the Green River that the Three Feathers brand of liquor is manufactured, and if they needed deep-water navigation for that product. [Laughter.] I do not suppose it means they really have three feathers, but that by using the liquor one could see three. [Laughter.]

There is one very sad feature about this discussion. I think it is the first time in the history of our country when the Missourians have asked for water. [Laughter.] It is certainly the first time that I have ever refused them. I regret we could not grant their every wish.

In the deep waterway from Chicago to St. Louis we have many problems to solve. In the first place, it is an international question that affects Canada, by the waters flowing out of Lake Michigan into the Illinois and Mississippi. In the second place, it is opposed by the great Lake interests, who fear it will lower the level of the Lakes and in some measure depreciate the value of the harbors and channels upon which so much money has been expended by our Government. In the next place, the lower Mississippi is not so deep as the proposed canal, and the question is whether it is a business proposition to dig a canal deeper than the ocean. [Laughter.]

Now, if we can have 14 feet all the way from Chicago to the Gulf, without affecting the harbors of the Great Lakes or getting into a tangle with Canada, I will be the first member of the River and Harbor Committee to vote for the project. It is asserted that the canal for ship purposes would not require so much water as the canal for drainage purposes, and if that be true, then no great evil would come from it, and let us hope many blessings.

But the people of the Lakes are afraid of any cross section big enough to draw off Lake Michigan, and we must first quiet their fears and have the approval of the War Department before we enter upon so great a project. But I have taken up too much of your time already. Let me only add that I would not have talked at all except, as they say under the civil law, to homologate the record of my committee [laughter], and having homologated it and shown that not only the chairman, but every member of the River and Harbor Committee, is striving to do right, as his conscience gives him to see the right, I trust the bill may pass without dissent. We of the committee are the friends of every section of the country, and I hope in other bills, at future times, to satisfy all interests from every section of the nation, and then to them —

The night shall be filled with music,
And the cares that infest the day
Shall fold their tents like the Arabs,
And as silently steal away.

[Applause.]

Mr. BURTON of Ohio. Mr. Chairman, I move that the committee now rise and report the bill with the amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to; accordingly the committee rose, and Mr. DALZELL, Speaker pro tempore, having resumed the chair, Mr. CURRIER, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24991, the river and harbor bill, and had directed him to report it back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The SPEAKER pro tempore. Is a separate vote asked for on any amendment?

Mr. BURTON of Ohio. Mr. Speaker, I think a separate vote should be had on the amendment on page 73, relating to the appropriation for the town of Wittenberg, Mo. When the item was reached I asked if there was objection by anyone. There was no objection, but the gentleman from Missouri [Mr. RHODES] was out of the House at the moment.

The SPEAKER pro tempore. Is a separate vote asked for on any other amendment? If not, the other amendments will be agreed to.

The question was taken; and the other amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment upon which a separate vote is demanded.

The Clerk read as follows:

On page 73, after line 5, insert "and the amount of $10,000, heretofore appropriated for Wittenberg Harbor, shall be made available for the general improvement of the river."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. BURTON of Ohio. If there is no objection of a valid nature I should like to have it remain in the bill.

Mr. RHODES. Mr. Speaker, at the time this matter came up I was not on the floor. If I had been here I should have objected. I am here now, hence I object to the amendment and hope it will not be adopted. The object in changing this appropriation is that this item of $10,000 may be used for general improvement purposes. At this point on the river we have a condition which I believe makes it necessary to do more bank improvement and less dredging. I should be opposed to any change with respect to this item which sought to transfer it to the general fund, the major part of which would then be expended for dredging purposes.

I know, as a matter of geography, at this place we have the alluvial banks, and the volume of water carried by the river is hard to confine in its channel, and the method of bank improvement has been more successful than dredging.

Mr. BURTON of Ohio. I trust the gentleman will confine his remarks to this specific project. We have been on the subject of dredging a considerable time, and I want to say to the gentleman that so far I am now inclined to be with him, but if we change from the policy of dredging and it is to be used for some other purpose I might be against it.

Mr. RHODES. I desire to ask the chairman of the committee for what purpose it is intended this $10,000 shall be expended, if converted into the general fund?

Mr. BURTON of Ohio. For the general improvement of the river; first, for dredging and then for the maintenance of existing works and for emergency work beside. As it is now, of course it belongs to Wittenberg Harbor.

Mr. RHODES. Mr. Speaker, in the interest of the district I have the honor to represent, I ask the House not to divert this item from the purposes for which it has been appropriated. I hope the amount will remain as it is.

Mr. BURTON of Ohio. Mr. Speaker, this item came here on recommendation of the engineer, on this ground, that it was appropriated some years ago and never had been used.

I feel, however, unwilling, without having given further hearing to the parties interested, and especially to the Member from that district, to insist upon the amendment. I therefore ask that it may be rejected.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken; and the amendment was rejected.

Mr. BURTON of Ohio. Mr. Speaker, I now move the previous question on the bill and amendments to its final passage.

The previous question was ordered.

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

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

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

REUBEN A. GEORGE.

The SPEAKER pro tempore laid before the House a message from the President of the United States; which, with the accom-

panying papers, was referred to the Committee on Invalid Pensions.

To the House of Representatives:

In compliance with the resolution of the House of Representatives (the Senate concurring) of the 6th instant, I return herewith House bill No. 20928, entitled "An act granting an increase of pension to Reuben A. George."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 7, 1907.*

RESIGNATION OF A MEMBER.

The SPEAKER pro tempore also laid before the House the following communication:

WASHINGTON, D. C., *February 7, 1907.*

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

DEAR SIR: Having this day forwarded to the governor of our State my resignation as a Representative in the Fifty-ninth Congress from the Fifth Congressional district of Michigan, and having given notice of my intention not to qualify as a Representative of the Sixtieth Congress, I desire to tender my resignation as a Member of the House of Representatives, effective Saturday, February 9, 1907.

Deeply sensible of a warm personal obligation to my associates in the House of Representatives for their uniform courtesy and helpfulness in the performance of my public duty, and acknowledging with gratitude my appreciation of your kindness and good will, I am, with great respect,

Yours, very truly, WILLIAM ALDEN SMITH.

The SPEAKER pro tempore. Without objection, the communication will lie on the table.

There was no objection.

WITHDRAWAL OF PAPERS.

Mr. SMITH of Kentucky, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Steven Camplin, H. R. 1572, Fifty-seventh Congress, no adverse report having been made thereon.

Mr. DALE, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Henry Grete, H. R. 1942, Fifty-sixth Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

Mr. OVERSTREET of Indiana, by unanimous consent, was granted leave of absence for one week on account of serious illness in his family.

Mr. HENRY of Texas, by unanimous consent, was granted indefinite leave of absence on account of public business.

PHILIPPINE BANKING BILL.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent that certain members of the minority of the Committee on Insular Affairs have leave for three legislative days to file a minority report or reports on the bill H. R. 25186, the Philippine banking bill.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that certain members of the minority of the Committee on Insular Affairs may have leave to file minority views upon the Philippine banking bill within three legislative days. Is there objection?

There was no objection, and it was so ordered.

Mr. CRUMPACKER. Mr. Speaker, I would like to ask the gentleman from Wisconsin a question as to whether the report has been filed.

Mr. COOPER of Wisconsin. Yes.

Mr. CRUMPACKER. I have here the dissenting views of five of the minority, which I will present at this time, if I may.

The SPEAKER pro tempore. The gentleman may file that under the order just made.

DENATURED ALCOHOL.

Mr. HILL of Connecticut. Mr. Speaker, I call up the bill (H. R. 24816) to amend an act entitled "An act for the withdrawal from bond tax free of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials," approved June 7, 1906, and in view of the lateness of the hour, I ask unanimous consent that the same may be considered in the House as in the Committee of the Whole House.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent to consider the bill referred to in the House as in the Committee of the Whole House. Is there objection?

Mr. MANN. Mr. Speaker, I think this is out of the usual course, and I object.

Mr. HILL of Connecticut. Then, Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the present consideration of the bill H. R. 24816, and pending that I ask unanimous consent that the time limit may be fixed to debate of thirty minutes, one half of which shall be controlled by the gentleman from Illinois [Mr. GRAFF] and the other half by myself.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent that general debate be closed in thirty minutes, one half of the time to be controlled by himself and the other half by the gentleman from Illinois [Mr. GRAFF].

Mr. GROSVENOR. Mr. Speaker, I object to the limit of time. It is entirely too short for any reasonable debate on this bill.

Mr. HILL of Connecticut. All right. Mr. Speaker, I make the motion to go into Committee of the Whole House on the state of the Union.

The motion was agreed to; and accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 24816, the denatured alcohol bill, Mr. BOUTELL in the chair.

The Clerk read as follows:

A bill (H. R. 24816) to amend an act entitled "An act for the withdrawal from bond tax free of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials," approved June 7, 1906.

Mr. HILL of Connecticut. Mr. Chairman, I ask that the first reading of the bill may be dispensed with.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent that the first reading of the bill may be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. HILL of Connecticut. Mr. Chairman, a year ago we passed what is now known as the "denatured alcohol law." As it went from the House of Representatives it gave to the Secretary of the Treasury and the Commissioner of Internal Revenue the largest discretion as to the establishment of denaturing warehouses, the mode and manner of denaturing, the character and quantity of the denaturant. It was subsequently amended, and that action renders necessary certain further amendments now. The propositions embodied in these amendments are as follows: Section 1 provides that certain articles in which alcohol is used for their manufacture shall be admitted to the privileges of the bill. This is based upon the fact that in the manufacture of these articles the alcohol is destroyed in the process so that it is imposible to recover it.

Section 2 provides that the Commissioner of Internal Revenue shall have full discretion in authorizing the establishment of denaturing warehouses, which was inadvertently taken away by the amendments of last year. This is in accordance with the custom in England, France, and Germany, where denaturing establishments are located in large manufacturing centers, and is entirely in the interest of a cheap commodity and the convenience of the consumer, both for fuel, light, and power and for manufacturing purposes. The third section provides for methods of transportation in steel containers or in tank cars, which in the first place is a safer form of transportation than in wooden barrels and in wooden box cars, and in the second place is far more economical. It will probably save to the consumer at least 4 or 5 cents a gallon on the cost of transportation, taking the country as a whole. The entire section as it will appear in the bill is a substitute for the original section. It was drawn by the Commissioner of Internal Revenue himself, and indeed, the whole bill is practically the product of the Treasury Department, it having been redrawn from all the bills which have been introduced in the House this year, four in number, one by the gentleman from North Dakota [Mr. MARSHALL], one by the gentleman from North Dakota [Mr. GRONNA], one by the gentleman from Minnesota [Mr. VOLSTEAD], and one by myself, all of them having been submitted to the Treasury Department, and the bill as you now have it with its amendments having received the approval of the Commissioner of Internal Revenue and the Secretary of the Treasury. So far as tank cars are concerned, their use is a common practice in Germany.

The reason for the economy is this: In the first place, it saves the cost of the barrels. In the second place, in shipping alcohol or liquor in wooden barrels the freight is charged not only on the alcohol but on the barrel also, and in returning the empty casks the freight is charged at a still higher rate, whereas in shipping by tank cars only the weight of the alcohol itself is charged for. The tank car is returned free of charge, and the shippers receive, as a general rule, 2 cents a mile each way from the railroad company for the privilege of using the car, and including these several economies, together with the saving by piping and pumping at the distillery, the cost to the consumer will be reduced about 5½ cents per gallon.

The CHAIRMAN. Does the gentleman from Connecticut [Mr. HILL] yield to the gentleman from Indiana [Mr. CRUMPACKER]?

Mr. HILL of Connecticut. Certainly.

Mr. CRUMPACKER. I am in thorough sympathy with the purpose of the bill, but in a conversation I had a day or two ago with a distiller out in Indiana he made the criticism of the bill that it opens wide the door for fraud, and that the regular distillers would be at a great disadvantage in competing with these small distilleries that the bill provided for. I would like to know the gentleman's opinion in regard to the adequacy of safeguards to prevent frauds against the internal-revenue law.

Mr. HILL of Connecticut. That refers to the next section—the small distilleries, I suppose?

Mr. CRUMPACKER. Yes.

Mr. HILL of Connecticut. I come to that now. The gentleman has no idea but that a steel container and steel tank cars would be safer than the present method of transportation in wooden barrels and box cars, which are easily subject to the attack of any boy in possession of a 5-cent gimlet.

Mr. Chairman, the fourth section proposes to introduce into this country the German farm distillery methods. Ninety per cent of all the alcohol which was denatured in Germany last year was the product of the farm, not of industrial distilleries. It is a fair, open field for competition. I asked one of the gentlemen, possibly the one to whom my friend from Indiana refers, whether, in the shipments which have thus far been made since the 8th of January, when the first gallon of denatured alcohol was put upon the market in this country, if he had sold a gallon which displaced a gallon of taxed-paid alcohol or whether all of those sales did not either displace wood alcohol or were for entirely new uses in new processes of manufacture begun under the provisions of this new law.

He told me that he had not displaced tax-paid alcohol, but that the business was entirely a new one to him. I therefore submit that in such a business, absolutely new to the existing distilleries of grain alcohol in this country, that it is only fair to throw this open to the competition of the farmers of this country. It is because the bill was so amended last year that the small producer could not profitably engage in the business that this new system is proposed. Any farmer can to-day, under the beverage spirit law, make alcohol without restriction as to quantity, but the necessity for the construction of a bonded warehouse and for a separate denaturing warehouse makes it difficult for him to profitably utilize his waste products, and the farmers of the country are therefore feeling disappointed in the legislation of a year ago.

This bill brings into the United States the German farm-distillery system, where a farmer at the end of his crop season can sort his crop, take his culls, whatever they be, of corn or potatoes, and by a reasonable notice to the Government can have his still inspected and locked, and subject to being inspected occasionally at the will of the Government, and, without the denaturing warehouse or bonded warehouse, can go ahead and utilize the waste products of his farm. What it means to Germany, gentlemen, is that last year 91,000,000 bushels of potatoes, culls—most of them unsuitable for market, unavailable for food purposes—were consumed in that way, and 76,000,000 gallons of alcohol were made principally from such culls. The farmers of the United States from Maine to California, in our northern potato-growing section, in the South, in the corn belt, in the sugar-beet section, and in the cane-sugar section, have a right to have such a system that they can utilize the waste products of their farm, and there is no danger, I want to say to the gentleman from Indiana [Mr. CRUMPACKER], not the slightest danger, because this has been tried for twenty-five years in Germany, and last year alone 5,775 of such stills were run upon the farms of that country. This law does not permit, as Germany does, the making of beverage alcohol or beverage spirits. Those stills can only be utilized for alcohol that is to be denatured. It is bonded from the still, straight through to the denaturing process, and I have not the slightest question but that it can be handled with entire safety to the revenue.

And I want to say right here that I have summered and wintered this year with Hon. John W. Yerkes, Commissioner of the Internal-Revenue System. I have followed these regulations from the beginning to the end during the recess of Congress, and I stand here to say that any criticisms which may have been made upon his action are wholly unjust and unfair, that he is heart and soul in favor of giving to every farmer and every manufacturer in this country every possible facility under the legislation which we passed last year, and no more honest, earnest, enthusiastic Government official lives in Washington to-day than that same man, who has spent his time and his health in trying to bring to a great success the legislation which you enacted a year ago.

Mr. MARTIN. Can the gentleman indicate approximately the probable cost of what he calls a farmer's distillation plant under the German system?

Mr. HILL of Connecticut. Yes, I can under the German system; but it would not be a fair criterion for us, for they build of stone and brick, and build for the future, while we build for ourselves, and for to-day only. It would probably cost $2,500 there. I am informed by the Commissioner that reports of the deputies in the different parts of the country state that the entire outfit could probably be put up here, using wooden buildings, at not exceeding $750.

Mr. MARTIN. Then that is approximately what they state the cost to the American farmer would be who might avail himself of this process.

Mr. MARSHALL. I want the gentleman to bear in mind that the gentleman from Connecticut includes the cost of buildings. Most farmers would have them, and there would only be the machinery to provide, and it would take about $150 for the whole entire outfit.

A MEMBER. What would be the cost to the Government?

Mr. HILL of Connecticut. Very little. The process of denaturing takes but a few minutes. It would depend upon the conditions. The inspector is summoned from the collector's office, the spirit is drawn and either denatured or shipped as the case may be, and report is made accordingly.

Mr. GRAFF. What is the German bounty on alcohol?

Mr. HILL of Connecticut. There is no bounty in Germany on alcohol, except indirectly. There are four different forms of taxation in Germany, and the system is a complicated one. The final outcome is that an advantage of 21½ cents per gallon over and above the rebate of what is known as the "consumption tax" is divided between the producer, the dealer, and the consumer. Practically the consumers of beverage spirits pay this in an increased cost of that article.

