stitutional rights of Moyer, Haywood, and Pettibone—to the Committee on the Judiciary.

By Mr. SULZER: Paper to accompany bill for relief of Harriet P. Porter, widow of Gen. Fitz John Porter—to the Committee on Pensions.

By Mr. WEBBER: Petition of citizens of the District of Columbia, for bill H. R. 6016 (prohibition of the liquor traffic in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. WEISSE: Petition of Madison Division, No. 73, Brotherhood of Locomotive Engineers, for the sixteen-hour bill (S. 5133)—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Protective Tariff League, for a dual tariff—to the Committee on Ways and Means.

Also, petition of the National German-American Alliance, against bill H. R. 13655 (the Littlefield bill)—to the Committee on the Judiciary.

Also, petition of the National Business League, of Chicago, Ill., for conservation of the public domain by revision of the land laws—to the Committee on the Public Lands.

Also, petition of the National Business League, of Chicago, Ill., for reform of the consular service—to the Committee on Foreign Affairs.

Also, petition of the Immigration Restriction League, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the Illinois Manufacturers' Association, for a deep waterway from Chicago to St. Louis—to the Committee on Rivers and Harbors.

Also, petition of the Chicago Real Estate Board, for general improvement of the Chicago River in all its branches—to the Committee on Rivers and Harbors.

Also, petition of the International Association of Machinists, for a new foundry for the Naval Gun Factory in Washington—to the Committee on Naval Affairs.

Also, petition of the American Musical Copyright League, for bill H. R. 75133—to the Committee on Patents.

SENATE.

THURSDAY, *February 14, 1907.*

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

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

The VICE-PRESIDENT. The Journal stands approved.

CREDENTIALS.

Mr. CLARK of Wyoming presented the credentials of FRANCIS E. WARREN, chosen by the legislature of the State of Wyoming a Senator from that State for the term beginning March 4, 1907; which were read, and ordered to be filed.

Mr. CARMACK presented the credentials of Robert L. Taylor, chosen by the legislature of the State of Tennessee a Senator from that State for the term beginning March 4, 1907; which were read, and ordered to be filed.

JOSE MARCH DUPLAT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting a note from the chargé d'affaires of Venezuela at Washington, D. C., requesting, under instruction from his Government, that permission be granted Jose March Duplat, a citizen of Venezuela, to enter the United States Military Academy at West Point, and submitting the draft of a joint resolution to carry into effect the request; which, with the accompanying paper, was referred to the Committee on Military Affairs, 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 Jerusalem Evangelical Lutheran Church, of Ebenezer, Ga., *v.* The United States; and

In the cause of Marie L. Hermance, administratrix of the estate of Jeremiah Simonson, deceased, *v.* The United States.

The foregoing findings were, with the accompanying papers, 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, announced that the House had passed the following bills:

S. 6691. An act granting to the Columbia Valley Railroad Company a right of way through Fort Columbia Military Reservation at Scarboro 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; and

S. 8288. An act authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Portland and Seattle Railway Company, its successors and assigns.

The message also announced that the House had passed a bill (H. R. 20984) to provide for a land district in Valley County, in the State of Montana, to be known as the Glasgow land district; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

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

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. 822. An act granting a pension to Michael V. Hennessy;

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 to 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. 3593. An act granting an honorable discharge to Joseph P. W. R. Ross;

S. 3668. An act to authorize the Washington, Spa Springs and Gretta Railroad Company, of Prince George County, to extend its street railway into the District of Columbia;

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;

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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. 4908. An act granting an increase of pension to William H. Kimball;

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. 5041. An act granting an increase of pension to George A. Tucker;

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; and

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.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a concurrent resolution of the legislature of the State of Kansas, in favor of the adoption of an amendment to the Constitution providing for the election of United States Senators by direct vote of the people; which was referred to the Committee on Privileges and Elections.

Mr. BRANDEGEE presented a petition of the State Association of Carpenters and Joiners, and a petition of Carpenters and Joiners' Union No. 97, of New Haven, Conn., praying for the enactment of legislation providing for an increase in the salaries of post-office clerks; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented petitions of sundry citizens of Wilton, North Jay, Brownfield, and Bingham, all in the State of Maine, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. MULKEY. I present a memorial of the Oregon State legislature, in favor of the election of United States Senators by the direct vote of the people. I ask that the memorial be read, and referred to the Committee on Privileges and Elections.

The memorial was read, and referred to the Committee on Privileges and Elections, as follows:

UNITED STATES OF AMERICA, STATE OF OREGON,
Office of the Secretary of State.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State do hereby certify that the annexed page contains a full, true, and complete copy of house joint memorial No. 2, adopted by the house of representatives of the State of Oregon, January 28, 1907, and concurred in by the senate of the State of Oregon February 4, 1907, original of which memorial was filed in this office February 5, 1907.

In testimony whereof I have hereunto set my hand and seal, and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 6th day of February, A. D. 1907.

[SEAL.] F. W. BENSON, *Secretary of State.*

House joint memorial No. 2.

Whereas there is a general demand by the people of the United States and of the State of Oregon for the election of United States Senators by the direct vote of the people: Therefore, be it

Resolved by the house of representatives of the State of Oregon (the Senate concurring), That it is the sense of the people of this State that United States Senators should be elected by the direct vote of the people, and that the Congress of the United States is hereby memorialized to propose an amendment to the Constitution of the United States, providing for the election of United States Senators by the direct vote of the people, and to submit the same to conventions in the several States of the United States called for the purpose for ratification; be it further

Resolved, That a copy of this memorial be sent to the Senate and House of Representatives of the United States in Congress assembled and to the legislatures of the several States of the Union by the secretary of State.

Adopted by the house January 28, 1907.

FRANK DAVEY,
Speaker of the House.

Concurred in by the senate February 4, 1907.