The law passed by this country last year has excited the deepest interest in the countries of Europe. I have here the legislation of England which followed immediately upon our action. England has taken off all the cost of supervision, which for twenty-five years had been borne by the consumer, and put it upon the treasury department. The quantity of denaturant for manufacturing purposes has been reduced from 10 per cent to 5; the restrictions upon dealers have been greatly modified; and, in addition, she is paying an absolute bounty on every gallon of from 5 to 10 cents, according to the degree of proof. Germany followed her example and took off the "contingent," or limit of product to each distillery at a reduced rate of taxation, and allowed the farmers to manufacture to any extent.

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

Mr. HILL of Connecticut. Certainly.

Mr. GILBERT. I want to know if your bill pointed out any method of transportation in tanks?

Mr. HILL of Connecticut. It gives the tank-car system, for shipment in bond and under seal.

Mr. GILBERT. For the retail trade, what method is indicated in the bill?

Mr. HILL of Connecticut. It gives the retail trade just the same privilege as is given to every man, that he can go and buy at retail just as he buys water or oil.

Mr. COOPER of Wisconsin. Will the gentleman allow me to ask him a question?

Mr. HILL of Connecticut. Certainly.

Mr. COOPER of Wisconsin. Did the gentleman from Connecticut visit Germany and make any investigation of this matter?

Mr. HILL of Connecticut. I spent two months abroad last summer studying this question.

Mr. COOPER of Wisconsin. From the gentleman's personal examination of the German system, is the gentleman convinced that substantially the plan adopted for the system there would prevent fraud here?

Mr. HILL of Connecticut. Oh, absolutely. I have no doubt about that. While the Commissioner of Internal Revenue is under the necessity of the utmost strictness in the protection of $140,000,000 of revenue, he is satisfied that the system can be safely adopted, and with no greater liability of fraud than now exists. I yield such time to the gentleman from Illinois as he desires.

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

Mr. HILL of Connecticut. Certainly.

Mr. MANN. Complaint was made to me some time ago about the materials that were required for the denaturing and the expensiveness of those materials. Has the gentleman and his committee given consideration to that subject?

Mr. HILL of Connecticut. We have, and I will put that all

in the RECORD; if the gentleman will pardon me, it is getting late.

Mr. MANN. The gentleman calls up a very important bill here and it is not sufficient to say that it is late. The gentleman will not get a vote any quicker by that.

Mr. HILL of Connecticut. I will answer the gentleman's question now.

Mr. MANN. You answered the question I asked; will you permit me to ask you another question?

Mr. HILL of Connecticut. I will.

Mr. MANN. What method do you provide to prevent fraud on the Government?

Mr. HILL of Connecticut. In the first place, the farm distilleries are locked, and the farmer can do nothing but feed the distillery; and when he wants to open it, he must send for the Government inspector to supervise the gauging and denaturing or shipment.

Mr. MANN. How often will that inspector go there?

Mr. HILL of Connecticut. It will depend on the size of the tank and the wish of the farmer to have it withdrawn and put on the market and the convenience of the Government official.

Mr. MANN. What will be the comparative expense of the inspector as related to the value of the alcohol?

Mr. HILL of Connecticut. In all probability there will be no additional expense over that of the force now maintained, except a little traveling expenses, because the inspector would be summoned from the collector's office of the district, and it would take him but a few minutes to make the inspection.

Mr. MANN. The gentleman assumes that it would only take a few minutes for an inspector in Minneapolis to make an inspection of a farmer's distillery in the northwestern part of Dakota.

Mr. HILL of Connecticut. I said there would be very little expense aside from the traveling expenses. One inspector could cover a very considerable territory. So far as the inspection is concerned, it will take a very few minutes.

Mr. MANN. Germany has 6,000 of these farm distilleries. How many does the gentleman think he will have?

Mr. HILL of Connecticut. The gentleman's guess is just as good as mine. I hope we will have more than that in time. Germany has been in the denatured-alcohol business for twenty-five years.

Mr. MANN. Does the gentleman think we have enough inspectors now to inspect 6,000 farm distilleries?

Mr. HILL of Connecticut. I do not think we have got 6,000 farm distilleries, but I hope that we may have in time.

Mr. MANN. The gentleman assumes that we will have as many as Germany. I am in favor of the gentleman's bill, I am frank to tell him, as far as that is concerned, but I would like to know for my own information whether any consideration has been given to the question of expense as connected with the watching of these distilleries.

Mr. HILL of Connecticut. So far there have been but 11 inspectors appointed in the United States, and unless the number of distilleries should be very greatly increased, as I hope it will be, everything indicates that the present force in the offices of the various collectors can practically take care of this business without much additional expense.

Mr. MANN. Then there ought to be a prompt discharge of a number of officials of the present force who must be doing nothing.

Mr. HILL of Connecticut. That is not necessarily true.

Mr. Chairman, I said a few moments ago that I would put in the RECORD a statement in regard to the materials required for the denaturing and the expensiveness of those materials. Immediately after the regulations for carrying into effect the law of June 6, 1906, were published somewhat severe criticism began to be made as to the strictness of those regulations, and as Members well know, in various sections of the country it was claimed that the terms of the regulations were such that it was impossible for the farmer to get the supposed benefits of the law.

I do not propose at this time to go into that matter, except to publish as a part of my remarks a letter written by the Commissioner of Internal Revenue, the Hon. John W. Yerkes, in response to a request made by the President for an explanation of the mode of procedure of the Internal Revenue Department under the denatured alcohol act.

[From the Superior Telegram.]

ROOSEVELT CALLS ON YERKES FOR AN EXPLANATION OF CHARGES MADE IN SUPERIOR TELEGRAM REGARDING DENATURED ALCOHOL AND ALSO SENDS YERKES'S ANSWER TO THIS PAPER.

President Roosevelt through his secretary, Mr. Loeb, has called on Commissioner Yerkes of the internal revenue office for a statement of conditions on account of a recent editorial which apeared in The Telegram. The President, on reading The Telegram, thought the editorial on the free alcohol law was sufficient ground for an explanation of the law, and he thereupon instructed Secretary Loeb to communicate with Commissioner Yerkes asking for information in the case.

The editorial in question is quoted sufficiently in Mr. Yerkes's reply to give its sense and its repetition is unnecessary. President Roosevelt took the letter of Commissioner Yerkes and putting it in a package at once forwarded it to The Telegram. The explanation of Mr. Yerkes and the President's communication to The Telegram, through Mr. Loeb, are given herewith:

THE WHITE HOUSE,
Washington, January 8, 1907.

EDITOR SUPERIOR TELEGRAM,
Superior, Wis.

The editorial appearing in your paper of the 26th ultimo was called to my attention and I secured from the Commissioner of Internal Revenue a report on the subject which I take the liberty of bringing to your notice for information.

Very truly, yours,
WM. LOEB, JR.,
Secretary to the President.

The report of Commissioner Yerkes follows:

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, January 3, 1907.

MY DEAR MR. SECRETARY: I have the honor to acknowledge receipt of your note of yesterday, inclosing a clipping from the Superior, Wis., Telegram of December 26, 1906, and the President's request that I give him material to enable him to answer the criticism contained in the editorial clipping named.

First, I call attention to certain statements of the editorial which are absolutely false:

"They (the Congressmen) thought they were bestowing a boon the beneficence of which would be felt on every farmstead. But some flaws were left in the bill which enabled the Internal Revenue Office, which actively opposed its passage, to rob it of all value as providing a cheap material for power, light, and fuel."

The statement that the Internal Revenue Office actively, or at all, opposed the passage of the denatured alcohol bill is absolutely without a suspicion of truth.

I was called before the Ways and Means Committee of the House, and the Finance Committee of the Senate, and my statements with regard to the proposed legislation were printed, and can be read of all men.

FAVORED IT FOR YEARS.

I have favored such a bill for four years, believing it would materially benefit the country, and would put this nation in an attitude for favorable competition with the manufactured products of foreign nations, where cheap alcohol was used by the manufacturers, through laws similar to the one adopted at the last session.

Representatives PAYNE, BOUTELL, HILL, WATSON, and TAWNEY, and Senators HALE and SPOONER are thoroughly familiar with my attitude regarding the measure and with the steps that have been taken by this office relative to the enforcement of the new law.

In the editorial appears the following statement:

"The chief tools used by the internal revenue officials in cheating the farmers out of the benefits expected from the law have been the requirements for the use of a large percentage of wood alcohol as a denaturizer, the requirement of a separate inspector for every distilling plant, and the limitation of the privilege of manufacture to distilleries having a capacity of not less than 500 gallons of alcohol per day. This last rule makes impossible its manufacture even by small groups of farmers cooperating together."

Neither the denatured alcohol law of June 7, 1906, nor the regulations promulgated thereunder change in any respect the existing system with regard to the production of alcohol.

The new law takes the alcohol when produced under the system that has been in existence for forty years and allows it to be withdrawn from the bonded warehouse, where it must be placed, free of tax when the denaturing material has been added thereto, destroying its beverage qualities and its possibilities for use in liquid medicinal preparations.

NO LIMIT.

There is absolutely no limitation upon the size or capacity of a distillery producing alcohol for denaturing purposes or for commercial purposes.

No statement could be less in conformity with fact than the charge that the distillery must have a capacity of not less than 500 gallons a day. It can produce 5 gallons, 10 gallons, 500 gallons, or 5,000 gallons a day, just as the owners determine.

There are hundreds of distilleries in operation in the United States this month, and which have been operated for forty years past, whose daily output is not more than 12 or 15 gallons. Some produce less.

With regard to the statement that a separate inspector must be provided for every distilling plant—that is not a regulation of this office nor a part of the new law, but a requirement of the old law of forty years standing.

No distillery can be operated except in the presence of a Government official, called a storekeeper-gauger or storekeeper.

NO FINANCIAL MOMENT.

But this is a matter of absolutely no financial moment to the distiller, for the cost of that official, whether he be stationed at a distillery producing alcohol for denaturing purposes, for commercial purposes, or producing whisky, is paid by the Government.

It will not cost the farm distiller 1 cent more to have a Government official at his place of business each day when he operates than to have him visit the plant once a week. The Government pays the official his salary.

The honest distiller would want him constantly present; the dishonest distiller would prefer to have him absent as many days as possible.

Alcohol pays a tax of $2 per wine gallon, and it is absolutely necessary to put up every barrier possible against fraud now that under the law it can be withdrawn free of this tax for certain purposes.

If it were possible to find a denaturing agent that could not be removed from the alcohol by process of redistillation, by passing over charcoal beds, and by other chemical processes, then it would not be so necessary to guard every step of the new process.

MUST SUPERVISE.

There must be governmental supervision and surveillance to prevent the alcohol from being secretly and surreptitiously taken from the distillery where produced without the payment of tax, and to prevent, after it has been denatured, its reclamation through chemical process and its restoration to its original alcoholic condition.

The article complains of the regulations requiring the use of a large percentage of wood alcohol as a denaturizer, and adds:

"The use in the United States of wood alcohol, controlled by a trust, makes the cost of denaturizing 7½ cents per gallon."

The exact cost of denaturing under one, and the first, material selected by the office is 4⅜ cents per gallon. Under the second formula adopted by this office it is 1⅝ cents per gallon.

The universal judgment of the scientific men of foreign countries who have for fifty years denatured alcohol, is that wood alcohol is the best denaturant known. It is very difficult to remove it from the alcohol by distillation processes, and it also allows the use of the product in many lines of trade that some other denaturant might prohibit. It is the best protection from fraud against the revenue by reason of its staying qualities. Furthermore, wood alcohol is an American product, and it is natural that we would use something produced here.

WHAT ENGLAND DOES.

Great Britain uses 10 per cent wood alcohol. The first formula selected by this office uses 9.05 per cent. With that, for the purpose of imparting a disagreeable odor, is used a small fraction of benzine, also produced in the United States. The first formula follows absolutely the English system for completely denatured alcohol except a small lessening of the percentage of wood alcohol.

France uses wood alcohol and benzine; Germany wood alcohol and a pyridin base, commonly called "bone oil."

In connection with this pyridin base (produced in Germany and not in the United States as yet, and which has a very offensive odor) the German Government uses two parts of wood alcohol.

After a thorough study by the chief chemist of this office of the English system and the German system, and after as close a study as I could give, we agreed that the English system was the better, and adopted it, with a slight reduction in wood alcohol, above named.

THE REGULATIONS.

The regulations declaring this formula were issued on September 29, 1906. At that time I had right to believe from statements made by the wood alcohol producers that they would put wood alcohol on the market, for denaturing purposes, at about 40 cents a gallon.

Early in December I received definite information from persons desiring to purchase wood alcohol as a denaturant that it was being priced to them at 70 cents per gallon, with an indefinite promise that after the 1st of January it might be placed upon the market at a lower price.

To meet this condition, which I believed to be an unfair and unjust attempt on the part of the wood alcohol producer to place an extravagant price upon his product, on December 10, 1906, I prepared and issued a circular, with the approval of the Secretary of the Treasury, allowing as an alternative denaturant the German formula.

PRICE DROPS.

The result of that order of December 10 has been to drop the price of wood alcohol from 70 cents to 45 cents per gallon; and it is believed a further reduction will come.

The first moment that this office knew that the wood alcohol interests were charging more than I had a right to believe they would charge, I met it with the order of December 10; and the result is as stated.

Before issuing this new order, I consulted fully with the Secretary of the Treasury, Mr. PAYNE, and Mr. HILL, and the action met with their thorough approval.

Mr. HILL and I thought we would take the matter up with the President, but did not because we thought it perhaps in the nature of an unkindness to burden him with additional weight.

The editorial closes with a restatement of the cost of inspectors, which, as I have said, does not affect the farm producer of alcohol, but the Government; repeats the effort to limit the privilege to large distillers, which is an absolute falsehood, and charges that this Bureau has defeated the good intentions of Congress toward American farmers.

QUOTES FARMER.

I take the liberty now of quoting from the annual address delivered by the grand master of the National Grange Patrons of Husbandry a few weeks ago. Discusing the subject of denatured alcohol, he said:

"A sensation-seeking magazine writer, as a climax to a lurid series of articles in one of the popular magazines, has stated that the denatured alcohol law was passed in the interest of the Standard Oil Company, that the company was buying up all the distilleries, that the public has been grossly misled as to the possible use of alcohol, and that the large but limited manufacturing demand would be supplied by the Standard Oil Company in its own familiar way. To any one acquainted with the real facts such statements are too absurd to be worthy of even notice, but judging from the editorials and comments which have appeared in numerous publications throughout the country many good people have been made to feel that the farmer has been 'buncoed,' or, in the language of Colorado, 'handed a gold brick.'"

We would caution patrons from giving too hasty credence to such statements. The law which goes into effect on January 1 is in all essentials what the Grange contended for from the beginning. There has been no change in the law governing distilleries, and the Grange was determined that there should be none.

There are over 1,000 distilleries of less than 30 gallons daily capacity in operation to-day, and which have been in operation for years. These distilleries make whisky and brandy, but there is nothing in the law which prevents their making commercial alcohol if they wanted to or could find a market for this product. All distilled spirit must be stored until it is released from Government control upon payment of tax. All these warehouses are bonded—that is, are absolutely under the control of the Government—and they are large or small to correspond with the distillery to which they are attached.

The denatured alcohol law simply provides that alcohol shall be removed free of tax from bonded warehouses after it has been denatured under Government supervision. The cost of this supervision is absolutely met by the Government. Any farmer, any group of farmers or citizens can go into the business of distilling and have a denatured bonded warehouse if desired. All they have to do is to apply to the Internal-Revenue Department for the necessary permit. If the regulations should prove in practice to be burdensome, or the denaturant should add especially to the cost of the alcohol, it will be a simple matter to secure the necessary changes to the regulations. The law will not have to be changed.

This is the view taken by the head of the official organization of farmers in the United States, and perhaps is fully as trustworthy in declaring the view of the farmers as the editorial cited.

ONLY A FEW.

Alcohol to-day is produced at but few distilleries. There is virtually none produced in Kentucky, Maryland, and Pennsylvania, which are the great whisky-producing States. *Illinois, New York, Michigan, and Louisiana produce practically the entire alcoholic output of the country*, and it is distilled either from grain, principally corn, or from the refuse molasses following the production of beet sugar in Michigan and cane sugar in Louisiana.

Whether we will be able to follow the German system of producing alcohol from potatoes or not remains to be tried and tested. Up to this day not a gallon of alcohol has been produced by the distillation of potatoes here. I have always believed and said that eventually we might reach the German condition, although the question of wage paid to the agricultural laborer in this country as compared with that paid to the agricultural laborer in Germany must be considered. We pay 100 per cent more to farm laborers of the West than is paid to farm laborers in Germany. We do not produce in this country as yet the potato best adapted to distillation purposes. Our potatoes are produced for table use and starch.

WILL TRY POTATOES.

I had yesterday a letter from a gentleman in California telling me that he intended to make a test of potato culture for distillation purposes.

There is absolutely nothing in the existing law or in existing regulations that stands as a barrier in any way to the erection of distilleries by the farmer or by a number of farmers cooperating, and the production of alcohol by them from any farm product containing the necessary qualities. It is simply a question of business as to whether it will pay the farmer to do it, and he must make the test. There is nothing in the law or regulations to prevent him from doing it this year or next year.

During the discussion of this bill before Congress there were many misstatements made in the public press as to the quantity of alcohol that would be denatured. Some enthusiasts put it at 200,000,000 gallons the first year.

CONSUMES MILLIONS.

The United Kingdom, which passed a denatured-alcohol law in 1855, consumes about seven million gallons a year of the denatured product. This is principally used in their manufactures.

France uses nine or ten million gallons a year, and Germany a little less than forty millions gallons.

Up to the present time none of these countries use it largely for the production of heat, light, or power. More is applied to that purpose in Germany than anywhere else. In Great Britain and France virtually no alcohol is used for the production of either heat, light, or power. A considerable quantity is used in Germany, especially for stationary engines and, to some extent, for lighting purposes.

These facts were well known when the bill was under consideration by those who had studied the question; but then, as now, the newspapers carried many erroneous statements in their columns.

I attach hereto an interview I gave to Mr. O'Laughlin on December 21, and which appeared in the Chicago *Daily Tribune* of January 1; also copies of letters written during the past month to Congressmen and others on this subject.

INTENSELY INTERESTED.

I trust the President will pardon the length of this communication. I have intense interest in the subject—have individually handled every branch of it since the law was passed by Congress.

The Secretary of the Treasury, under the law, has approved the regulations and steps taken by this office. The Members of Congress who have made the closest study of it largely approve. The trade journals who have familiarized themselves with foreign laws and our own regulations approve. The manufacturers have shown the fullest appreciation of the effort made to meet their demands and necessities.

A prominent Canadian official called on me a few weeks ago to discuss the new law and the regulations (which he had studied thoroughly), and he was good enough to say that we had started in this country in advance of other countries who had had similar laws for half a century.

FARMER SUITED.

The farmer in the United States is in as favorable an attitude to gain benefit under our law as is the farmer in Germany, the only country where the farm distillery, to any large extent, exists.

If the farmer should determine that it is to his financial benefit to engage in the production of alcohol now, and it becomes apparent that new legislation, or new regulations, are necessary to meet the new conditions as they arise, it is an absolute certainty that those laws and regulations will be made, and made promptly.

The Government, for its own protection, will limit to the lowest degree possible governmental surveillance of farm distilleries, for that expense will be borne by the Government.

It is impossible for a new law to be put into effect without criticism, especially when we deal largely with individuals and classes not heretofore familiar with the governmental regulations and rules required for a protection of governmental revenues.

I return herewith the editorial sent me, and can only add that I would like the privilege of discussing the matter personally with the President, if he desires any further data.

I am, very respectfully, JOHN W. YERKES,
Commissioner.

Hon. WILLIAM LOEB, Jr.,
Secretary to the President, the White House.

In view of the fact that forty-four years had passed since the people of the United States have had the privileges of using alcohol free of tax, and from the further fact that this country had never had experience in the use of denatured alcohol, immediately after the passage of the law last year I suggested to the President that the Commissioner of Internal Revenue should visit England, France, and Germany and study their regulations, which had been the outgrowth of from twenty-five to fifty years' experience, and believing that I could render my constituents no greater service than to take up a like study I accompanied the Commissioner upon the trip.

The day after my return I was called upon from a number of sources to publish the result of my observations, and in response to those requests I did publish in my home paper the following letter, which I desire to make a part of my remarks,

in the belief that it may be of interest to those who contemplate engaging in the manufacture of denatured alcohol. This letter was dated and published August 23, 1906, as follows:

In response to your request that I should give you a brief review of the practical working of the regulations for free denatured alcohol in Great Britain, France, and Germany permit me to say:

Our party was received most cordially and treated with great courtesy by the officials of the three governments.

We found that they were not only familiar with the action which the American Congress had taken in regard to the matter, but that the authorities in England, France, Germany, and Switzerland were already in possession of actual copies of our law which had passed but a short time before, and in Germany we found that the full hearings before the Senate and House committees had been transmitted to them. It was perfectly apparent that they are keeping a very close watch on what we are doing on this side of the water. A prominent official in Great Britain said to me: "I wonder how your country has got along for forty years without a denatured-alcohol law. It will work a revolution in your industries." We secured from the various governments full copies of their regulations, and also a copy of the bill then pending in the British Parliament providing for new regulations for that country. Undoubtedly, spurred on by the keenness of German competition, Great Britain has found it necessary to make much more liberal provisions for the use of free alcohol than heretofore. Where a 10 per cent denaturant had been used formerly only 5 per cent will hereafter be used, thus materially reducing the cost. Besides that the cost of supervision, which has heretofore been thrown upon the consumer, will under the terms of the bill be hereafter paid wholly by the Government. Indeed, we found that these charges were not being enforced even at the present time in many cases. The restriction heretofore placed upon the quantity allowed to be kept in stock by wholesale and retail dealers is to be wholly removed, and the whole question is left to the discretion of the board of commissioners of inland revenue; and, more than all, the law is to be so amended as to practically give a bounty of at least 6 cents a gallon on all methylated spirits hereafter made in Great Britain.

We were informed that this law would probably be passed at the fall session of Parliament, but were somewhat surprised on reaching the Continent to find that meanwhile the House of Commons had acted on the matter, and my present understanding of the situation is that it only remains for the House of Lords to concur.

We also found that Australia had taken the matter up and that every probability exists of a law being passed there very similar to that adopted by our Congress at its last session.

France also, recognizing the great benefit to her industrial system by the use of untaxed denatured alcohol, is paying a bounty of 5 cents a gallon on all completely denatured spirit.

I had the pleasure of visiting at Manchester, England, two large hat factories where denatured alcohol was being used in the manufacture of hats. At one factory the proprietor told me that he bought his spirit in Liverpool and paid one shilling and sixpence for the English imperial gallon. This would be about 30 to 32 cents for our gallon. A cask of spirit with faucet attached so that anyone could have access to it lay near the door of the recovery oven room and close to the walk where all of the workmen and women passed going to and from their work. When I called his attention to the fact that the spirit was greatly exposed, he said that anyone would have to be pretty low down to drink the stuff, and assured me that they had no trouble whatever in that respect. They bought their spirit on printed requisition forms and were under bonds for its proper use. A Government inspector came into the factory whenever he chose to do so. As a matter of fact the record showed a call from him in April, May, and June of this year. No records or accounts of use or return of product manufactured were kept. They used the spirit, recovered it, and redistilled the product in their own factory, and used it over again until it was used up. The only restriction placed upon them was that they were not allowed to sell either the original or recovered spirits, but aside from that used it as they pleased.

The mixture which was there used consisted of 90 per cent ethyl alcohol, 10 per cent methyl alcohol, with 3 per cent of benzine added. Under the provisions of the new law the 10 per cent of wood spirit will be reduced to 5 per cent. The benzine is not required to be added, except where recovery and redistillation is practiced.

At another establishment which I visited at Stockport they were turning out an average of 1,500 dozen hats each week. They had four recovery ovens and two sets of distilling apparatus. The denatured spirit was freely handled and freely used, and the proprietors assured us that they had no trouble whatever in regard to losses either by drinking or otherwise, and had no anxiety in regard to that matter. The only restriction which was placed upon them in regard to the recovery process was that the stills for redistilling were locked and sealed, and they were required to make a continuous process of the redistilling when it was once begun. They were required to run the outlet pipe from the column of the still to the bottom of the receiving tank, so that when the process was completed the contents of the receiving tank were thoroughly mixed. This restriction, however, was on the redistillation and strengthening of the spirit which had been once used. No restriction seemed to have been made in regard to the use of the denatured article in the factory, but it must be consumed on the premises, and could not be taken away for redistillation or any other purpose whatever.

We had no trouble in buying completely denatured alcohol at any drug store as freely as we could buy any other article kept for sale. I can see no reason why the same freedom of use can not be consistently accorded to the hat and other manufacturers of the United States.

The question of cooperative redistillation, of course, is somewhat more involved and will require a careful working out of a system, but I have not the slightest doubt but that the skill of the hatters themselves will be able to evolve such a plan, so that we may be put on an equality, so far as this material is concerned, with the other manufacturers of the world.

I am confident that the spirit can be produced and furnished to our manufacturers in the United States cheaper than in any other country, notwithstanding the large bounties which are being paid by the nations of Europe.

So far as I could see, the practically unrestricted use of denatured alcohol in England was based on the good character and standing of the manufacturer, supplemented by a bond for its proper use, and in addition to that, chemical control of the spirit by the Government.

The processes of denaturing were examined into very carefully in all three countries. In each of them special exhibits were made by expert methylators at the request of the Government officials, and in each case we were accompanied to the establishments where the work was carried on by the representatives of the various governments.

Perhaps a statement of the method in one case will answer for all others. At one extensive establishment near London we found the process to be about as follows:

A separate building was used for the purpose of methylating spirit. It was a building of about 20 by 30 feet in size, four stories high, and strongly built. On the ground floor were four large iron tanks holding about 2,500 gallons each. On the next floor we found twenty-one casks of spirit which had just been brought under seal from the bonded warehouse. On the third floor were the wood-alcohol tanks, and on the fourth floor cans full of methylating materials. Going to the fourth floor the covers to the wood-alcohol tanks were removed (these tank covers were flush with that floor) and the contents gauged and tested. The quantity to be put in the tanks on the first floor was run off through pipes connecting with the first-floor tanks and the upper tanks relocked. Then going to the second floor each cask of the grain spirit was gauged and tested and the tank covers, which were flush with that floor, were removed and the casks of the grain spirit were run off into the mixture in the tanks below. The mixture was then stirred with long-handled wooden paddles and the tank covers replaced, and the material was ready for sale free of tax. The abatement of tax in that case amounted to about $10,000. The mixture was 10 per cent wood alcohol and 90 per cent ethyl alcohol, made from molasses and was what is known as the ordinary methylating spirit, used only for manufacturing purposes and used under bond. The completely denatured spirit is made by adding to the foregoing three-eighths of 1 per cent of benzine.

We also investigated very carefully the cost of the material. We found one very large distillery making alcohol both from American corn and from Cuban molasses. The manager told me that the molasses spirit, which is much cheaper than the product of corn, cost 21 cents for the British imperial gallon. This was made from molasses costing them 10 cents a gallon delivered in London. Alcohol from corn was costing them 37½ cents for the imperial gallon. This would be equivalent to a cost of alcohol from American corn of 30 cents for our gallon and 16¾ cents for spirit made from molasses, but the cost of both corn and molasses in Great Britain is very considerably higher than it is in the United States. Prior to my starting for Europe I knew of a very large offer of Cuban molasses made to a manufacturer on the Atlantic coast at 7 cents, but even this is a much higher price than it has been here until the passage of our law by the last Congress. At this price, however, the cost of an American gallon based on English practice would be about 12 cents.

We also visited a large establishment where solid extracts were made and saw the use of pure spirit and the recovery of the same, both of which are permissible under the English law. The laboratories of the governments were opened freely to us and full information as to their methods and processes were given, and we could not help but be surprised at the evident cooperation of each of these Governments in the development of their respective industries; indeed, it seemed that everything that could be done was being done officially as well as industrially to meet the keen competition of each other in all lines of manufacturing.

The process, of course, was very similar in France to that which we had witnessed in England. Just outside of Paris, accompanied by the representatives of the French Government, we visited a large varnish factory and general methylation plant. Hogsheads of spirit were received under seal, the invoices being verified by numbers and the weights taken. The seals were broken and the contents pumped by hand power into the tanks. There the building was but one story high. The tanks were so constructed that they could be seen by the inspector from front and rear and top and bottom. The alcohol was there pumped into the empty tanks first, and when a sufficient amount was pumped in, as shown by the gauge glasses on both front and rear of the tanks, the strength of the alcohol was tested, and in this case water was added to reduce it to 90 degrees. Then one-half of 1 per cent of benzine was put into it and 10 per cent of wood alcohol, which had previously been submitted to Government inspection and test. The mixture was stirred by a wooden hoe and the process was finished. Samples were then taken by Government experts to be sent to the Government chemist for verification, and the proprietor was then able to sell it at will.

We visited another varnish factory where they methylated spirits for their use only. The manufacturers assured us that the process was simple and that there were no vexations or annoying restrictions. The only returns made to the Government were where sales were made of the unfinished mixture of gum and spirit, but where the varnish was completed and packed ready for use and sold in that condition there was no requirement of reports as to the spirit so used.

In one of these factories we found that the proprietors were permitted to carry six months' supply of pure alcohol, of course in locked tanks, only to be opened in the presence of a Government inspector. We found that in France pure spirit was shipped freely by rail or by team to its destination, under seal, tax not paid.

The whole business, however, is far more systematically arranged in Germany than either in France or England. There the Government practically takes charge, from the production to the sale both at wholesale and retail, through a syndicate of spirit manufacturers. This syndicate controls more than 90 per cent of the entire production of Germany.

In Germany alcohol is made almost wholly from potatoes. The system is so complicated that it is difficult to state the precise cost per gallon. As near as I could get at it from the statistics the wholesale price of the denatured spirit for the fiscal year of 1904–5 was 25.32 cents per wine gallon of 190° strength. This was the average for the whole year. The highest yield of potatoes per acre was 360 bushels, and from that down to 124, probably a fair average would be around 200 to 225 bushels per acre. The potatoes are grown by the farmers and manufactured into alcohol in individual farm distilleries and in cooperative distilleries as well. The aggregate product of the farm distilleries was about fifty times as much as that of all of the industrial distilleries in Germany. At the beginning of each year the syndicate managers fix a price which they will pay the producers for their product. This is based, of course, upon the condition of the potato crop. The price this year has been fixed at 25 per cent less than it was last, indicating a much better crop of potatoes. The product is taken and paid for by the syndicate as it is made by the various farmers. On all of this alcohol which is denatured or rendered undrinkable the Government allows a special return of tax previously paid, amounting to about 21½ cents a gallon. Out of this amount the expenses of the syndicate, an allowance for their investment with a fair profit on their business, and commissions for the wholesale and retail dealers are all paid, and

whatever is left at the end of the season is returned pro rata to the farmer or original producer. I was told that, as a general rule, quite an additional return was made at the end of the year to the producer, but that occasionally the payment was the other way, the price at which the product was sold not being sufficient to reimburse the managers of the syndicate for the amounts already advanced at the beginning of the season.

The retail price at which denatured alcohol is being sold to-day in Germany is 29.68 cents per gallon at 190° strength, and 26.98 cents at 180° strength. This is for completely denatured spirit, put up in 1-liter flasks (we would call them quart bottles) and sealed and labeled, specifying quantity and quality. Any adulteration of the contents of such a package is a criminal offense in Germany. The bottle must be returned or an additional charge of 2½ cents is made. Very large quantities of it are being used. I ascertained the official wholesale prices of kerosene and gasoline duty paid and delivered in July at Berlin in competition with this article. Gasoline was 20.8 cents a gallon, best grade. Kerosene oil 15 cents a gallon. I did not learn the prices at retail.

The extent of the industry in Germany is shown by the fact that last year there were more than 91,000,000 bushels of potatoes consumed in the manufacture of alcohol, the product being 1 gallon of alcohol to 1.26 bushels of potatoes. Over 8,000,000 acres of the farms of Germany were planted to potatoes, and nearly 6,000 farm distilleries were in operation.

I have not the slightest doubt but that alcohol can be made much cheaper from corn in the United States, and that the same thing is true in the Northern States of the country, from potatoes, and probably in the Southern States from sweet potatoes. Certainly a traveler needs but a short stay in Germany or France to come to the conclusion that the cultivation of potatoes is an industry which can be greatly improved there when compared with the quality of our American product. I found that the practice was quite common of sorting the potatoes, the best being used for human food, the next grade for feeding to animals, and the refuse or poorest grade for manufacturing into alcohol. The first-grade potatoes were selling in Berlin at retail at the time we were there at 75 cents a bushel. The average cost of all potatoes grown in Germany in 1904–5 was 27.6 cents per bushel, and I am quite confident that this was far more than they were worth, the quality being taken into consideration. The German potato does not compare with the ordinary American article either in size or in general excellence for food purposes. They have, however, succeeded in developing a grade of potato in many parts of Germany which is especially adapted to the manufacture of spirits, but not adapted to human food. Of course in such cases the entire product goes direct from the farmers' field into the distillery.