E. W. HAINES,
President of the Senate.

(Indorsed:) House joint memorial No. 2. Chief Clerk. Filed February 5, 1907. F. W. Benson, secretary of state.

Mr. MULKEY. I present a memorial of the Oregon State legislature in favor of increased compensation to rural mail carriers. I ask that the memorial be read and referred to the Committee on Post-Offices and Post-Roads.

The memorial was read, and referred to the Committee on Post-Offices and Post-Roads, as follows:

UNITED STATES OF AMERICA, STATE OF OREGON,
Office of the Secretary of State.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that the annexed page contains a full, true, and complete copy of house joint memorial No. 3, adopted by the house of representatives of the legislature of the State of Oregon February 1, 1907, and concurred in by the senate of the State of Oregon February 4, 1907; original of which memorial was filed in this office February 5, 1907.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 6th day of February, A. D. 1907.

[SEAL.] F. W. BENSON,
Secretary of State.

House joint memorial introduced by Mr. Holt.

Whereas since the establishment of the system of rural free delivery of mail in Oregon the State has become more populous and the labors of rural mail carriers have increased in proportion; and

Whereas the compensation paid carriers on the rural delivery routes has always been inadequate and is not commensurate with the labors performed: Therefore, be it

Resolved by the house of representatives of the State of Oregon (the senate concurring), That the compensation of rural mail carriers should be increased by Congress to at least $1,000 per annum, and that the Congress of the United States is hereby memorialized to provide a compensation of at least $1,000 per annum for rural mail carriers; be it further

Resolved, That a copy of this memorial be sent to the Oregon delegation in Congress.

Adopted by the House February 1, 1907.

FRANK DAVEY,
Speaker of the House.

Concurred in by the Senate February 4, 1907.

E. W. HAINES,
President of the Senate.

(Indorsed:) House joint memorial No. 3. Chief clerk. Filed February 3, 1907. F. W. Benson, secretary of state.

Mr. KNOX presented a petition of the Allegheny Teachers' Association, of Allegheny, Pa., praying for the enactment of legislation providing for annuities for teachers, principals, supervisors, and superintendents of public schools; which was referred to the Committee on Education and Labor.

He also presented a petition of the National League of Employees of Navy-Yards, Naval Stations, Arsenals, and Gun Factories of Continental America, of Boston, Mass., praying for the passage of the so-called "liability" and "Saturday half-holiday" bills for Government employees; which was referred to the Committee on Education and Labor.

He also presented a petition of the National Board of Trade of Philadelphia, Pa., praying for the enactment of legislation providing for the regulation of duties upon Philippine products, with a view of allowing every possible opportunity for the building up of the internal resources and the enlargement of the commerce of the islands; which was referred to the Committee on the Philippines.

He also presented petitions of H. O. Wilbur & Sons and of the Buchanan-Foster Company, of Philadelphia, Pa., praying for the enactment of legislation providing for a revision of the tariff laws of the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a petition of sundry members of the Medal of Honor Legion of the United States of America, of Philadelphia, Pa., praying for the enactment of legislation providing for the issuing of a medal of honor; which was referred to the Committee on Military Affairs.

He also presented a petition of Encampment No. 19, Union Veteran Legion, of Pottsville, Pa., praying for the enactment of legislation providing for the establishment of a national military park at Petersburg, Va.; which was referred to the Committee on Military Affairs.

He also presented a petition of the National Board of Trade of Philadelphia, Pa., praying for the enactment of legislation providing for the participation by American trade-mark owners in the benefits of the International Union for the Protection of Industrial Property; which was referred to the Committee on Patents.

He also presented petitions of J. L. Stewart, of Philadelphia, and of the Warren County Woman's Christian Temperance

Union, of Warren, in the State of Pennsylvania, and of C. F. Nesbit, of Washington, D. C., praying for an investigation of the existing conditions in the Kongo Free State; which were ordered to lie on the table.

He also presented petitions of Martha Walter, of Osterburg; G. M. Ermentrout, of Reading; J. W. Trimmer, of Altoona, all in the State of Pennsylvania, and of C. H. Unverzagt, of New York City, N. Y., 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 a petition of the Coos Bay Chamber of Commerce, of Marshfield, Oreg., praying for the enactment of legislation providing for a resurvey and estimates for further improving Coos Bay bar and harbor on the Oregon coast, and also for the construction of a dredger for the ports along the coast of Oregon; which was referred to the Committee on Commerce.

He also presented a petition of the National Convention for the Extension of the Foreign Commerce of the United States, of New York City, N. Y., praying for the enactment of such legislation as will promote the extension of foreign commerce of the United States; which was referred to the Committee on Commerce.

He also presented a petition of the select and common councils of McKeesport, Pa., praying for the enactment of legislation providing for the improvement of the Youghiogheny River; which was referred to the Committee on Commerce.

He also presented a memorial of the Religious Liberty Bureau of Watertown, N. Y., 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 the First Synod of the West of the United Presbyterian Church of North America, praying for the enactment of legislation providing for a so-called Sabbath law for the suppression of all unnecessary work and pastimes; which was referred to the Committee on the District of Columbia.

He also presented petitions of G. Buehler & Co., of Allentown; Samuel A. Brown, of Philadelphia; F. S. Schrade, of Monaca; Pooley Furniture Company, of Philadelphia, all in the State of Pennsylvania, praying for the adoption of certain amendments to the present denatured-alcohol bill; which were referred to the Committee on Finance.

He also presented sundry memorials of the Penn Tobacco Company, of Wilkes-Barre, Pa., and of the Independent Tobacco Manufacturers' Association of the United States, remonstrating against the passage of the so-called "free leaf tobacco bill;" which were referred to the Committee on Finance.