These farm and cooperative distilleries are bonded and subject to inspection at the will of the Government officials. They do not, however, as a rule, have inspectors assigned to the work and present at all times. They can not begin distillation until a month's notice has been given of intention so to do, so that the Government is fully advised of what is going on and the officials are at liberty to examine their establishments and verify the production at any time. Great effort has been made by the German Government to develop this industry and thoses efforts have been crowned with wonderful success. The way in which the cooperation of the Government has been met by manufacturers and dealers in the country may perhaps be well illustrated by what we saw in several establishments which we visited. At one place we found a methylating works where they had a tankage at the factory of one-quarter of a million gallons, besides an extensive storage depot a short distance away. They were methylating the pure spirit not only in the casks in which it came, but even in tank cars. This concern owned and operated thirty tank cars, with pumps in each car, and they informed us that they were allowed to carry both the pure and methylated spirits in these tank cars, the pure spirit, of course, under seal, but the methylated spirit freely and without any supervision whatever. The material for denaturing came to the establishment in sealed iron containers, but the managers were required to purchase it from chemists approved by the Government, and when so purchased was used without analysis and with only an ordinary bulb and thermometer test made by the inspector. The whole process was simple and free from any unnecessary restrictions.

We also visited a bottling establishment for methylated spirits. It was a very extensive and complete plant. The denatured spirit was received from the distilleries in tank cars. The tanks were in the basement of a very large and finely constructed building. The arrangements were so complete that an entire train load could be drawn off at once through a system of pipes into the tanks in the cellar, and from there it was pumped by electric pumps into the upper story. From these tanks it flowed to the bottling machines on the second floor. The bottles were washed by machinery and filled by machinery, and practically everything about the place was machine work.

This concern had 20,000,000 liter flasks on hand which they were filling.

Each bottle or flask was sealed with a paper seal on which the price fixed by the syndicate was printed, and it is very easy to see that the low price of denatured alcohol in Germany to-day is made at the expense of the consumer of the spirit which is used for beverage. In Germany the allowance of the rebate of about 21½ cents a gallon is made not only on such denatured spirit as is consumed for fuel, light, and power within the Empire and in such manufacturing processes as are carried on for home consumption, but the allowance is also made on the alcohol which enters into manufactured goods which are exported, and also upon the denatured spirit which is exported in its natural condition. So that while it would seem that their laws were of no interest to us, as an actual fact our manufacturers are entering into direct competition with them in all those industries where alcohol is a component part of the product of the establishment. This same condition will obtain in regard to Great Britain as soon as the present law which is now pending in Parliament goes into effect for the rebate or bounty there (and it is a bounty) will apply in the same way as it does in Germany. This is not true, however, in France. In France the rebate is only made upon that denatured alcohol which is consumed for fuel, light, and power, and does not include what is know as the ordinary methylation, or the spirit used for manufacturing purposes.

The actual cost of denaturing in Germany last year, including cost of denaturing material, labor, and all other expenses, was between 1 and 2 cents per gallon, the figures showing 1.8 cents.

Aside from the special denaturants for particular industries in Germany, the denaturant for general use consists of 2 per cent wood alcohol and one-half per cent of bone oil, which probably makes the net cost of the process less than in other countries where larger percentages are used.

The thoroughness with which the German people go into a subject is illustrated in the case of the syndicate of alcohol manufacturers. I visited an institution maintained by this combination. It is known as the Institution of the Association of the United Alcohol Manufacturers of Germany, and is operated and maintained for educational purposes at the expense of the trust. At a rough estimate I should say that the whole plant must have cost at least a million dollars. It consisted of a model brewery, a complete corn and potato distillery, a starch-manufacturing plant, extensive chemical laboratories, a vinegar-making establishment, a beet-sugar refinery, and extensive grounds for the cultivation of the articles entering into the various manufacturing processes. A large corps of the best agricultural and chemical experts of Germany were in charge of the institution, and last year 525 students were in attendance upon the lectures. I found there one young American from Michigan who was traveling in Germany at the time of the passage of the free alcohol law here. He immediately entered the institution and arranged for a special course of study preparatory to returning home and engaging in some branch of the business here as soon as the law goes into effect next January. Professor Delbruck is at the head of the institution. The whole purpose and object of it is to turn out experts in the various industries in which alcohol is used, and the minuteness with which records of their various experiments are kept and the thoroughness with which the studies are pursued is simply astounding to anyone who is accustomed to American haste and hustle.

I asked one of the professors as to the correctness of the statement prevalent in America that the use of alcohol in the internal explosion engine resulted in the corrosion of the metal. He said at once that that was all nonsense, and immediately took me into a distillery where a large engine had been in continuous use with alcohol for the past six years. He admitted, however, that they had not fully overcome the difficulties with regard to the use of alcohol in the high-speed automobile, but expressed entire confidence that it would only be a short time before equal success would be secured with the automobile engine that had already been secured with the alcohol engine for other purposes. He was exceedingly emphatic as to the absolute inaccuracy of the statements that corrosion of the metal resulted from its use.

Of course the expenses of maintaining this institution, aside from the small tuition fees charged, comes out of the bounty which I have already referred to as being paid by the General Government.

We also visited a model institution maintained as a private school a short distance out of Berlin, at Oranienburg, where Dr. R. Kusserow has established a small model plant and engaged in the business, not only of installing farm distillery plants but of instructing farmers in their use.

It is by these and similar methods that Germany has made such a wonderful success of the use of denatured alcohol, and yet with the confidence which I have in the skill and ability of the American people, and with the far cheaper cost of the production of corn and potatoes and other alcohol-producing materials in the United States, I am strongly of the opinion that we can not only meet the bounty-fed competition of the European countries, but can undersell them in this product as well. One thing is very certain, that the law which we now have will tend very largely to the utilization of the waste products of the farms of the United States away from the central points of distribution, and will transfer these products into a useful and valuable material for local use as fuel, light, and power. And just so far as it does this it will add enormously to the wealth of the entire country.

Of course there is no question whatever as to the immediate, actual, visible, practical advantage that will accrue by reason of the law to all forms of manufacturing industry throughout the country.

The whole trip was exceedingly interesting and instructive, and we were all under great obligations to the officials of the various countries visited for their hearty cooperation in making it all and more than the success which we had hoped.

Since that time the price of denatured alcohol has been reduced in Germany to 18 cents a gallon for 180° proof, and on plain alcohol to 14 cents a gallon, without the container. This latter price was the wholesale price at Hamburg for August, September, and October, 1906.

As the result of these observations I am thoroughly convinced that the law of last year should be amended as proposed in the pending bill. The mistake of limiting the denaturing plants to the distillery premises, and of designating such plants only upon the application of a registered distiller, would prove very detrimental to the growth and development of the industry in this country. It needs but a moment's consideration to understand that the centers of population, and the manufacturing centers especially, are the places where denaturing plants should be located, and we found quite a number of such plants in London, Paris, and Berlin, and in no case visited were they connected with a distillery. Take, for instance, the single industry of the manufacture of photographic paper. No one could justify for a moment a law which would require 73 pounds of denaturant, which is the amount required for each hundred gallons of alcohol used in this industry, to be transported a long distance to a distillery and freight paid on it by the manufacturer both ways to get back to his factory what to him is a raw material. The convenience of all consumers is best served by locating such denaturing establishment where the product is required, and the price of the product will be undoubtedly cheapened by permitting the widest competition throughout the country in the purchase of the plain spirit at the lowest possible price.

Furthermore, the limitation of the denaturing warehouse to the distilleries only practically takes away the market for his product from the farmer, who desires to sell his plain spirit, or who in a sparsely settled district can not there find an outlet for his surplus; indeed, the system of transportation by tank cars, and the independent denaturing warehouse are an absolute necessity for the development of the use of denatured

alcohol to anything like the proportions which it should attain in this country.

Whether the Department would so rule or not, it is undoubtedly true that there is nothing in the law which requires a denaturing plant to be on the distillery premises; neither is there in the law anything which restricts the designation of but one denaturing plant to a distillery. Without amendment, therefore, it is equally undoubtedly true that if the competition of the farmer in the production of plain or denatured spirit can be prevented the tendency of the amendments made to the law last year would be to ultimately concentrate in the hands of a few large distillers a tremendous monopoly, for it is already apparent that the use of this article is to become very extensive in this country.

The law has now been in operation a single month and the returns which are coming in to the Internal-Revenue Bureau are extremely gratifying. The prompt response which has been made to its terms prove conclusively that the people of this country will speedily derive great benefit from it. Indeed, so far as the manufacturing interests are concerned, the advantage was instantaneous on the morning of the first day of January, when the law went into effect, and the inventive genius of the American people has already shown that there will be many demands for this new product in industries which have not been heretofore in existence in the United States.

A single extract from the report of the British Parliamentary commission made on this subject last year, shows that there need be no anxiety whatever in regard to frauds on the revenue in the operation of the law. Quoting from their general conclusions, they say:

> We think, however, that having regard to the practical security that is provided for the revenue by the process of denaturing adopted in the case of this spirit, the regulations in regard to distribution might be appreciably relaxed in respect of the quantities that retailers may keep in stock, or may sell at any one time to a customer. We recommend that the regulations should be left to be prescribed from time to time by the board of inland revenue, instead of being stereotyped in the statutes.

This is a conclusion drawn from fifty years' experience, and necessitated also, I may add, by the keenness of German and French competition, and by the new danger of American competition in the international market in such products as require alcohol in their processes of manufacture.

It is true that our lack of experience with this article will compel, for a time, perhaps, more stringent regulations than some of the other countries have in effect, but it is equally true that these regulations can be modified from time to time, as our own experience may show that such changes can be made with safety.

The one important, and indeed vital, object to be secured now and at the very start is to prevent monopoly in production and distribution for this article, which is not only a necessity for manufacturing purposes, but which is sure to come into extensive use for fuel, light, and power. Manufacturers of stoves, lamps of all kinds, motor boats, automobiles, and farm machinery, are even now busily engaged in preparing to adjust their types to the use of this new fuel, and improvements have already been made in some of these things over like articles now in use in Europe.

The fixed carbon found in coal and oil once consumed can never be reproduced, but the supply of spirits can be renewed with each recurring crop produced from the soil. In that production there can be no monopoly, unless the terms of the law render that monopoly possible. Our duty is to open it to the widest possible competition.

Mr. GRAFF. Mr. Chairman, I may not prevent the passage of this bill, but it seems to me a bill which may affect seriously the revenues of the Government in a direction from which we now collect $140,000,000 can properly be examined by this House before we legislate to make a radical change. We collect $90,000,000 of this $140,000,000 from neutral spirits and alcohol, and the internal-revenue laws and regulations, under which the manufacture of spirituous and malt liquors is conducted, have not been the development of a day, but have been the product of experience and amendment and improvement year by year since the days of the civil war, and scandal and fraud have not been absent from that experience, for in the early imposition of a large tax upon spirituous liquors there were tremendous frauds, and it was known at that time that the Government lost a very substantial portion of the tax to which it is entitled. Finally through the years there has been built up a system that is without parallel in its perfection in the line of policing and control.

Mr. SHERLEY. And also without parallel in its tyranny.

Mr. GRAFF. Every distillery now being operated is practically under the control, night and day, of a Government inspector—either a gauger or a storekeeper. Every room of that distillery is under lock and key, the key being in the hands of a United States officer, and the distiller himself can not enter those premises without the presence and permission of that officer, night or day. In addition to that——

Mr. MADDEN. Will my colleague yield for a question?

Mr. GRAFF. Yes.

Mr. MADDEN. Is it your idea that the manufacture of alcohol which is eventually to be denatured should be confined to the distilleries now in existence or which may hereafter be constructed by the whisky trust?

Mr. GRAFF. No; that is not my idea, so far as that is concerned; but it makes no difference whether the so-called "whisky trust" is in favor of this legislation or against it. The question is, What is the interest of the Government, and what is fair and right?

As a matter of fact the organization popularly known as the whisky trust produces, I am informed, about 40 per cent of the alcohol which is manufactured in the United States, and the remaining so-called independent distillers produce about 60 per cent of it. But I do think, after we have passed this legislation and it has been in operation only since the first of the last month, that it is well for us to let it be operated until the next session of Congress and see what we can learn in the light of experience, when we come to deal with so delicate a question as the laws and regulations governing the control of this product from which we derive so large a portion of the total national revenue.

Any person can build a distillery and operate it, but it ought to be compelled to abide by the same regulations as all others in the manufacture of its product, which is precisely the same in all of its constituent elements as the product which is made by the distillers which never is denatured. I think that all of the safeguards ought to be thrown around the manufacture of the production of alcohol which is destined to be denaturized until it is denaturized, and then, and not until then, should the safeguards be thrown aside.

Now, the gentleman from Connecticut [Mr. HILL] has become so intoxicated over the prospects of the German system of little locked distilleries upon small farms of a few acres in Germany, where men in the country are glad to get 25 or 30 cents a day for labor, where the product of these little distilleries is sold to one company or a combination alone, where the denaturing is done at one central point in that little country, that he thinks that system can be transplanted to the United States of America with its great territory, its larger population, where, if this is a success, there must necessarily result a great deal larger proportion of business in that particular line.

Now, about the expense. The gentleman was asked how many little locked distilleries would be established in the cornfields of the West. He could not answer. Why could he not answer? Because there is nothing in the condition of the farmers of the great West which will enable them to enter successfully into competition with the large manufacturer of alcohol any more than the small manufacturer in any other line of business can enter into successful competition with the large manufacturing interests having a larger capital and having more improved machinery, having great facilities for economy, and having better means for the regulation of the entire business. I say that it is an exceedingly dangerous bill, and I was surprised that the Treasury Department, through the Secretary of the Treasury and the Commissioner of Internal Revenue, finally concluded that they would recommend an amendment to this free-alcohol legislation so soon after the law went into operation.

Now, what is the next thing that is proposed to do by the bill besides the creation of these small distilleries which are to be operated under special regulations not applicable to the larger distillery? Why, it is proposed to permit the establishment of bonded denatured warehouses at central points away from the distillery premises, and, then, in order to make these denatured warehouses available, a permit is here given to ship in bond the alcohol, while it is still potable and before it is denaturized, over long distances to these points where these denaturing bonded warehouses are situated to be there denaturized.

Now, then, the Internal-Revenue Department already has had experience with general bonded warehouses. A few years ago they permitted men to have a general bonded warehouse at a distant point away from the distillery and permitted the shipping of liquors in bond to those distant bonded warehouses, but this trial of the Government of such warehouses resulted in their discontinuance because the general bonded warehouse afforded an opportunity for fraud.

Remember that you are permitting under this bill the shipment of this alcohol when it is in exactly the same condition that the alcohol is which bears a tax of $1.10 a gallon—in the same condition before it is denaturized—over long distances in

tank cars to be denaturized at distant points. I say that we ought to wait until the next session of Congress and see what the result of this bill will be as it is drafted.

What important legitimate end can be subserved? Is it not apparent that the denaturing process can be done not only more safely for the Government, but more cheaply for the consumer and purchaser, at the distillery denaturing warehouse on the distillery premises than at a distant denaturing warehouse? The expense to the Government is much less under the present regulations and law than it would be under the proposed change.

There is nothing to prevent any man from assembling capital and building a distillery and devoting its entire capacity to the making of alcohol, to be denatured if he wants to, now, and all he is subject to is the same regulation and safeguard that every other distillery has to submit to now. Distillers think that to-day there are some 800 illicit stills in the United States, against which they have to compete, that smuggle their products to points in the neighborhood. This will open up an opportunity by fraud for a person at some place far removed from dense population and from town or hamlet to pass around that alcohol to his neighbors before it goes through the denaturing process. I do not anticipate, for my part, any disastrous results to existing distilleries from the competition between the small distillery and the up-to-date modern distillery situated in the city, conducted on business principles, with the most modern machinery and the most complete equipment. There is no danger from that sort of competition; but this is simply indulging in a wild dream without any other effect whatever than to furnish an opportunity for fraud, in my judgment.

I have as many farmers in my district as any of the rest of these gentlemen have, farmers that raise more corn to the acre, or as much to the acre, as in any other district in the United States, but at the same time I am conscious of the fact that farming has gotten to be an exclusive business itself, requiring all the energies, time, and ability of the men engaged in the business. It has got to be somewhat of a scientific pursuit, and the farmers do not need to have offered to them an opportunity to earn a few cents a day on rainy days when they are not occupied with their regular occupation. Farming calls upon every energy of every farmer, and I am glad to say calls upon his energies and ability with profit to himself. It is perhaps one of the most profitable avocations now in the United States, all things considered; and to say that he practically is going to be induced to go into the distilling business as a side line is well-nigh ridiculous to my mind. There are few farmers to-day in the corn States who kill their own beef for family consumption, but they patronize the butcher and sell their beef on the hoof. In my judgment to hold out false hopes of profits by engaging in a distinct manufacturing business is neither complimentary to their business sagacity nor discernment.

Every means on the farm are being used to-day to save labor by the introduction of mechanical devices, because even machinery when it is expensive is cheaper than too much hand labor. Denatured alcohol started at 36 cents per gallon, and with the first thirty days of its production has dropped to 30 to 31 cents per gallon, with a stiff demand before the distilleries have fairly started, and I believe it would be well for the Government to have the present safeguards from fraud remain for the period until next session before further changes in the law are made.

Mr. GROSVENOR. Mr. Chairman, here we are again with another bill for which nine-tenths of the votes on this floor will be given and no amendment whatever will be permitted. This is a bill which applies to some portions of the United States and does not apply to certain other portions of the United States. It provides for the creation and operation of distilleries unlimited in number and not described in size or capacity. It will have to operate under the commerce clause of the United States Constitution or else will be void in certain States of the Union; and if it does operate in those certain States under the commerce clause, then certain laws and constitutions of certain States will be found to be worthless and inoperative.

It is a law to provide, as I have said, for the erection and operation of distilleries to distill alcohol from any and all sorts of material. It licenses and authorizes these establishments in all the States and Territories of the Union where the laws of Congress operate. It will be inoperative in Iowa, Kansas, Maine, North Dakota, and wherever else we have statutory or constitutional prohibition, for, if I understand those laws correctly, they make it unlawful within the territory of the States thus enacting the statutes to manufacture or sell any spirituous, vinous, or malt liquors. The prohibition, of course, in all these States goes to every intoxicating liquor. So it will be seen that the farmers of those States will not enjoy the great boon of this bill unless the constitutions and laws of those States shall have been amended.

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

Mr. GROSVENOR. Certainly.

Mr. MARSHALL. We have a provision in our constitution which prohibits the manufacture of intoxicating liquors. However, it has been held by our ablest lawyers—not by the courts, however; but I have no doubt it will be in view of what the lawyers tell us—that the manufacture of denatured alcohol is a continuous process, and would not come under the provisions of the constitution of the prohibition States.

Mr. GROSVENOR. Let us see. The manufacture of alcohol for the purpose it is used—to make another commodity—is not a violation, is it? Well, all I have to say is that they are wonderfully adroit lawyers. A continuous process! Well, there is a point of time when it is alcohol, is there not? And it is put into a tank, and it is hauled away to a central place, and there it is manufactured into whisky to be drank or manufactured into denatured alcohol for the use of the manufacturer. The manufacture of the alcohol is completed at the distillery in the back yard of the farmer. It is true that it is drawn off into a tank, but it has to be taken out of that tank and carried a distance, generally many miles away, to a central place, where, under some sort of regulations hereafter to be made, the commodity is to be used as one of the ingredients of a compound, a creation to be called "denatured alcohol." What is the difference in law or common sense between the taking of that alcohol from the distillery and carrying it to be put through this process or carrying it to be put through any other process to create a beverage, to create a medicine, to create a perfumery, to be used in the manufacture of hats and other manufactures? None whatever, it seems to me, although I confess the proposition had not occurred to me. It seems to me, beyond a reasonable doubt, that the manufacture of alcohol for any purpose in the world within prohibition States and within territory where local option is operative will have the effect to produce a severe collision between the authority of the United States and the authority of the State. How can it be otherwise? In most of the States where local option has been adopted by counties the prohibition is against the manufacture and sale of every form of intoxicating liquor. How can it be said that the farmer or any other man may manufacture alcohol within that territory, and because it is intended to be used for some other purpose than drink to claim that he can evade the law?

Mr. STANLEY. Mr. Chairman, I would like the gentleman to tell me how he is going to make whisky out of alcohol.

Mr. GROSVENOR. I do not propose to have anything to do with that enterprise, but I remind the gentleman from Kentucky that alcohol can be made into a drink, intoxicating and dangerous. I think I can come as near making it out of alcohol as the gentleman can when he gets hold of any other kind of liquor. He does not know what it is made of nor do I. Doctor Wiley could probably post both of us, but that is not the real trouble.

To-day at the end of this long experience of the Government running way back there are and always have been large frauds upon the revenues. I refer now to the hearings before the Ways and Means Committee, and there never was an estimate given by the Treasury Department that was concise and certain as to what the effect of this bill would be on the revenues of the Government, but under the law as we passed it a year ago, in the first session of this Congress, there could be a kind of limitation put upon the expense to the Government of superintending this operation. Now, what are we going to have? Every man who desires it can have a distillery out in his back yard, down in his cellar, out in his potato patch, or out in the woods somewhere—anywhere. He will run it, perhaps; perhaps not. Moonshining is going on to-day all over the United States, not alone in the mountains of Tennessee and Kentucky and North Carolina, not by any manner of means. It is going on in the most civilized States of the country, in those States where the Pharisees of the people claim to be the most accurate in obedience to the laws of the country. I do not discriminate in this description by my own opinion against any of the States of the Union. What will you have when you have a machine authorized by the Government of the United States by which the farmer can run a distillery by day on alcohol and run by night on something else?

Are we all getting too good for frauds? I only want to leave a word of warning behind me. I believe that the arguments made by the gentleman from Connecticut, growing out of his travels in Germany, are of very little value in this country. Germany regulates the weight of a loaf of bread; Germany regulates every movement of her citizens; Germany puts her official

eye upon every act of the manufacturer of every kind of article there. We have nothing reaching any such point in this country.

Now, I have no doubt that out of this commodity of denatured alcohol we are to have some great benefit to manufactures of the country, but I think it would have been exceedingly wise for us to have waited for a year and to have ascertained what the operation of this law is to be. What is to be the diminution of the income of the Government? Nobody makes an estimate with any assertion of certainty. How many inspectors will it require? Already in the Senate statement has been made that inspectors of various kinds are necessary to the enforcement of laws already put upon the statute book, and that the number has increased in a year, or a little over a year, from 700 to 3,000. Is it not a safe prediction that we shall add 3,000 more to the roll by the passage of this bill? Let us see. There are forty-six States, practically, in the Union, and the baby State in our great organization will doubtless have more distilleries per capita than any other one of the States if she produces the material out of which alcohol is so readily made. Suppose we go ahead with this proposition; is it not a low estimate to say that it will require thirteen inspectors in every Congressional district in the United States? And if so, you have added 5,000 to the pay roll of the Government. Directly it will be cheaper, I fear, to buy the ready-made alcohol and give it to the farmers of the country to produce their "light, heat, and power," than it will to support this mighty framework of official espionage.

It has been urged repeatedly here that the opposition to this bill comes from the Standard Oil Company and the whisky trust and brewers' trust. Now, this subject has been agitated before the Ways and Means Committee for more than a year, and divers persons appeared before the committee in opposition to the passage of the bill, but I beg to state that no man living, in my judgment, has ever heard a word of opposition from the Standard Oil Company or the whisky trust. On the contrary, it is within my personal knowledge that the whisky trust, through its representatives and friends, strongly urged the passage of the original bill and for reasons which do not take a very wise man to understand.

Over and over again we have asked the gentlemen who have appeared before us what they knew about the possibility of the restoration of this commodity back to an article that could be used as a drink, and while they answered that they had no knowledge that it had been done, not a man has ever said that he did not fear that it might be done later on. How could you destroy a thing by a process of this character and leave it impossible of restoration? I do not know how you can do it. I do not undertake to say it will be restored, but it seems to me before we establish a distillery upon every farm in the United States, where one sees fit to establish a distillery and add to the great army of Government officials, we ought to wait and go slowly. You can not find in the hearings before the Ways and Means Committee an estimate of the number of officials that it would take to run this machinery.

Mr. Chairman, I do not want to be misunderstood. I am in favor, strongly and earnestly in favor, of giving to the manufacturers of the United States the benefit of the use of alcohol free of tax in the process of manufacture. I am in favor of every step that conserves the true interests of the Government and protects the people of the country against fraud and wrongdoing in this behalf. Therefore I would have waited for one year and let the process develop. Already denatured alcohol is making its appearance everywhere, not at 15 cents a gallon, which the distinguished representative of the Grange who came here from New Hampshire and spoke, as he always speaks, for a great body of intelligent farmers of the country without their knowledge—not at 15 cents a gallon, but 60 to 75 cents a gallon; and strange enough, Mr. Chairman, right here in this city you can find, not the vile stuff called denatured alcohol that we have had described, not the offensive odor and the bitter characteristic, not that, but a commodity mild and gentle, sweet and attractive in every respect, which you would never imagine was deleterious and poisonous, and yet it is sold as denatured alcohol and branded with the brand of poison. We ought to have waited a year and given to science an experiment as to the full scope of operations, to ascertain how many distilleries would be proper and fair, how many of these central denaturing establishments we ought to have. We say now five, not in one district, I believe. Perhaps that is too many, perhaps too few. Why could we not have waited? It seems to me, therefore, unwise, and in the long run I fear that it will be injurious rather than beneficial, but we must bow to it and submit to it and hope for the best.

Mr. HILL of Connecticut. I yield one minute to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. Mr. Chairman, all I have to say about it is that this bill makes it possible for the farmers of the United States to take advantage of the bill that we passed here last session. It removes it out of the bounds of possibility to corner this article. They want it, the committee wants it, and everybody wants it except the whisky trust, the wood-alcohol trust, and the coal-oil trust. [Applause.]

Mr. LOVERING. Mr. Chairman, after most careful consideration and consultation with representatives of the farming interests, among whom I would especially mention the master and legislative committee of the National Grange, Patrons of Husbandry, it is my belief that very great injury to the agricultural and manufacturing interests of the country would result if the additional denatured alcohol legislation recommended by the Ways and Means Committee fails of enactment at this session. Without this additional legislation the farmers will be prevented from securing the full measure of those benefits which they rightly expect to derive from tax-free denatured alcohol, and alcohol will be heavily handicapped in its competition with kerosene and gasoline. Failure on the part of Congress to enact this legislation would result in further inciting the anger of the people of the entire Northwest, already inflamed by reports that the law as it now stands is in the interest of monopoly. The farmers are determined that no obstructions shall be allowed to prevent alcohol, the farm liquid fuel, from having an absolutely square deal in competition with petroleum products.

With the enactment of this legislation conditions for the rapid development of the industrial uses of alcohol will, I believe, be practically as perfect as they can be made under the present necessity of protecting the revenue of $150,000,000 annually derived from the taxed beverage spirits.

The enactment of these amendments, which will make the United States denatured alcohol laws even more perfect than those of Germany, marks the beginning of an industrial revolution of enormous magnitude, a revolution which I confidently predict will in a few years place our country far in the lead of all industrial alcohol-using nations.

With that revolution the farmer is indissolubly identified, for alcohol is but another name for farm products. Every 2¾ gallons of alcohol used in the industrial arts will provide a new market for a bushel of corn or its equivalent in other farm products. This is true whether the alcohol is used in any of a thousand different manufacturing processes, in the development of new manufacturing industries, in displacing gasoline in the cigar lighters of the hundred thousand retail dealers, or in any of the many other petty industrial uses; in the aristocratic chafing dishes, or ornamental lamps, or power boats, or pleasure vehicles of the rich, or in its broader uses as an illuminant to displace the ill-smelling and disagreeable kerosene, or as a cooking fuel to displace the dangerous gasoline in our farm homes or in the homes of the people, or as a power fuel to run farm engines, or the million other small engines that must be used in the boats of our giant fishing industries, and in other industrial work in factories, and in transporting both by land and water. The uses of alcohol extend into almost every industry and are too varied to briefly summarize in any adequate manner. It would, in fact, require an encyclopedia to properly enumerate the industrial uses of alcohol.

In view of such potentialities and practical possibilities, how absurd, how ignorant the cry that the farmer has been "buncoed" or that he has been deceived, and that the free-alcohol law, even as it stands, can be of no practical benefit to him.

Wipe out all the fuel uses of alcohol and consider its manufacturing possibilities alone, and it would be a great benefit to the farmer and worth all the effort it has cost.

Alcohol being a farm product it should call for no argument to show that the farmer is deeply interested in encouraging its industrial use in every possible way. Every cent in the reduction in the price of alcohol to manufacturers means a large increase in manufacturing demand, and one improvement alone in the methods of handling, that of allowing shipping in tank cars, will reduce the wholesale cost from 4½ to 5½ cents per gallon, and that of transmitting from one storage tank to another, or from storage tank to tank cars or to small packages will reduce the cost 1 or 2 cents additional. It is easy to see what an enormous stimulus to the consumption of alcohol in all places remote from sources of supply will result from these improvements. While the farmers want to clear away all obstructions to the rapid development in the uses of alcohol in the rural districts, they also want every obstruction cleared away which will prevent the rapid development in its use in manufacturing in the cities and on our lakes, rivers, and harbors.

In common with every Congressman representing an agricultural district, I have been simply deluged with letters from my

constituents expressing fear that the farmer has been betrayed, and that both the law and regulations have been drafted in the interest of the large distiller, and are such as to make easy the building up of a monopoly of industrial alcohol manufacture and distribution. Many papers which circulate in my district have been constantly printing statements calculated to excite distrust. Although continuous efforts have been made by representatives of the Grange and other well-informed friends to explain the errors of these statements, they are repeated persistently.

Who is to profit by it? To whose advantage is it to thus discredit this legislation? What interests are there that can profit if the manufacturers of alcohol lamps and stoves are induced by such scare methods to delay manufacturing alcohol-burning appliances and the public demand for such things is checked? Only, so far as I can see, those who have so long enjoyed practically a monopoly of the liquid fuel supply, and who will count their profit by millions for every month's delay in the time when this dangerous rival to kerosene and gasoline becomes a serious competitor in the market.

How serious a competitor to kerosene denatured alcohol is likely to be when production and distribution is perfected can perhaps be better realized by considering for a moment conditions as they exist now. The present retail selling price of kerosene of fair illuminating quality varies from 12 to 35 cents per gallon, averaging in the great central section of the country west of the Missouri River and east of the Rocky Mountains about 20 to 22 cents. The same quantity of denatured alcohol will burn more than twice as long as kerosene. Alcohol can therefore compete with kerosene if sold for double the price; that is to say, unless kerosene prices are reduced alcohol for lighting purposes is a good commercial proposition at prices varying from 24 to 70 cents per gallon, and the present market quotations for denatured alcohol in single-barrel lots, f. o. b., New York City, is 35 cents per gallon gross, or deducting allowance for the return of empty barrels 32 cents, and this one month from the day the law went into effect and fifteen days after the first deliveries were made in New York City and before a normal price level has been reached.

With the tank cars and locked pipes and distribution arrangements perfected and normal conditions established the price will undoubtedly be reduced an additional 8 or 10 cents per gallon; that is to say, as soon as the additional legislation is enacted by Congress alcohol will be selling at a price of commercial competition with kerosene at its present lowest selling price.

This is far from being the most favorable showing that can be made for alcohol based upon the present selling prices. Governor Bachelder, master of the National Grange, informs me that a new lamp which they have investigated shows an economy in the use of alcohol in proportion to the amount of light given much more favorable than the 2 to 1 comparison with kerosene which I have used. The safety, cleanliness, and other desirable qualities of alcohol all tend to give alcohol a commercial advantage over kerosene. All these things show that the kerosene-oil interest has good reason to fear the illuminant.

Under such circumstances and considering the reputation the Standard Oil Company has of using every available means of preventing competition, it is at least reasonable to suspect that its publicity bureau is being well worked in the attempt to misinform the public and incite activity along lines calculated to retard, rather than to advance, the march of alcohol into general use.

The enactment of legislation providing for the locked tanks in the distillery proper of distilleries of less than 100 gallons daily capacity, intended for producing alcohol for denaturing purposes only, removes the last possible objection to the law as unfavorable to the small distiller. I want, however, to caution everyone who really desires to see rapid progress made in the use of industrial alcohol to give careful study to the orders in which such use would most likely naturally develop. There is a natural order of procedure.

No local distillery can be made profitable before a local demand for denatured alcohol has been created. Utensils for using alcohol must first be supplied, and that involves the organization of new industries and a tremendous movement in manufacturing alcohol burners, stoves, heaters, engines, etc. The big distilleries are bound to be first in the field, for their market is general, and it is all the same to them whether the demand for any one place is for 1 barrel or 5,000 barrels. Small local distilleries must at first of necessity depend on local demand, and it will not be profitable to establish a local distillery until the local demand for denatured alcohol has reached somewhere near to the minimum output at which a distillery can be profitably operated. Who knows how small a distillery can be profitably operated? I do not, although I have for some time past been making investigations for the purpose of finding out. I am convinced that it is well within the limits of making practical the establishment of small distilleries in reach of every farm. My opinion is that the big distilleries will necessarily occupy the entire field at first, but that ultimately, and very quickly at that, the farmers' cooperative or small company distilleries will supply the smaller cities, villages, and country, leaving the big distilleries to supply the cities' demand.