He also presented petitions of Messrs. Cruthfield & Woodfolk, and of Pittsburg Branch, National League of Commission Merchants of the United States, of Pittsburg, Pa., praying for the enactment of legislation to continue the minimum duty imposed by the German Government on American fruits; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Illinois Manufacturers' Association, of Chicago, Ill., praying for the enactment of legislation providing for an appropriation at the present session of Congress for beginning the construction of the deep waterway between Chicago and St. Louis, and for making a survey of the Mississippi River from St. Louis to Cairo; which was referred to the Committee on Commerce.

He also presented a petition of the Council of Jewish Women, of Pittsburg, Pa., praying for the enactment of legislation providing for the appointment of a commission to investigate the question of immigration; which was ordered to lie on the table.

He also presented memorials of Colonel Fred Taylor Post, No. 19, Philadelphia; John A. Koltes Post, No. 228, Philadelphia; J. W. Reynolds Post, No. 98, Tunkhannock; Colonel Ellsworth Post, No. 209, Scottdale; The Naval Post, No. 400, Philadelphia; Lieutenant David H. Wilson Post, No. 134, Mifflintown, all Grand Army of the Republic, in the State of Pennsylvania, and of the War Veterans and Sons' Association of Brooklyn, N. Y., remonstrating against the enactment of legislation abolishing pension agencies throughout the country; which were referred to the Committee on Pensions.

He also presented the memorial of Ballinger & Perrot, of Philadelphia, Pa., remonstrating against the passage of the so-called "Crumpacker bill" relating to postal fraud orders; which was referred to the Committee on the Judiciary.

Mr. DEPEW presented petitions of sundry citizens of Brooklyn, New York, Black River, Rochester, Buffalo, Jamestown, Salamanca, Newburgh, and Troy, all in the State of New York, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

Mr. GALLINGER presented the petition of Harry S. Duckworth, of Dover, N. H., praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred to the Committee on Finance.

He also presented a petition of the congregation of the Free Baptist Church of Bristol, N. H., and a petition of the Woman's Christian Temperance Union of Dover, N. H., 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 North Washington Citizens' Association, of the District of Columbia, praying for the enactment of legislation providing for the extension of the tracks of the Capital Traction Company from Seventh street and Florida avenue NW. along Florida avenue east to Eighth street NE., thence south on Eighth street to Pennsylvania avenue SE.; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Columbia Heights Citizens' Association, of the District of Columbia, praying for the enactment of legislation providing for the opening and extension of streets and avenues, county roads, and suburban streets in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the memorial of John S. Wightman, of Watertown, N. Y., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to close on Sunday; which was referred to the Committee on the District of Columbia.

Mr. BURNHAM presented petitions of sundry citizens of Rockingham, N. H., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. DILLINGHAM presented a petition of sundry citizens of Barnard, Brandon, Brighton, Chester, Derby, Ludlow, Morristown, and St. Johnsbury, all in the State of Vermont, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. LONG. I present a concurrent resolution of the legislature of Kansas, which I ask may be printed in the RECORD and referred to the Committee on Privileges and Elections.

The concurrent resolution was referred to the Committee on Privileges and Elections, and ordered to be printed in the RECORD, as follows:

House concurrent resolution No. 4.

Whereas there is a widespread and rapidly growing belief that the Constitution of the United States should be so amended as to provide for the election of the United States Senators by the direct vote of the people of the respective States; and

Whereas other amendments to the United States Constitution are by many intelligent persons considered desirable and necessary; and

Whereas the Senate of the United States has so far neglected to take any action whatever upon the matter of changing the manner of electing United States Senators, although favorable action upon such proposed change has several times been unanimously taken by the House of Representatives: Therefore, be it

Resolved by the house of representatives of the State of Kansas (the senate concurring therein), That the legislature of Kansas, in accordance with the provisions of Article V of the Constitution of the United States hereby apply to and request the Congress of the United States to call a convention for the purpose of proposing amendments to the Constitution of the United States; and

Resolved, That we hereby request our Representatives in Congress and instruct our United States Senators to bring this matter to the attention of their respective bodies and to try and induce favorable action thereon; and

Resolved further, That the secretary of the State of Kansas is hereby directed to forthwith transmit a certified copy of these resolutions to the Vice-President of the United States, the Speaker of the House of Representatives in Congress, and to each of the Representatives and United States Senators in Congress from Kansas, and to the speaker of the house of representatives of each State in which the legislature is now or soon to be in session.

I hereby certify that the above concurrent resolution originated in the house and passed that body January 23, 1907.

J. S. SIMMONS,
Speaker of the House.
D. Y. WILSON,
Chief Clerk of the House.

Passed the senate February 5, 1907.

W. J. FITZGERALD,
President of the Senate.
W. S. KRETSINGER,
Secretary of the Senate.

Approved February 6, 1907.

E. W. HOCH, *Governor.*

STATE OF KANSAS,
Office of the Secretary of State.

I, C. E. Denton, secretary of state of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled resolution now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal this 9th day of February, 1907.

[SEAL.]

C. E. DENTON,
Secretary of State.
By J. T. BOTKIN,
Assistant Secretary of State.

Mr. LONG presented petitions of sundry citizens of Pratt, Shawnee, Sumner, Barber, Kingman, and Stevens counties, and of the Woman's Christian Temperance Unions of Mayfield, Sumner, Derby, and Sedgwick counties, all in the State of Kansas, 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 Kansas State board of agriculture, of Topeka, Kans., praying for the ratification of international reciprocity treaties; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the War Veterans and Sons' Association, of Brooklyn, N. Y., remonstrating against the enactment of legislation to abolish pension agencies throughout the country; which was ordered to lie on the table.

He also presented a memorial of the Japanese and Korean Exclusion League, of San Francisco, Cal., remonstrating against the ratification of any treaty that would be inimical to the interests of Japanese and Korean laborers; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of South Ottawa, Kans., praying for an investigation of the existing conditions in the Kongo Free State; which was ordered to lie on the table.