In view of this indefinite knowledge about the size of distilleries, etc., and that the establishment of small distilleries is not a matter of the immediate moment, how sane the attitude of the National Grange and the Patrons of Husbandry generally in this matter. The national master of the Grange, in his annual address at Denver last November, recommended (1) that the regulations be given a fair trial and changes only insisted upon after a full knowledge of all the facts; (2) that the members of the Grange do all they could to stimulate a large sale of alcohol lamps, stoves, and other alcohol appliances, and (3) that they urge the agricultural colleges and experiment stations to immediately experiment with the view of securing exact data regarding small distilleries and the alcohol value of the various kinds of farm products, waste materials, etc. If the people, and the farmers in particular, want to secure quickly the blessings of cheap alcohol, they will do well to copy after the Patrons of Husbandry and follow the advice of the worthy master of the National Grange.

The uses to which alcohol can be put will vary according to the price, and the price of alcohol is bound to be abnormally high during the first few months, and possibly during the best part of the first year. The manufacturing demand is large and will undoubtedly grow rapidly. How many millions of gallons this will take no one knows. At present it is taxing the supply to the utmost. Manufacturers can, and if necessary will, pay two or three times the price at which it would be profitable to use it for fuel. As an illuminant it is profitable at double the price it would be as a power fuel, and it can compete with kerosene for lighting at any price at which it is likely to be sold.

The beauty and simplicity of the alcohol light insures for it a large demand among the rich and well to do. These will willingly pay a premium in order to secure a supply of alcohol at the earliest possible time. A gallon of alcohol used for lighting will go as far as 2 gallons of kerosene. The potential demand for alcohol burners for lighting runs into the millions, and alcohol for this use must be freely supplied before it will drop in price sufficiently to be generally available for other fuel uses. The alcohol cooking stove is superior to the oil or gasoline cooking stove, and the consumer of alcohol for such domestic use can and will, if necessary, pay a higher price for alcohol than the power user under ordinary circumstances can afford to do. Millions of gasoline and oil stoves are in use. Before alcohol can be sold at a price that will make it competitive with gasoline as a power fuel, except in remote places where gasoline is abnormally high, it will be a serious competitor with gas in all cases where gas sells above $1 per 1,000 cubic feet. Free alcohol is a monopoly smasher in more ways than one. Alcohol will probably come into use as a motor-car fuel last of all; first, on the water, where the use of gasoline is most dangerous; second, in remote districts, where the cost of competing fuels is abnormally high; then in those places where the safest fuel is most urgently demanded, and possibly in a more general way at first when mixed with gasoline or other liquid fuels.

Mr. Chairman, I hope this bill will pass and become a law.

Mr. HILL of Connecticut. Mr. Chairman, I ask that general leave to print may be given Members of the House for five legislative days on this matter.

The CHAIRMAN. The Chair will state that that can not be given in committee.

Mr. HILL of Connecticut. Then I will ask it in the House.

Mr. MANN. I would suggest to the gentleman it would be well for the Clerk to read the bill.

Mr. HILL of Connecticut. Mr. Chairman, I ask that the bill may be now read by paragraphs.

Mr. GROSVENOR. Mr. Chairman, I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none, and it is so ordered.

Mr. GRAFF. Mr. Chairman, I make the same request.

The CHAIRMAN. Without objection, the same leave will be granted to the gentleman from Illinois [Mr. GRAFF]. [After a pause.] The Chair hears no objection. The Clerk will now read the bill by paragraphs.

The Clerk read as follows:

SEC. 2. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may authorize the establishment of central denaturing bonded warehouses, other than those at distilleries, but not exceeding five in number of such central plants in any one collection district, to which alcohol of the required proof may be transferred from distilleries or distillery bonded warehouses and in which such alcohol may be stored and denatured. The establishment, operation, and custody of such warehouses shall be under such regulations and upon the execution of such bonds as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe.

The committee amendments were read, as follows:

Section 2, lines 7 and 8, after the word "distilleries," strike out the word "but not exceeding five in number of such central plants in any one collection district."

Also, in line 9, same section, after the word "warehouses," insert "without the payment of internal-revenue tax."

The committee amendments were agreed to.

The Clerk read as follows:

Strike out all of section 3 and insert a new section to read as follows:

"SEC. 3. That alcohol of the required proof may be drawn off, for denaturation only, from receiving cisterns in the cistern room of any distillery for transfer by pipes direct to any denaturing bonded warehouse on the distillery premises or to closed metal storage tanks situated in the distillery bonded warehouse, or from such storage tanks to any denaturing bonded warehouse on the distillery premises, and denatured alcohol may also be transported from the denaturing bonded warehouse in such manner and by means of such packages, tanks or tank cars, and on the execution of such bonds, and under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe. And further, alcohol to be denatured may be withdrawn without the payment of internal-revenue tax from the distillery bonded warehouse for shipment to central denaturing plants in such packages, tanks and tank cars, under such regulations, and on the execution of such bonds as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury."

The committee amendment was agreed to.

The Clerk read as follows:

Insert a new section, section 5.

"SEC. 5. That the provisions of this act shall take effect on September 1, 1907."

Mr. HILL of Connecticut. I move the adoption of the final amendment.

The amendment was agreed to.

Mr. HILL of Connecticut. Mr. Chairman, I move the committee do now rise, and report the bill as amended favorably to the House.

The motion was agreed to.

Accordingly the committee rose; and Mr. DALZELL, as Speaker pro tempore, having resumed the chair, Mr. BOUTELL, the 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. 24816, the denatured-alcohol bill, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The SPEAKER pro tempore. Is a separate vote demanded upon the amendments? If not, the vote will be taken en gross. The question is on agreeing to the amendments.

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 the third time, and passed.

On motion of Mr. HILL of Connecticut, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. HILL of Connecticut. Mr. Speaker, I ask general leave to print for five legislative days.

The SPEAKER pro tempore. The gentleman from Connecticut [Mr. HILL] asks unanimous consent that leave to print be granted for five legislative days.

Mr. WILLIAMS. I understood the request to be leave to print remarks upon this bill.

Mr. HILL of Connecticut. I agree to that.

The SPEAKER pro tempore. Is there objection?

There was no objection.

REPRINT OF REPORT.

Mr. WEBB. Mr. Speaker, I ask unanimous consent for a reprint of House Report No. 7304, entitled "The jurisdiction and authority of Congress over the subject of woman and child labor."

The SPEAKER pro tempore. Is there objection?

There was no objection.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 24925, the naval appropriation bill.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. FOSS] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill. Is there objection?

There was no objection.

Mr. FOSS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. DALZELL, as Speaker pro tempore, having resumed the chair, Mr. SHERMAN, 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. 24925, the naval appropriation bill, and had come to no resolution thereon.

Mr. BOUTELL. Mr. Speaker, I ask unanimous consent——

Mr. WILLIAMS. Mr. Speaker, before we go into that I want to reserve points of order on the naval bill—or have they been reserved?

Mr. BOUTELL. They have been reserved.

SOUTH CAROLINA SCHOOL FUNDS.

Mr. BOUTELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 8065, and ask that it be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. The Clerk will report the title.

The Clerk read as follows:

A bill (S. 8065) to provide for the transfer to the State of South Carolina of certain school funds for the use of free schools in the parishes of St. Helena and St. Luke, in said State.

Mr. BOUTELL. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in the Committee of the Whole.

Mr. MANN. Not to-night.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. BOUTELL] asks unanimous consent that the bill be considered in the House as in the Committee of the Whole.

Mr. MANN. Reserving the right to object, I hope the gentleman will not insist upon it.

Mr. BOUTELL. If my colleague will yield for a moment, I will say that this is a matter in which I have no personal interest, nor has the committee any personal interest in it. It is a matter in which the State of South Carolina is interested, and the legislature of South Carolina is about to adjourn pending the enactment of this law paying over to the State of South Carolina a trust fund now held by the National Government.

Mr. MANN. Mr. Speaker, I tried to get a copy of that bill at 12 o'clock, but could not do it, and I object.

SENATE BILL WITH HOUSE AMENDMENTS.

Under clause 2 of Rule XXIV, Senate bill 925 (with House amendments), for the construction of a steam vessel for the Revenue-Cutter Service for duty in the district of Puget Sound, was referred to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT.

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

The motion was agreed to.

Accordingly (at 5 o'clock and 35 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

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

A letter from the Secretary of War, transmitting a recommendation for legislation to transfer the steamship *Zaphiro* from the Navy to the War Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State submitting an estimate of appropriation for the United States court in China—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a report of the rents received from property in Washington purchased for an annex to the Post-Office Department building—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for expense of collecting the revenue for the fiscal year ending June 30, 1908—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 24113) restoring to entry certain ceded Indian lands withdrawn under the provisions of the act of June 21, 1906, reported the same without amendment, accompanied by a report (No. 7539); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STERLING, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 20519) in relation to salaries of district attorney and assistant district attorneys for the northern district of Illinois, reported the same with amendment, accompanied by a report (No. 7557); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the House (H. R. 25186) to provide for the establishment of an agricultural bank in the Philippine Islands, reported the same with amendment, accompanied by a report (No. 7559); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SIMS, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 3668) to authorize the Washington, Spa Spring and Gretta Railroad Company, of Prince George County, to extend its street railway into the District of Columbia, reported the same without amendment, accompanied by a report (No. 7560); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 25400) to give the Court of Claims jurisdiction of claims for captured and abandoned property which was sold and the proceeds thereof placed in the Treasury of the United States, reported the same without amendment, accompanied by a report (No. 7540); which said bill and report were referred to the House Calendar.

Mr. SHACKLEFORD, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 25232) to promote the comfort of patrons of hotels, restaurants, cafés, and eating houses in the District of Columbia, reported the same without amendment, accompanied by a report (No. 7558); which said bill and report were referred to the House Calendar.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 23576) to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other purposes, reported the same with amendment, accompanied by a report (No. 7563); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 24284) for the opening of Warren and Forty-sixth streets NW., in the District of Columbia, reported the same without amendment, accompanied by a report (No. 7564); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 24875) authorizing the extension of Forty-fifth street NW., reported the same without amendment, accompanied by a report (No. 7565); 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. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1556) granting an increase of pension to Susan Wigley, reported the same with amendment, accompanied by a report (No. 7313); 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. 5497) for the relief of Cora A. Booth, reported the same with amendment, accompanied by a report (No. 7314); 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. 9256) granting an increase of pension to Martha E. Sanford, reported the same with amendment, accompanied by a report (No. 7315); which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10164) granting a pension to Emma L. Beatty, reported the same with amendment, accompanied by a report (No. 7316); 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. 10889) granting a pension to William H. Garrison, reported the same with amendment, accompanied by a report (No. 7317); 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. 12349) granting an increase of pension to Edgar M. Barber, reported the same with amendment, accompanied by a report (No. 7318); 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. 13200) granting a pension to Charles M. Stebbins, reported the same with amendment, accompanied by a report (No. 7319); 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. 15452) granting an increase of pension to Solomon Stanfield, reported the same with amendment, accompanied by a report (No. 7320); 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. 15492) granting a pension to W. L. Tyler, reported the same with amendment, accompanied by a report (No. 7321); 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. 16819) granting a pension to John V. Sumner, reported the same with amendment, accompanied by a report (No. 7322); 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. 16925) granting a pension to Johanne Lange, reported the same with amendment, accompanied by a report (No. 7323); 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. 17956) granting an increase of pension to John Shinolt, reported the same without amendment, accompanied by a report (No. 7324); 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. 18519) granting a pension to Benjamin W. McCray, reported the same with amendment, accompanied by a report (No. 7325); 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. 18874) granting a pension to Nannie T. Johnson, reported the same with amendment, accompanied by a report (No. 7326); 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. 19065) granting an increase of pension to William R. Rodenberger, reported the same with amendment, accompanied by a report (No. 7327); 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. 19106) granting an increase of pension to Margaret Epperson, reported the same with amendment, accompanied by a report (No. 7328); 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. 19125) granting an increase of pension to Mary W. Humphreys, reported the same with amendment, accompanied by a report (No. 7329); 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. 20057) granting an increase of pension to Cynthia Marsh, reported the same without amendment, accompanied by a report (No. 7330); 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. 20148) granting a pension to Flora Fenzl, reported the same with amendment, accompanied by a report (No. 7331); 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. 20223) granting an increase of pension to W. L. Clendening, reported the same with amendment, accompanied by a report (No. 7332); which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21130) granting a pension to Margaret McNally, reported the same with amendment, accompanied by a report (No. 7333); 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. 21352) granting a pension to Hester B. Parrish, reported the same with amendment, accompanied by a report (No. 7334); 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. 21413) granting an increase of pension to Mary S. Platt, reported the same with amendment, accompanied by a report (No. 7335); 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. 21447) granting an increase of pension to William W. Sparks, reported the same with amendment, accompanied by a report (No. 7336); 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. 21639) granting a pension to Nannie E. Hays, reported the same with amendment, accompanied by a report (No. 7337); 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. 21721) granting a pension to John R. Kissinger, reported the same with amendment, accompanied by a report (No. 7338); 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. 21818) granting an increase of pension to William Hardesty, reported the same with amendment, accompanied by a report (No. 7339); 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. 21910) granting a pension to Emil S. Weisse, reported the same with amendment, accompanied by a report (No. 7340); 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. 22041) granting a pension to John Walker, reported the same with amendment, accompanied by a report (No. 7341); 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. 22170) granting an increase of pension to Benjamin James, reported the same with amendment, accompanied by a report (No. 7342); 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. 22251) granting an increase of pension to Samuel Manly, reported the same with amendment, accompanied by a report (No. 7343); 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. 22326) granting an increase of pension to Mary Levina Williams, reported the same with amendment, accompanied by a report (No. 7344); 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. 22327) granting an increase of pension to Isabel Mauney, reported the same with amendment, accompanied by a report (No. 7345); 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. 22328) granting an increase of pension to Susan Baker, reported the same without amendment, accompanied by a report (No. 7346); 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. 22329) granting an increase of pension to Margaret L. James, reported the same with amendment, accompanied by a report (No. 7347); 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. 22330) granting an increase of pension to Mary C. Jones, reported the same with amendment, accompanied by a report (No. 7348); 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. 22395) granting a pension to Edward Miller, reported the same with amendment, accompanied by a report (No. 7349); 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. 22499) granting a pension to Mary A. O'Reilly, reported the same without amendment, accompanied by a report (No. 7350); 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. 22709) granting a pension to Martha E. Muhlenfeld, reported the same with amendment, accompanied by a report (No. 7351); 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. 22859) granting an increase of pension to Samuel Boyd, reported the same with amendment, accompanied by a report (No. 7352); 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. 22894) granting an increase of pension to Louisa Berry, reported the same with amendment, accompanied by a report (No. 7353); 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. 22964) granting an increase of pension to Eudocia Arnett, reported the same with amendment, accompanied by a report (No. 7354); 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. 23031) granting an increase of pension to John H. Terry, reported the same with amendment, accompanied by a report (No. 7355); 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. 23034) granting an increase of pension to Thomas A. Snoddy, reported the same with amendment, accompanied by a report (No. 7356); 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. 23332) granting an increase of pension to Uriah Blair, reported the same with amendment, accompanied by a report (No. 7357); 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. 23414) granting an increase of pension to Joseph Riddle, reported the same without amendment, accompanied by a report (No. 7358); 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. 23467) granting an increase of pension to Michael Flanagan, reported the same with amendment, accompanied by a report (No. 7359); 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. 23627) granting a pension to William B. Walton, reported the same with amendment, accompanied by a report (No. 7360); which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23628) granting an increase of pension to Clara E. Daniels, reported the same without amendment, accompanied by a report (No. 7361); 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. 23695) granting a pension to John Hearn, reported the same with amendment, accompanied by a report (No. 7362); 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. 23732) granting an increase of pension to Rosanna Kaogan, reported the same with amendment, accompanied by a report (No. 7363); 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. 23791) granting an increase of pension to Calvin B. Fowlkes, reported the same with amendment, accompanied by a report (No. 7364); 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. 23850) granting an increase of pension to William Freeman, reported the same with amendment, accompanied by a report (No. 7365); 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. 23862) granting an increase of pension to Thomas Gagan, reported the same with amendment, accompanied by a report (No. 7366); 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. 23971) granting an increase of pension to Mary E. C. Butler, reported the same with amendment, accompanied by a report (No. 7367); 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. 23987) granting an increase of pension to Lucy Scott West, reported the same with amendment, accompanied by a report (No. 7368); 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. 24148) granting a pension to Jesse G. Lott, reported the same with amendment, accompanied by a report (No. 7369); 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. 24194) granting an increase of pension to William Davis, reported the same with amendment, accompanied by a report (No. 7370); 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. 24197) granting an increase of pension to Mary Ann Foard, reported the same with amendment, accompanied by a report (No. 7371); 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. 24394) granting an increase of pension to Mildred L. Stone, reported the same with amendment, accompanied by a report (No. 7372); 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. 24414) granting a pension to Van C. Wilson, reported the same with amendment, accompanied by a report (No. 7373); which said bill and report were referred to the Private Calendar.