He also presented a petition of Typographical Union No. 470, American Federation of Labor, of Pittsburg, Kans., praying for the enactment of legislation to amend and consolidate the acts respecting copyrights; which was referred to the Committee on Patents.

Mr. PERKINS presented petitions of the congregations of the Methodist Episcopal Church, the Grace Methodist Episcopal Church, the Lutheran Church, the First Baptist Church, the Presbyterian Church, and the Christian Church, of Redlands, all in the State of California, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. BERRY presented petitions of sundry citizens of Waldron and Jonesboro, 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. DUBOIS presented a petition of Typographical Union No. 271, of Boise City, Idaho, praying for the passage of the so-called "copyright bill;" which was ordered to lie on the table.

Mr. CURTIS presented a concurrent resolution of the legislature of Kansas, in favor of the adoption of an amendment to the Constitution providing for the election of United States Senators by the direct vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented petitions of sundry citizens of Kansas, of the Southern Wholesale Grocers' Association of Birmingham, Ala., and of the Smith-McCord-Townsend Dry Goods Company, of Kansas City, Mo., praying for the enactment of legislation providing for a national reciprocal demurrage law penalizing railroads for neglecting to perform their duty as common carriers of freight; which were referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Saline, Chanute, and Wakefield, and of Pomona Grange, Patrons of Husbandry, of Coffey County, all in the State of Kansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. CLAPP presented a petition of the constitutional convention of the proposed State of Oklahoma, praying for the enactment of legislation providing that the sale of all surplus lands in the Indian Territory be restricted so as to prevent land and lease monopolies; which was referred to the Committee on Indian Affairs.

He also presented petitions of sundry citizens of Utica, Owatonna, Buffalo, Lake Crystal, Verona, and Le Roy, all in the State of Minnesota, 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 the State of Minnesota, praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred to the Committee on Finance.

He also presented a memorial of the Minnesota Shippers and Receivers' Association, of St. Paul, Minn., remonstrating against the action of the chairman of the Senate Committee on Interstate Commerce relative to certain railroad legislation; which was referred to the Committee on Interstate Commerce.

Mr. BLACKBURN presented a petition of sundry citizens of the State of Kentucky, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. SPOONER presented a petition of the Termaat & Monahan Company, of Oshkosh, Wis., and a petition of the Fond du Lac Table Manufacturing Company, of Fond du Lac, Wis., praying for the enactment of legislation to amend the laws governing the distillation of alcohol; which were referred to the Committee on Finance.

Mr. OVERMAN presented a petition of George W. Gahagan Post No. 38, Department of Virginia and North Carolina, Grand Army of the Republic, of Marshall, N. C., praying for the enactment of legislation providing for the establishment of a national cemetery at that city; which was referred to the Committee on Military Affairs.

Mr. LODGE presented a petition of the Pacific Mills Company, of Lawrence, Mass., and a petition of the Jewett Piano Company, of Leominster, Mass., praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

He also presented the petition of Walter M. Lindsay, of the State of Massachusetts, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine volunteers; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3507) to correct the military record of George H. Keating, reported it without amendment.

He also, from the Committee on Public Buildings and Grounds, to whom the subject was referred, reported an amendment proposing to increase the limit of cost of the custom-house at San Francisco, Cal., by $250,000, etc., intended to be proposed to the general deficiency bill, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. FLINT, from the Committee on Public Lands, to whom was referred the bill (S. 8117) to create the Calaveras Bigtree National Forest, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 24640) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1908, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. DILLINGHAM, from the Committee on Immigration, to whom was referred the 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, reported it without amendment, and submitted a report thereon.

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

A bill (S. 8301) for the reimbursement of certain sums of money to certain enlisted men of the Philippine Scouts; and

A bill (H. R. 15197) to correct the military record of Arthur W. White.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3356) to correct the military record of Timothy Lyons, reported it with an amendment, and submitted a report thereon.

Mr. TALIAFERRO (for Mr. CARMACK), from the Committee on Pensions, to whom was referred the bill (H. R. 23367) granting an increase of pension to Asa A. Gardner, reported it with an amendment, and submitted a report thereon.

Mr. LA FOLLETTE, from the Committee on Indian Affairs, to whom was referred the bill (S. 8431) to authorize the cutting and sale of timber on land reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin, reported it with an amendment, and submitted a report thereon.

COLUMBIA INDIAN RESERVATION LANDS.

Mr. FULTON. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 25550) confirming entries and applications under section 2306 of the Revised Statutes of the United States for lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington, to report it favorably without amendment, and I submit a report thereon.

I ask unanimous consent for the consideration of the bill. It is a short bill.

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

Mr. LA FOLLETTE. I ask the Senator from Oregon to explain the bill somewhat. What is the scope of it? What lands are covered, and how much land?

Mr. FULTON. The bill applies simply to about eleven hundred acres of land in an Indian reservation which was thrown open to settlement some years ago—in 1884, I think. The Department construed for a while that additional soldiers' homestead entries might be made upon it under the law, and subsequently held that they might not be made. That left a lot of entries that had been made and which are being held up at the Department. The Department now recommends that this legislation be had.

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

WATER RESOURCES IN THE UNITED STATES.

Mr. FLINT. I am directed by the Committee on the Geological Survey, to whom was referred the bill (S. 7359) to provide for the investigation of the water resources in the United States, to report it favorably with amendments, and I submit a report thereon.

I ask unanimous consent for the immediate 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, on page 1, line 6, after the words "United States," to insert the words "and Territories;" so as to make the bill read:

Be it enacted, etc., That the Director of the United States Geological Survey is hereby authorized and directed, in continuation of the work authorized by existing law, to investigate and report upon the water resources in the United States and Territories, both on the surface and underground, including the amount of water available, and its quality and fitness for use in public supplies and manufacturing processes, especially those engaged in by the United States; also the damage to said water resources upon interstate streams arising from sewage and industrial pollution; also the determination of the amount of water afforded by the drainage areas of interstate and navigable rivers for purposes of water-supply development.

The amendment was agreed to.

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

SEC. 2. That the Secretary of the Interior may authorize the Director of the United States Geological Survey to accept the cooperation of such of the several States as may request it in the execution of the hydrographic and other surveys under his direction: *Provided*, That such States shall agree to expend on these surveys sums equal to those expended by the Director of the United States Geological Survey: *Provided further*, That the work shall be done under the supervision of the Director of the United States Geological Survey.

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.

The title was amended so as to read: "A bill to provide for the investigation of the water resources in the United States and Territories."

Mr. HEMENWAY subsequently said: I move to reconsider the vote by which the Senate ordered to be engrossed, read a third time, and passed the bill (S. 7359) to provide for the investigation of the water resources in the United States.

The motion to reconsider was agreed to.

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

There being no objection, the Senate resumed the consideration of the bill.

Mr. HEMENWAY. I offer the amendment which I send to the desk.

The SECRETARY. It is proposed to add after the words "Geological Survey," at the end of the bill, a colon and the following:

Provided, That the Secretary of the Interior is hereby authorized to accept for use in connection with the investigation of fuels and structural and other mineral materials, as ordered by Congress, any grounds, buildings, equipment, material, or funds for cooperative work; and the same may be used under such regulations as he may prescribe.

The amendment was agreed to.

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

OTIS C. MOONEY.

Mr. LODGE. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 7431) to correct the military record of Otis C. Mooney, to report it without amendment, and I submit a report thereon. I call the attention of the Senator from New Hampshire [Mr. GALLINGER] to the bill.

Mr. GALLINGER. 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. It directs the Secretary of War to correct the military record of Otis C. Mooney, late private of Company K, Eighth Vermont Infantry Volunteers, and grant him an honorable discharge as of date May 18, 1864, but no pay, bounty, or other allowances shall become due and payable by reason of the passage of this act.

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

PUBLIC BUILDING AT SIOUX FALLS, S. DAK.

Mr. SCOTT. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 7269) for the erection of an addition or extension to the post-office and courthouse at Sioux Falls, S. Dak., to report it favorably with an amendment, and I submit a report thereon.

I call the attention of the Senator from South Dakota [Mr. KITTREDGE] to this report.

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

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 10, before "thousand," to strike out "fifty" and insert "seventy;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, such additional land as he may deem necessary, and to cause to be erected an addition or extension to the post-office and courthouse at Sioux Falls, S. Dak., for the use and accommodation of the Government offices, the cost of such additional land and extension or addition not to exceed $170,000.

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.

THOMAS L. HEWITT.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 8469) granting an increase of pension to Thomas L. Hewitt, to report it favorably without amendment, and I submit a report thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas L. Hewitt, late of Company A, First Regiment Wisconsin Volunteer Cavalry, and to pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

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

MARGARET BABER.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 8456) granting an increase of pension to Margaret Baber, to report it favorably without amendment, and I submit a report thereon. I ask that the bill be put on its passage.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Baber, widow of William Baber, late of Company B, Second Regiment Missouri Volunteer Mounted Infantry, war with Mexico, and to pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

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

OVERTON E. HARRIS.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 8422) granting an increase of pension to Overton E. Harris, to report it favorably with amendments, and I submit a report thereon. I ask for the consideration of the bill.

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

The amendments were, in line 6, after the word "late," to strike out "of" and insert "second lieutenant;" in line 7 to strike out the first word, "Missouri," and after the word "Enrolled," in the same line, to insert "Missouri;" and in line 8, before the word "dollars," to strike out "forty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Overton E. Harris, late second lieutenant Company A, First Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

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.

PATRICK CONLIN.

Mr. WARNER. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 22367) for the relief of Patrick Conlin, to report it without amendment, and I submit a report thereon. I invite the attention of the senior Senator from Kansas [Mr. LONG] to the bill.

Mr. LONG. 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. It proposes to place the name of Patrick Conlin on the records as a member of Company I, Fifty-seventh Regiment Ohio Volunteer Infantry, and to grant him an honorable discharge, to date from September 1, 1865.

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

COMMUTATION OF HOMESTEAD ENTRIES.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 7496) relating to commutations of homestead entries and to confirm such entries when commutation proofs were received by local land officers prematurely, 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.

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

Mr. HEYBURN. I should like to hear some explanation of it. I do not rise to object.

Mr. HANSBROUGH. I do not understand that the Senator from Idaho objects to its consideration.

Mr. HEYBURN. No.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HEYBURN. I rose to ask that some explanation of the bill might be given by the Senator reporting it.

Mr. HANSBROUGH. The purpose of the bill is to correct a very drastic order issued by the Secretary of the Interior, and which has worked great hardship upon many homesteaders throughout the country. It is unanimously reported by the Committee on Public Lands. There ought not, under all the conditions surrounding the case, to be any objection to the bill. It should become a law as quickly as possible.

Mr. SPOONER. I ask that the bill be again read.

The Secretary again read the bill.

Mr. HEYBURN. I desire to offer an amendment to the bill before it is put upon its final passage, so that it will include mining claims for which the final receipt has been issued. There are a large number of them tied up under exactly the same circumstances as those surrounding agricultural claims. It will take but a moment. I move to amend the bill, in line 6, by inserting, after the words "homestead laws," the words "or mining laws."

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

The SECRETARY. In line 6, after the word "laws," insert the words "or mining laws."

The amendment was agreed to.

Mr. SPOONER. I wish to ask the Senator reporting the bill what change the bill makes in the existing law?

Mr. HANSBROUGH. It makes no change whatever in existing law. It merely corrects, as I said a while ago, a drastic order issued by the Secretary of the Interior, and which, I think, as other members of the Committee on Public Lands think, was retroactive. It makes no change whatever in existing law.