Mr. HOGG, from the Committee on Pensions, to which was referred the bill of the House (H. R. 24483) granting a pension to Clarence W. Thomas, reported the same without amendment, accompanied by a report (No. 7374); 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. 24532) granting an increase of pension to Absalom R. Shacklett, reported the same with amendment, accompanied by a report (No. 7375); 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. 24698) granting an increase of pension to Lydia Hunt, reported the same with amendment, accompanied by a report (No. 7376); 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. 24710) granting an increase of pension to Jacob Riner, reported the same with amendment, accompanied by a report (No. 7377); 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. 24769) granting an increase of pension to John George, reported the same without amendment, accompanied by a report (No. 7378); 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. 24861) granting an increase of pension to O. E. D. Culbertson, reported the same with amendment, accompanied by a report (No. 7379); 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. 24899) granting an increase of pension to Mary Webster Lusk, reported the same with amendment, accompanied by a report (No. 7380); 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. 24961) granting an increase of pension to Augustus H. Hansell, reported the same with amendment, accompanied by a report (No. 7381); 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. 25005) granting a pension to Emeline H. Hardie, reported the same with amendment, accompanied by a report (No. 7382); 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. 25023) granting an increase of pension to Virginia C. Galloway, reported the same with amendment, accompanied by a report (No. 7383); 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. 25101) granting an increase of pension to Nancy A. Meredith, reported the same with amendment, accompanied by a report (No. 7384); 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. 25143) granting an increase of pension to Elizabeth Wolfe, reported the same with amendment, accompanied by a report (No. 7385); 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. 25229) granting an increase of pension to James T. Blair, reported the same with amendment, accompanied by a report (No. 7386); 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. 25288) granting an increase of pension to Minna Y. Field, reported the same with amendment, accompanied by a report (No. 7387); 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. 25325) granting an increase of pension to Polly Ann Bowman, reported the same with amendment, accompanied by a report (No. 7388); 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. 25355) granting a pension to William McCraney, reported the same with amendment, accompanied by a report (No. 7389); 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. 25440) granting an increase of pension to Catharine Lipes, reported the same without amendment, accompanied by a report (No. 7390); 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. 4396) granting an increase of pension to Thomas C. Davis, reported the same without amendment, accompanied by a report (No. 7391); 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. 4742) granting an increase of pension to Mary E. Allen, reported the same without amendment, accompanied by a report (No. 7392); 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. 5374) granting a pension to Floyd A. Honaker, reported the same without amendment, accompanied by a report (No. 7393); 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. 6205) granting a pension to Hansford G. Gilkeson, reported the same without amendment, accompanied by a report (No. 7394); 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. 7025) granting an increase of pension to James C. West, reported the same without amendment, accompanied by a report (No. 7395); 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. 7174) granting an increase of pension to Rebecca Faggart, reported the same without amendment, accompanied by a report (No. 7396); 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. 7175) granting an increase of pension to Adline Mabry, reported the same without amendment, accompanied by a report (No. 7397); 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. 7220) granting an increase of pension to Nancy Bethel, reported the same without amendment, accompanied by a report (No. 7398); 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. 7672) granting an increase of pension to

Elvina Adams, reported the same without amendment, accompanied by a report (No. 7399); 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. 7673) granting an increase of pension to William W. Jordan, reported the same without amendment, accompanied by a report (No. 7400); 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. 7724) granting an increase of pension to Paul J. Christian, reported the same without amendment, accompanied by a report (No. 7401); 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. 7919) granting an increase of pension to John D. Abel, reported the same without amendment, accompanied by a report (No. 7402); 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. 17011) granting an increase of pension to Mrs. Manning Brown, reported the same with amendment, accompanied by a report (No. 7403); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21784) granting an increase of pension to William Hall, reported the same without amendment, accompanied by a report (No. 7404); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24223) granting a pension to Martha A. L. Stephens, reported the same with amendment, accompanied by a report (No. 7405); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21914) granting an increase of pension to Ferdinand Pahl, reported the same with amendment, accompanied by a report (No. 7406); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23999) granting an increase of pension to John F. Gough, reported the same with amendment, accompanied by a report (No. 7407); 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. 22063) granting an increase of pension to Horace F. Packard, reported the same with amendment, accompanied by a report (No. 7408); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22175) granting a pension to Charles Prendeville, reported the same with amendment, accompanied by a report (No. 7409); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23751) granting an increase of pension to Charles D. Moody, reported the same with amendment, accompanied by a report (No. 7410); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22392) granting an increase of pension to Eugene W. Rolfe, reported the same with amendment, accompanied by a report (No. 7411); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24031) granting an increase of pension to John Downey, reported the same with amendment, accompanied by a report (No. 7412); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22548) granting an increase of pension to Franklin H. Davis, reported the same with amendment, accompanied by a report (No. 7413); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23733) granting an increase of pension to Gifford M. Bridge, reported the same with amendment, accompanied by a report (No. 7414); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22629) granting an increase of pension to Josiah N. Pratt, reported the same with amendment, accompanied by a report (No. 7415); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25108) granting an increase of pension to William H. Brown, reported the same with amendment, accompanied by a report (No. 7416); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22863) granting an increase of pension to Oscar A. Fuller, reported the same with amendment, accompanied by a report (No. 7417); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22949) granting an increase of pension to George W. Wells, reported the same with amendment, accompanied by a report (No. 7418); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25113) granting an increase of pension to John H. Hays, reported the same with amendment, accompanied by a report (No. 7419); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25224) granting an increase of pension to David C. Smith, reported the same with amendment, accompanied by a report (No. 7420); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25263) granting an increase of pension to Thomas McDermott, reported the same without amendment, accompanied by a report (No. 7421); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20961) granting an increase of pension to George F. Fogg, reported the same without amendment, accompanied by a report (No. 7422); 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. 22987) granting an increase of pension to John D. Lane, reported the same with amendment, accompanied by a report (No. 7423); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21734) granting an increase of pension to Stephen B. H. Shanks, reported the same without amendment, accompanied by a report (No. 7424); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16834) granting an increase of pension to Allan S. Rose, reported the same with amendment, accompanied by a report (No. 7425); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21430) granting an increase of pension to Alonzo Foster, reported the same with amendment, accompanied by a report (No. 7426); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25174) granting an increase of pension to Henry W. Casey, reported the same with amendment, accompanied by a report (No. 7427); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21131) granting an increase of pension to Cornelius Shea, reported the same without amendment, accompanied by a report (No. 7428); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23855) granting a pension to Sarah E. Selders, reported the same with amendment, accompanied by a report (No. 7429); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21073) granting an increase of pension to Michael Harmon, reported the same with amendment, accompanied by a report (No. 7430); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24161) granting an increase of pension to Hugh O'Neal, reported the same with amendment, accompanied by a report (No. 7431); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21052) granting

an increase of pension to Edmund A. Locker, reported the same with amendment, accompanied by a report (No. 7432); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25309) granting an increase of pension to Joseph Casavaw, reported the same without amendment, accompanied by a report (No. 7433); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21040) granting an increase of pension to Ella C. Washburn, reported the same without amendment, accompanied by a report (No. 7434); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25176) granting an increase of pension to Gottfried Haferstein, reported the same with amendment, accompanied by a report (No. 7435); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24807) granting an increase of pension to Horace E. Heath, reported the same with amendment, accompanied by a report (No. 7436); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24924) granting an increase of pension to William V. Munroe, reported the same with amendment, accompanied by a report (No. 7437); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20352) granting a pension to Martha Stevens, reported the same with amendment, accompanied by a report (No. 7438); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23367) granting an increase of pension to Asa A. Gardner, reported the same with amendment, accompanied by a report (No. 7439); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20217) granting an increase of pension to Ferdinand Kunkle, reported the same with amendment, accompanied by a report (No. 7440); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20183) granting an increase of pension to Catherine Way, reported the same with amendment, accompanied by a report (No. 7441); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23997) granting an increase of pension to Michael M. Field, reported the same with amendment, accompanied by a report (No. 7442); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20082) granting an increase of pension to William Van Alst, reported the same with amendment, accompanied by a report (No. 7443); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23857) granting an increase of pension to Isaac C. Smith, reported the same with amendment, accompanied by a report (No. 7444); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20004) granting an increase of pension to Isaiah W. Perkins, reported the same with amendment, accompanied by a report (No. 7445); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24405) granting an increase of pension to Mary Hunt Smith Bishop, reported the same with amendment, accompanied by a report (No. 7446); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19794) granting an increase of pension to Henry C. Jewett, reported the same with amendment, accompanied by a report (No. 7447); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24957) granting an increase of pension to Francis H. Ferry, reported the same with amendment, accompanied by a report (No. 7448); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19594) granting an increase of pension to Hosea Hudson, reported the same with amendment, accompanied by a report (No. 7449); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25328) granting an increase of pension to James W. Barr, reported the same with amendment, accompanied by a report (No. 7450); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19291) granting an increase of pension to Charles Bachman, reported the same with amendment, accompanied by a report (No. 7451); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18993) granting an increase of pension to James Shaw, reported the same with amendment, accompanied by a report (No. 7452); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25248) granting an increase of pension to Knute Thompson, reported the same with amendment, accompanied by a report (No. 7453); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18653) granting an increase of pension to Robert Limbird, reported the same with amendment, accompanied by a report (No. 7454); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5162) granting an increase of pension to James F. Travis, reported the same with amendment, accompanied by a report (No. 7455); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18110) granting an increase of pension to Asail Brown, reported the same with amendment, accompanied by a report (No. 7456); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23411) granting an increase of pension to George H. Martin, reported the same without amendment, accompanied by a report (No. 7457); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24838) granting an increase of pension to Henry H. A. Walker, reported the same without amendment, accompanied by a report (No. 7458); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24560) granting an increase of pension to Margaret Lesley, reported the same without amendment, accompanied by a report (No. 7459); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22986) granting an increase of pension to George W. Beeny, reported the same with amendment, accompanied by a report (No. 7460); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H, R. 23673) granting an increase of pension to John T. Grayson, reported the same without amendment, accompanied by a report (No. 7461); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25120) granting an increase of pension to Charles B. Spring, reported the same with amendment, accompanied by a report (No. 7462); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16607) granting an increase of pension to Mary Denny, reported the same with amendment, accompanied by a report (No. 7463); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25254) grant-

ing an increase of pension to George W. Warfel, reported the same with amendment, accompanied by a report (No. 7464); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16261) granting an increase of pension to John P. Bard, reported the same with amendment, accompanied by a report (No. 7465); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24946) granting a pension to Phebe Wright, reported the same with amendment, accompanied by a report (No. 7466); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15879) granting an increase of pension to Jacob Salat, reported the same with amendment, accompanied by a report (No. 7467); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9448) granting an increase of pension to T. B. Hockey, reported the same with amendment, accompanied by a report (No. 7468); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15241) granting an increase of pension to Samuel De Haven, reported the same with amendment, accompanied by a report (No. 7469); 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. 25305) granting an increase of pension to Edgar A. Stevens, reported the same without amendment, accompanied by a report (No. 7470); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14322) granting a pension to Abbie L. Hanford, reported the same without amendment, accompanied by a report (No. 7471); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25247) granting an increase of pension to Warren Onan, reported the same with amendment, accompanied by a report (No. 7472); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25106) granting an increase of pension to Francis A. Biffan, reported the same with amendment, accompanied by a report (No. 7473); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14104) granting an increase of pension to Milton Brown, reported the same with amendment, accompanied by a report (No. 7474); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23685) granting an increase of pension to Robert Brake, reported the same with amendment, accompanied by a report (No. 7475); 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. 13963) granting an increase of pension to William H. Turner, reported the same without amendment, accompanied by a report (No. 7476); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25145) granting an increase of pension to Charles Henry Weatherwax, reported the same with amendment, accompanied by a report (No. 7477); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22988) granting an increase of pension to Benjamin F. Horton, reported the same with amendment, accompanied by a report (No. 7478); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20003) granting an increase of pension to William Yohn, reported the same with amendment, accompanied by a report (No. 7479); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21038) granting a pension to Lucy A. Gaylord, reported the same with amendment, accompanied by a report (No. 7480); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21055) granting an increase of pension to Archibald Bates, reported the same with amendment, accompanied by a report (No. 7481); 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. 13816) granting an increase of pension to Thomas McPeek, reported the same with amendment, accompanied by a report (No. 7482); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24334) granting an increase of pension to Emma Case, reported the same without amendment, accompanied by a report (No. 7483); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24226) granting an increase of pension to Francis J. Eachus, alias Frank Eachus, reported the same with amendment, accompanied by a report (No. 7484); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23729) granting an increase of pension to John Vandegrift, reported the same with amendment, accompanied by a report (No. 7485); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13133) granting an increase of pension to Gilbert W. Clark, reported the same with amendment, accompanied by a report (No. 7486); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12969) granting an increase of pension to Alexander Buck, reported the same without amendment, accompanied by a report (No. 7487); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24530) granting a pension to David Miller, reported the same with amendment, accompanied by a report (No. 7488); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12580) granting an increase of pension to Charles E. Youtt, reported the same with amendment, accompanied by a report (No. 7489); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24911) granting an increase of pension to James C. Cosgro, reported the same without amendment, accompanied by a report (No. 7490); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11848) granting a pension to George E. York, reported the same with amendment, accompanied by a report (No. 7491); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25303) granting an increase of pension to Adeline Brown, reported the same with amendment, accompanied by a report (No. 7492); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23198) granting an increase of pension to Lucie A. Allyn, reported the same with amendment, accompanied by a report (No. 7493); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10431) granting an increase of pension to Charles W. Kenisston, reported the same with amendment, accompanied by a report (No. 7494); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25255) granting an increase of pension to Samuel Loy, reported the same with amendment, accompanied by a report (No. 7495); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24971) granting an increase of pension to Elijah Devore, reported the same with amendment, accompanied by a report (No. 7496); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10023) granting a pension to Martha Lewis, reported the same with amendment, accompanied by a report (No. 7497); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25354) granting a pension to Alice House, reported the same with amendment, accompanied by a report (No. 7498); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9785) granting an increase of pension to William A. Lyon, reported the same with amendment, accompanied by a report (No. 7499); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25391) granting an increase of pension to Richard Gogin, reported the same without amendment, accompanied by a report (No. 7500); 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. 7578) granting an increase of pension to Levi Hoskins, reported the same with amendment, accompanied by a report (No. 7501); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25214) granting an increase of pension to Robert H. Douglas, reported the same with amendment, accompanied by a report (No. 7502); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23280) granting an increase of pension to Bartholomew Burke, reported the same with amendment, accompanied by a report (No. 7503); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7242) granting an increase of pension to Marcus Davis, reported the same with amendment, accompanied by a report (No. 7504); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25256) granting an increase of pension to Cyrus W. Scott, reported the same with amendment, accompanied by a report (No. 7505); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6767) granting an increase of pension to Hobart P. Sweet, reported the same with amendment, accompanied by a report (No. 7506); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25097) granting an increase of pension to E. P. Weatherby, reported the same with amendment, accompanied by a report (No. 7507); 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. 6206) granting an increase of pension to Stephen J. Henning, reported the same with amendment, accompanied by a report (No. 7508); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24189) granting an increase of pension to Frederick Hoffner, reported the same with amendment, accompanied by a report (No. 7509); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5800) granting an increase of pension to Joseph G. Maddocks, reported the same with amendment, accompanied by a report (No. 7510); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24851) granting an increase of pension to O. S. Rouse, reported the same with amendment, accompanied by a report (No. 7511); 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. 2821) granting an increase of pension to Turner J. Preble, reported the same with amendment, accompanied by a report (No. 7512); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25329) granting a pension to Catherine Messer, reported the same with amendment, accompanied by a report (No. 7513); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24855) granting a pension to George W. Robins, reported the same with amendment, accompanied by a report (No. 7514); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2064) granting an increase of pension to Daniel Sullivan, reported the same with amendment, accompanied by a report (No. 7515); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1851) granting an increase of pension to Ralph D. Parsons, reported the same with amendment, accompanied by a report (No. 7516); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24940) granting an increase of pension to Timothy H. Gibson, reported the same without amendment, accompanied by a report (No. 7517); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1728) granting an increase of pension to George C. Vance, reported the same with amendment, accompanied by a report (No. 7518); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25172) granting an increase of pension to B. N. Isaacs, reported the same with amendment, accompanied by a report (No. 7519); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1171) granting a pension to Alfred Nichols, reported the same with amendment, accompanied by a report (No. 7520); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25016) granting an increase of pension to Frederick Gottlieb Ackerman, reported the same with amendment, accompanied by a report (No. 7521); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 561) granting an increase of pension to Giles Townsend, reported the same with amendment, accompanied by a report (No. 7522); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24968) granting an increase of pension to John Burke, reported the same with amendment, accompanied by a report (No. 7523); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24406) granting an increase of pension to Edmund Johnson, reported the same with amendment, accompanied by a report (No. 7524); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 560) granting an increase of pension to Wilson M. Holmes, reported the same with amendment, accompanied by a report (No. 7525); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10430) granting an increase of pension to Samuel Ledgerwood, reported the same with amendment, accompanied by a report (No. 7526); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21983) granting an increase of pension to James E. Pusey, reported the same with amendment, accompanied by a report (No. 7527); 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. 24531) granting an increase of pension to David E. Jefferson, reported the same with amendment, accompanied by a report (No. 7528); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9445) granting a pension to Ida E. G. Pierce, reported the same with amendment, accompanied by a report (No. 7529); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9664) granting a pension to E. C. Durfey, reported the same with amendment, accompanied by a report (No. 7530); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7356) granting