Mr. SPOONER. This is an important bill, Mr. President, and I am only asking for information in regard to it. The Senator from North Dakota says it makes no change in existing law. I should like a word of explanation of this phrase in the bill:

> And that no other reason why the title should not vest in the entryman exists except that the commutation was made upon a showing of less than fourteen months' continuous residence upon the land, and that there was at least eight months' actual residence in good faith by the homestead entryman on the land prior to such commutation—

Does not that change existing law?

Mr. HANSBROUGH. That does not change existing law.

Mr. SPOONER. How much residence is required under existing law?

Mr. HANSBROUGH. Fourteen months' commutation.

Mr. SPOONER. Does it not validate and provide for the issuance of a patent where in cases heretofore occurring there have been only eight months' residence?

Mr. HANSBROUGH. It does, because the Department erroneously held that six months of the fourteen might be constructive residence, and eight months actual residence. The order which the bill is intended to correct was issued while hundreds and perhaps thousands of homesteaders were making their proofs and had received their certificates. It affects proofs already made and certificates issued. So it does not change existing law.

Mr. SPOONER. Is it the object of the bill to repeal the Executive order recently made?

Mr. HANSBROUGH. Not at all. It does not touch the Executive order of January 25.

Mr. SPOONER. Did not that conflict with the order theretofore made by the Secretary of the Interior?

Mr. HANSBROUGH. I think not. I think that was a separate proposition. It affected all classes.

Mr. NELSON. Mr. President——

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

Mr. HANSBROUGH. I yield to the Senator.

Mr. NELSON. I simply rose to explain the matter to the Senator from Wisconsin, but if he is satisfied I have no desire to take up any time.

Mr. SPOONER. I am satisfied that it is an important bill, and I am equally satisfied that I do not know much about it. I would be glad to have the Senator's views upon it.

Mr. NELSON. The necessity of the bill arises out of these facts. Under the homestead law a man can commute. There are two ways in which he can make his final entry. He can commute at the end of fourteen months after making his first entry and furnishing proof of settlement and cultivation up to that time, and pay cash for the land, a dollar and a quarter an acre, or he can remain on it five years and secure his final entry without paying anything.

Under the homestead law I may say that a homesteader has six months after making the first entry within which to go on the land and make a settlement. That is, the law gives him six months. Under the first ruling of the Interior Department they held that the fourteen months given for commutation should include those first six months; in other words, that a man need not make his settlement until the last day of the six months, and then if he resided eight months more, making fourteen months on the entry, he could then commute. They afterwards changed that ruling, and to my mind changed it properly, holding that a man should reside actually fourteen months before he could commute.

It is because of the entries that were made under the first ruling that it is necessary to pass this bill to cure it. It simply cures it by allowing the men who made the entries in good faith under the ruling of the Interior Department or of the Land Office to commute, and allows them to get their patents.

Mr. HANSBROUGH. And they also received their certificates.

Mr. NELSON. The final proof has been made and they have their certificates. So it is the mere issuing of the patent.

Mr. SPOONER. I think that makes it good.

Mr. BERRY. The bill is all right.

The bill was reported to the Senate as amended.

Mr. SPOONER. Does the explanation apply at all to the mineral claims?

Mr. NELSON. No, sir; it does not apply to those. It simply applies to commuted homestead entries.

Mr. SPOONER. How does the proposition as to mining claims become germane then to the bill?

Mr. NELSON. It does not affect it, because they are not made under the homestead laws. They are made under a different law.

Mr. HANSBROUGH (to Mr. NELSON). The Senator from Idaho [Mr. HEYBURN] secured the adoption of an amendment applying to mining claims.

Mr. SPOONER. How can it apply to mining claims?

Mr. NELSON. It did not under the original law. I do not know as to the amendment the Senator from Idaho has injected into the bill. My attention was not called to it. I am speaking about the bill as it was reported from the committee. In my opinion, mining claims ought not to be included in this law.

Mr. HEYBURN. Mr. President, my purpose in proposing the amendment was more to bring the bill up for deliberate consideration than anything else.

Mr. LODGE. Mr. President, I rise to a question of order. If there is to be a deliberate consideration of the bill, it seems to me that this is not the time for it. The Senator from Penn-

sylvania [Mr. KNOX] has given notice of a speech this morning; the conference reports on the immigration bill and the agricultural appropriation bill are both pressing, as well as other important matters. If the debate is to continue, I ask for the regular order.

Mr. HEYBURN. I understand that the Senate has deliberately taken up the consideration of the bill.

The VICE-PRESIDENT. The bill was taken up subject to objection.

Mr. LODGE. I ask for the regular order.

The VICE-PRESIDENT. The regular order is demanded, and the bill goes to the Calendar.

Mr. BERRY. I wish to enter a motion to reconsider the vote by which the amendment of the Senator from Idaho to the bill was adopted.

The VICE-PRESIDENT. The Chair does not understand that the Senator from Arkansas wishes present action upon the motion.

Mr. BERRY. No; I do not ask for present action. I simply want to enter the motion so that the right to make it will not be lost.

ROBERT B. TUBBS.

Mr. OVERMAN. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 11153) to correct the military record of Robert B. Tubbs, to report it favorably with an amendment, and I submit a report thereon.

Mr. BURROWS. That is a very brief bill, and I ask for its present consideration.

Mr. HALE. After the suggestion made by the Senator from Massachusetts, I do not think we ought to proceed to the consideration of any bill during the morning hour.

Mr. BURROWS. I hope if that practice is to prevail that we shall have the regular order every morning and let us go ahead without any unanimous consents. This is a very brief measure, and I hope it may be considered at the present time.

Mr. HALE. The Senator from Massachusetts has called attention to the crowded condition of to-day's business and that the Senator from Pennsylvania is to submit some remarks to the Senate on an important matter. He has been waiting nearly an hour. I do not think under the circumstances we ought to proceed to the consideration or discussion of further bills. After this bill is disposed of I shall call for the regular order.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill reported by the Senator from North Carolina?

There being no objection, the bill was considered as in Committee of the Whole. It directs the Secretary of War to grant an honorable discharge to Robert B. Tubbs, late a lieutenant of Company I, Eighth Michigan Cavalry Volunteers, to date August 22, 1863.

The amendment of the committee was to add at the end of the bill the following proviso:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

BILLS INTRODUCED.

Mr. DILLINGHAM introduced a bill (S. 8470) granting an increase of pension to James Kavanagh; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BURNHAM introduced a bill (S. 8471) for the relief of Marcus D. Wright, executor of the last will and testament of Thomas G. Wright, and the heirs at law of said Thomas G. Wright; which was read twice by its title, and referred to the Committee on Claims.

Mr. BERRY (by request) introduced a bill (S. 8472) for the relief of the estate of J. H. Moseby, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. WARNER introduced a bill (S. 8473) granting an increase of pension to Lindsay Murdoch; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CURTIS introduced a bill (S. 8474) removing restrictions upon the alienations of certain lands in the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. NIXON introduced a bill (S. 8475) to remove the charge of desertion from the military record of Henry Bain; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 8476) for the relief of W. H. Minor; which was read twice by its title, and referred to the Committee on Claims.

Mr. TALIAFERRO introduced a bill (S. 8477) granting a pension to Georgiana Walker; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. RAYNER introduced a bill (S. 8478) granting a pension to Eliza Hood; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

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

A bill (S. 8479) for the relief of the heirs and representatives of Thomas J. Benson;

A bill (S. 8480) for the relief of the heirs and representatives of William G. Burke, deceased;

A bill (S. 8481) for the relief of Nellie Lane; and

A bill (S. 8482) for the relief of the heirs of Washington Dorney.

Mr. RAYNER introduced a bill (S. 8483) authorizing the President of the United States to nominate Joseph C. Byron, late a captain and assistant quartermaster, to be a captain and assistant quartermaster on the retired list; which was read twice by its title, and referred to the Committee on Militray Affairs.

Mr. CARMACK introduced a bill (S. 8484) for the relief of the University of Nashville, of Nashville, Tenn.; which was read twice by its title, and referred to the Committee on Claims.

Mr. SPOONER (for Mr. CARMACK) introduced a bill (S. 8485) granting an increase of pension to Ann Hudson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. WHYTE introduced a bill (S. 8486) 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. DICK introduced a bill (S. 8487) amending "An 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; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. McLAURIN 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. CULBERSON submitted an amendment relative to the rank and pay of retired officers of the Navy engaged in active duty after retirement, etc., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. BEVERIDGE submitted an amendment authorizing the Secretary of Agriculture to prescribe and fix reasonable fees for the inspection and examination of cattle, sheep, swine, and goats and meat and meat-food products thereof, etc., intended to be proposed by him to the agricultural appropriation bill; which was ordered to lie on the table, and be printed.

He also submitted an amendment relative to the date of the inspection and packing or canning of foods and meats, intended to be proposed by him to the agricultural appropriation bill; which was ordered to lie on the table, and be printed.

Mr. HANSBROUGH submitted an amendment relative to the inspection of any food carcasses and any or all parts thereof of such animals after having been duly inspected as provided for by law, etc., intended to be proposed by him to the agricultural appropriation bill; which was ordered to lie on the table, and be printed.

THE SENATE MANUAL.

Mr. SPOONER. I ask that the following order be adopted.

The order was read, as follows:

Ordered, That the Committee on Rules is instructed to prepare a new edition of the Senate Manual, and that there be printed 2,500 copies of the same for the use of the committee.

Mr. CULBERSON. A resolution was introduced the other day by myself and referred to the Committee on Rules to the effect that the report prepared by Mr. Cleaves on the subject of conference reports should be added to the Senate Manual. I will ask the Senator if any action has been taken by the Committee on Rules upon that resolution?

Mr. SPOONER. That resolution will be reported. Of course it does not conflict at all with this order.

Mr. CULBERSON. I understand, but there being a new print of the Manual ordered, I thought it would be very well to consider that matter now.

Mr. SPOONER. I am in favor of the Senator's resolution, and I do not know of any opposition to it.

The VICE-PRESIDENT. The question is on agreeing to the order submitted by the Senator from Wisconsin.

The order was agreed to.

STANDING RULES OF THE SENATE.

On motion of Mr. SPOONER, it was

Ordered, That 500 copies of the Standing Rules of the Senate, with index, together with rules for the regulation of the Senate wing of the Capitol, adopted by the Committee on Rules, be printed and bound in paper covers for the use of the Senate.

SPECIAL EMPLOYEES OF INTERSTATE COMMERCE COMMISSION.

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

Resolved, That the heads of the Departments and the Interstate Commerce Commission in replying to the resolution of the Senate of February 8 be directed to report the names and compensation of all persons who may have been employed between June 30, 1906, and February 1, 1907, but who were not employed on the latter date.

DAVID C. JOHNSTON.

Mr. McCUMBER. I move to reconsider the vote by which the Senate passed last evening the bill (H. R. 3002) granting an increase of pension to David C. Johnston.

The motion to reconsider was agreed to.

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

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 3002) granting an increase of pension to David C. Johnston.

JOHN W. M'WILLIAMS.

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

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 5854) granting an increase of pension to John W. McWilliams, the beneficiary being dead.

INDIAN TRIBAL FUNDS.

Mr. CLAPP. I move that the bill (H. R. 5290) providing for the allotment and distribution of Indian tribal funds, which is now on the Calendar, be recommitted to the Committee on Indian Affairs.

The motion was agreed to.

SENATOR FROM UTAH.

The VICE-PRESIDENT. The morning business is closed, and the Senator from Pennsylvania [Mr. KNOX] is recognized.