an increase of pension to Henry Schlosser, reported the same without amendment, accompanied by a report (No. 7531); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7475) granting an increase of pension to William D. Hudson, reported the same without amendment, accompanied by a report (No. 7532); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7998) granting an increase of pension to George N. Julian, reported the same without amendment, accompanied by a report (No. 7533); 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. 10574) granting a pension to Edward W. Hoban, reported the same without amendment, accompanied by a report (No. 7538); which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 21841) for the relief of H. C. Linn and Samuel Powell, reported the same with amendment, accompanied by a report (No. 7541); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25511) granting an increase of pension to Hiram Filkins, reported the same without amendment, accompanied by a report (No. 7542); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25455) granting an increase of pension to Emma Hempler, reported the same with amendment, accompanied by a report (No. 7543); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25451) granting an increase of pension to William H. Maxwell, reported the same with amendment, accompanied by a report (No. 7544); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25445) granting an increase of pension to William E. Webster, reported the same with amendment, accompanied by a report (No. 7545); 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. 22701) granting an increase of pension to James R. Fairbrother, reported the same with amendment, accompanied by a report (No. 7546); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21608) granting an increase of pension to Louis Green, reported the same with amendment, accompanied by a report (No. 7547); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20956) granting an increase of pension to James Kenney, reported the same with amendment, accompanied by a report (No. 7548); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20886) granting an increase of pension to William W. Bell, reported the same with amendment, accompanied by a report (No. 7549); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20299) granting an increase of pension to Lizzie E. Enright, reported the same with amendment, accompanied by a report (No. 7550); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23797) granting an increase of pension to James D. Tomson, reported the same with amendment, accompanied by a report (No. 7551); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24905) granting a pension to Susan E. Davis, reported the same with amendment, accompanied by a report (No. 7552); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17091) granting an increase of pension to George Myers, reported the same with amendment, accompanied by a report (No. 7553); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9611) granting a pension to Robert N. Marshall, reported the same with amendment, accompanied by a report (No. 7554); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8408) granting an increase of pension to Richard Prost, reported the same with amendment, accompanied by a report (No. 7555); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19421) granting an increase of pension to Ella A. Hodges, reported the same with amendment, accompanied by a report (No. 7556); which said bill and report were referred to the Private Calendar.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 5365) to appoint Joseph Y. Porter a lieutenant-colonel and deputy surgeon-general, and to place him on the retired list of the Army, reported the same without amendment, accompanied by a report (No. 7561); which said bill and report were referred to the Private Calendar.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 14133) for the relief of William Peacock, reported the same without amendment, accompanied by a report (No. 7562); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

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

By Mr. MURPHY: A bill (H. R. 25512) to repeal an act entitled "An act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States"—to the Committee on the Territories.

By Mr. JONES of Washington: A bill (H. R. 25513) extending the time for making final proof in certain desert-land entries—to the Committee on the Public Lands.

By Mr. SPIGHT: A bill (H. R. 25514) making disposition of the cotton-tax fund in the United States Treasury—to the Committee on Ways and Means.

By Mr. LACEY: A bill (H. R. 25515) to amend an act entitled "An act to provide for the entry of agricultural lands within forest reserves," approved June 11, 1906—to the Committee on the Public Lands.

By Mr. WANGER: A bill (H. R. 25516) to establish Paul Jones Day in the Navy—to the Committee on Naval Affairs.

By Mr. POU: A bill (H. R. 25517) to provide for the erection of a bronze equestrian statue to the memory of the late Robert E. Lee at Washington City, D. C.—to the Committee on the Library.

By Mr. KLINE: A bill (H. R. 25518) granting to any assistant surgeon in the Regular Army who has had prior service as surgeon or assistant surgeon in the Navy, during the war with Spain or since, the same credit for that service to which any assistant surgeon in the Regular Army is now entitled for prior service as surgeon or assistant surgeon in the Volunteer Army during the same period under section 18 of the act approved February 2, 1901—to the Committee on Military Affairs.

By Mr. LACEY: A bill (H. R. 25519) to prohibit monopoly in coal lands—to the Committee on the Public Lands.

By Mr. LAMAR: A bill (H. R. 25520) to amend an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By the SPEAKER: Memorial of the legislature of Idaho, praying for legislation granting pensions to the participants in the battle of Beechers Island, or to their widows—to the Committee on Pensions.

Also, memorial of the legislature of South Dakota, praying for action of Congress to submit an amendment to the Constitution providing for election of Senators by direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

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

By Mr. CALDERHEAD: A bill (H. R. 25511) granting an in-

crease of pension to Hiram Filkins—to the Committee on Invalid Pensions.

By Mr. BARTLETT: A bill (H. R. 25521) for the relief of John I. Nelson—to the Committee on War Claims.

By Mr. BONYNGE: A bill (H. R. 25522) granting an increase of pension to Mary E. Wiedensaul—to the Committee on Invalid Pensions.

By Mr. BRUMM: A bill (H. R. 25523) to correct the military record of John Grace—to the Committee on Military Affairs.

By Mr. BUTLER of Tennessee: A bill (H. R. 25524) granting an increase of pension to Albert Havely—to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 25525) granting a pension to George W. Irvin—to the Committee on Pensions.

Also, a bill (H. R. 25526) granting an increase of pension to George W. Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25527) granting an increase of pension to Zeba D. French—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25528) granting an increase of pension to Anton Kutterer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25529) granting an increase of pension to Daniel Ealey—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 25530) granting an increase of pension to Oliver Shaw—to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 25531) granting a pension to Henry B. Edwards—to the Committee on Pensions.

By Mr. KINKAID: A bill (H. R. 25532) granting an increase of pension to John M. Bair—to the Committee on Invalid Pensions.

By Mr. KLINE: A bill (H. R. 25533) granting an increase of pension to Thomas B. Glick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25534) granting an increase of pension to William Stepleton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25535) granting an increase of pension to John F. Osmun—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 25536) granting an increase of pension to Truman H. Bucklin—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 25537) to remove the charge of desertion from the military record of Robert Curren—to the Committee on Military Affairs.

By Mr. MARSHALL: A bill (H. R. 25538) granting an increase of pension to Eli B. Woodward—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 25539) granting an increase of pension to Elias Johnston—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 25540) granting a pension to Edward Kennedy—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 24611) granting an increase of pension to Volney B. St. John—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24003) granting an increase of pension to Nora Burke—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

By Mr. BATES: Paper to accompany bill for relief of Robert Withington (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. BARTLETT: Paper to accompany bill for relief of heirs of George W. Welch and John J. Nelson—to the Committee on War Claims.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of Richard Stewart (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. BURLEIGH: Petition of J. F. Holman, of Athens, Me., for bill S. 4403—to the Committee on Immigration and Naturalization.

By Mr. CHANEY: Petition of Henry Woolery, George B. Jackson, et al., of Leesville, Ind., for legislation touching saloon license fees as relating to the school funds of the States—to the Committee on the Judiciary.

By Mr. DAWSON: Petition of Rock Island Division, No. 106, Order Railway Conductors, of Moline, Ill., for the Senate sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

By Mr. DOVENER: Petition of the West Virginia Live Stock Association, for an amendment to the free-alcohol law—to the Committee on Ways and Means.

By Mr. DRAPER: Petition of Berlin Grange, No. 966, Patrons of Husbandry, against free seed distribution—to the Committee on Agriculture.

By Mr. DUNWELL: Petition of the Merchants' Association of New York City, for an appropriation for a post-office building at the Pennsylvania central railway terminal in New York City—to the Committee on the Post-Office and Post-Roads.

Also, petition of the National German-American Alliance of the United States, against the Littlefield bill (H. R. 13655)—to the Committee on the Judiciary.

Also, petition of Jane Bingham Abbott and other composers of music, for bills S. 6330 and H. R. 19853—to the Committee on Patents.

Also, petition of the Grand Army Association, against abolition of pension agencies—to the Committee on Appropriations.

Also, petition of the American Protective Tariff League, for a dual tariff—to the Committee on Ways and Means.

By Mr. FLOYD: Papers to accompany bills for relief of John F. D. Gerall, Andrew J. Williams, and John W. Hughs—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Berry W. Hudson—to the Committee on Pensions.

By Mr. FULLER: Petition of the Liberal Immigration League of New York, against undue restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Modern Manufacturing Company, for bill H. R. 23551—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Petition of William H. Graham et al., for the Wilson bill increasing salaries of post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Bricklayers' International Union No. 2, of Pennsylvania, against the illegal procedure of the States of Idaho and Colorado relative to Moyer and Haywood—to the Committee on the Judiciary.

Also, petition of the Civic Club of Allegheny County, favoring the child-labor bill—to the Committee on Labor.

Also, petition of Typographical Union No. 7, for the new copyright bill (S. 6330 and H. 19853)—to the Committee on Patents.

Also, petition of the Illinois Manufacturers' Association, for an appropriation for construction of deep waterways—to the Committee on Rivers and Harbors.

By Mr. HAMILTON: Petition of James H. Burkhead, against discontinuance of pension agencies—to the Committee on Appropriations.

By Mr. HULL: Paper to accompany bill for relief of Frederick F. B. Coffin—to the Committee on Claims.

By Mr. KAHN: Petition of the California Bankers' Association, for an amendment to the railway rate bill securing uniform bills of lading—to the Committee on Interstate and Foreign Commerce.

By Mr. LEVER: Papers to accompany bills for relief of Nathan Gradick and Frederick A. Jacob, trustees of estate of Freidaie A. Jacob—to the Committee on War Claims.

By Mr. LITTLEFIELD: Petition of Alvin Adams et al., for a bounty of $100 for soldiers of the civil war discharged on account of physical disability contracted in service other than from wounds—to the Committee on Invalid Pensions.

By Mr. McCALL: Petition of Rockwood, favoring the United States sending supplies to the starving people of China—to the Committee on Appropriations.

By Mr. OVERSTREET of Indiana: Petition of Division No. 103, Order of Railway Conductors of America, of Indianapolis, Ind., for bill S. 5133 (the sixteen-hour bill)—to the Committee on Interstate and Foreign Commerce.

By Mr. REID: Paper to accompany bill for relief of Pierre Klaine—to the Committee on War Claims.

By Mr. REYBURN: Petition of General Hector Tyndale Post, No. 160, Grand Army of the Republic, of Philadelphia, against discontinuance of the pension agencies—to the Committee on Appropriations.

By Mr. ROBINSON of Arkansas: Paper to accompany bill for relief of Francis L. Smith—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of Bertrand Rockwell, of Junction City, Kans., for bill H. R. 23109, to fix pay of the Army—to the Committee on Military Affairs.

Also, petition of the Immigration Restriction League, against the illiteracy test of bill S. 4403—to the Committee on Immigration and Naturalization.

Also, petition of the Merchants' Association of New York, for

bill H. R. 24762, to provide an appropriation for a post-office building in New York City at the Pennsylvania Railway terminal—to the Committee on Public Buildings and Grounds.

By Mr. TAWNEY: Paper to accompany bill for relief of Julia Churchill—to the Committee on Invalid Pensions.

By Mr. VOLSTEAD: Resolution of the legislature of Minnesota, for an appropriation to construct a canal in the county of Aitkin, Minn.—to the Committee on Rivers and Harbors.

By Mr. WEBB: Papers to accompany bills for relief of Elizabeth S. Hess, Wilson Carter, Cornelius Teal, and William Anderson—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of John L. Sullivan and William R. Watts—to the Committee on Pensions.

By Mr. WILEY of Alabama: Petition of J. S. Carroll, Wilkerson & Henderson, the Troy Grocery Company, J. S. Copeland, et al., and E. H. Locke et al., for legislation to increase the power of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

SENATE.

FRIDAY, *February 8, 1907.*

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

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

The VICE-PRESIDENT. The Journal stands approved.

ACCEPTANCE OF DECORATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, requesting that certain persons at present in the diplomatic and consular service of the United States be authorized by Congress to accept decorations desired to be conferred upon them by the Emperor of Japan; which, with the accompanying paper, was referred to the Committee on Foreign Relations, 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 The Trustees of the Methodist Episcopal Church South, of Charles Town, W. Va., *v.* The United States;

In the cause of W. C. York *v.* The United States;

In the cause of Augustin Walsh, sole surviving partner of T. & A. Walsh, *v.* The United States; and

In the cause of the Trustees of the United Brethren Church, of Boonsboro, Md., *v.* The United States.

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

CREDENTIALS.

Mr. PETTUS presented the credentials of JOHN T. MORGAN, chosen by the legislature of the State of Alabama a Senator from that State for the term beginning March 4, 1907; which were read and ordered to be filed.

Mr. CLAPP presented the credentials of KNUTE NELSON, chosen by the legislature of the State of Minnesota a Senator from that State for the term beginning March 4, 1907; which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 362. An act granting an increase of pension to James M. Bullard;

S. 660. An act granting an honorable discharge to Peter Green;

S. 756. An act granting an increase of pension to Jacob Niebels;

S. 1172. An act granting an increase of pension to Asaph H. Witham;

S. 1215. An act to correct the military record of William Fleming;

S. 1397. An act granting an increase of pension to Anna B. L. Walker;

S. 1495. An act granting an increase of pension to John Holley;

S. 1511. An act granting an increase of pension to Marvin F. Barton;

S. 1516. An act granting an increase of pension to Orlando O. Austin;

S. 1594. An act granting an increase of pension to Margaret E. Guthrie;

S. 1797. An act granting an increase of pension to John E. Henderson;

S. 2104. An act granting an increase of pension to Moses Feyler;

S. 2139. An act to remove the charge of desertion from the military record of Anton Ernst;

S. 2259. An act granting an increase of pension to Charles Duby, alias Louis Deshemean;

S. 2693. An act granting an increase of pension to Samuel Wise;

S. 2780. An act granting an increase of pension to Daniel N. McCarter;

S. 2994. An act granting an increase of pension to David Harvey;

S. 3295. An act granting an increase of pension to Anna Williams;

S. 3319. An act granting an increase of pension to James E. Croft;

S. 3320. An act granting an increase of pension Elias H. Parker;

S. 3461. An act granting a pension to Helen L. Woodward;

S. 3583. An act granting an increase of pension to Kate O'Donnell Wood;

S. 3681. An act granting a pension to Sanford H. Moats;

S. 3882. An act granting an increase of pension to Delphine Darling;

S. 4033. An act granting an increase of pension to William Kirkwood;

S. 4055. An act granting a pension to Nancy J. Mullally;

S. 4108. An act granting an increase of pension to Martha M. Lambert;

S. 4113. An act granting an increase of pension to Dell E. Pert;

S. 4396. An act granting an increase of pension to Thomas C. Davis;

S. 4509. An act granting an increase of pension to Anna M. Loomis;

S. 4681. An act granting an increase of pension to William S. Gray;

S. 4742. An act granting an increase of pension to Mary E. Allen;

S. 4756. An act granting an increase of pension to John Kirch;

S. 4769. An act granting an increase of pension to Rosa Olds Jenkins;

S. 4813. An act granting an increase of pension to Samuel Doolittle;

S. 4818. An act granting an increase of pension to George W. Peabody;

S. 5021. An act granting an increase of pension to Margaret Kearney;

S. 5023. An act granting an increase of pension to Ruth E. Olney;

S. 5106. An act granting an increase of pension to John Adshead;

S. 5190. An act granting an increase of pension to Abby L. Brown;

S. 5292. An act granting an increase of pension to Michael J. Sprinkle;

S. 5352. An act for the relief of William H. Osenburg;

S. 5374. An act granting a pension to Floyd A. Honaker;

S. 5542. An act granting an increase of pension to Elizabeth S. Reess;

S. 5580. An act granting a pension to Julia A. Vroom;

S. 5586. An act granting an increase of pension to Albert F. Pepoon;

S. 5697. An act granting an increase of pension to George H. McLain;

S. 5699. An act granting an increase of pension to Adelaide D. Merritt;

S. 5836. An act granting an increase of pension to Daniel Loosley;

S. 5854. An act granting an increase of pension to John W. McWilliams;

S. 5886. An act granting an increase of pension to Anna E. Hood;

S. 5912. An act granting an increase of pension to Nathaniel Green;

S. 5991. An act granting an increase of pension to George F. Ford;

S. 6050. An act granting an increase of pension to Edward W. Galligan;