Mr. DILLINGHAM. Mr. President——

The VICE-PRESIDENT. Does the Senator from Vermont rise to morning business?

Mr. DILLINGHAM. No, Mr. President. I merely wish to say that, at the conclusion of the remarks of the Senator from Pennsylvania, I shall ask the Senate to proceed to the consideration of the conference report on the immigration bill.

Mr. KNOX. Mr. President, I ask that the resolution in relation to the right of the Senator from Utah [Mr. SMOOT] to a seat in the Senate may be read.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution reported from the Committee on Privileges and Elections, June 11, 1906, as follows:

Resolved, That REED SMOOT is not entitled to a seat as a Senator of the United States from the State of Utah.

Mr. KNOX. Mr. President, the Territory of Utah was admitted as a State by proclamation of the President on January 4, 1896 (29 Stat. L., 876), that Territory having, by the adoption of its constitution of November 5, 1895, fully complied with the terms of the enabling act of July 16, 1894 (28 Stat. L., 107). This enabling act stated the terms upon which Utah would be admitted into the Union.

Congress by this act authorized the admission of Utah on condition that its convention should pass an "ordinance irrevocable without the consent of the United States and the people of said State," providing, "first, that perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship: *Provided*, That polygamous or plural marriages are forever prohibited."

This was the agreement between the people of the Territory of Utah and the United States, the condition upon which, for their mutual benefit, the State was admitted.

It constitutes a compact concerning the Mormon question in Utah. The Mormons were to forever prohibit the making of plural marriages. Otherwise they were not to be disturbed about their religion. Fetters on their minds were not sought to be imposed. The destruction of their existing families was not required.

Utah was admitted on equal terms with the other States, since by reason of the Constitution it had to be. She is entitled inter alia to representation in the Senate. If any valid condition was imposed upon her, it was the irrevocable ordinance providing for perfect toleration of religious sentiment and prohibiting polygamous marriages.

Senator SMOOT was regularly elected to represent the equal State of Utah in the Senate. The Senate is now asked to expel him and deprive the State of one of its votes arbitrarily. Can it do so? Certainly it has the power, but only as Congress has power to refuse all appropriations or the Senate to ratify all treaties or confirm all appointees.

Utah has not the power to maintain its right to representation, but this fact adds to the necessity of the Senate proceeding dispassionately and judicially when the right of a State to its senatorial choice is challenged. If it were otherwise, the States would be nothing more than nominating powers, and the Senate would merely confirm or refuse to confirm such nominations. This is not the proper office of the Senate.

But should the Senate expel Senator SMOOT, and why? He should not be expelled for believing in the Mormon religion. The irrevocable ordinance expressly, and with Mormonism in view, guaranteed religious toleration in the State of Utah. He should not be expelled for being a member or officer of the Mormon Church for the same reason. He should not be expelled for the vindication of Utah's law, violated by certain Mormons continuing polygamous relations with Senator SMOOT's consent or approval—supposing he did consent or approve—for Utah, without being ignorant of the facts, elected him, and the Senate would not be justified in going out of its way to enforce respect for the formerly expressed will of Utah embodied in its law against polygamous relations by defeating its later expressed will shown in its electing SMOOT.

For what, then, should he be expelled and Utah be deprived of a Senatorial vote?

Is it for his violating or consenting to or approving the violation of Federal law?

There is no Federal law against polygamy or polygamous relations applicable to Utah, now that Utah is a State, and when she was admitted to the Union of States it was known that there would and could be none.

Why, then, I repeat, should the Senate expel Senator SMOOT?

Because, first, it is claimed he is wicked in this, that some of his friends, having cohabited with several women before Utah became a State, are continuing to do so until death, and that he approves of them as officers of a church which does not chastise them for so doing; and, second, because he is a Mormon, and the Mormon Church is a hierarchy disloyal to our institutions, whose will he is bound to obey.

Mr. President, the Constitution provides that the Senate shall be the judge of the qualifications of its members; a majority of the Senate can determine whether or not a Senator possesses them. The Constitution also provides that the Senate may, with the concurrence of two-thirds, expel a member.

I have intentionally referred to the proposed action against Senator SMOOT as expulsion. I do not think the Senate will seriously consider that any question is involved except one of expulsion, requiring a two-thirds vote. There is no question as to Senator SMOOT possessing the qualifications prescribed by the Constitution, and therefore we can not deprive him of his seat by a majority vote. He was at the time of his election over 30 years of age and had been nine years a citizen of the United States, and when elected was an inhabitant of Utah. These are the only qualifications named in the Constitution, and it is not in our power to say to the States, "These are not enough; we require other qualifications," or to say that we can not trust the judgment of States in the selection of Senators, and we therefore insist upon the right to disapprove them for any reason.

This claim of right to disapprove is not even subject to any rule of the Senate specifying additional qualifications of which the States have notice at the time of selecting their Senators, but it is said to be absolute in each case as it arises, uncontrolled by any canon or theory whatever.

Anyone who takes the trouble to examine the history of the clause of the Constitution as to the qualification of Senators must admit that it was the result of a compromise. The contention that the States should be the sole judges of the qualifications and character of their representatives in the Senate was acceded to with this limitation: A Senator must be 30 years of age, nine years a citizen of the United States, and an inhabitant of the State from which he is chosen. Subject to

these limitations imposed by the Constitution, the States are left untrammeled in their right to choose their Senators. The constitutional provision secures a measure of maturity in counsel, and at least a presumption of interest in the welfare of the Nation and State.

By another provision—namely, that relating to expulsion—the Constitution enables the Senate to protect itself against improper characters by expelling them by a two-thirds vote if they are guilty of crime, offensive immorality, disloyalty, or gross impropriety during their term of service.

I specify these reasons because I can not imagine the Senate expelling a member for a cause not falling within one of them.

Mr. President, I would be false to the traditions of my State, forgetful of her history and the relations she has sustained to the birth, development, and defense of the National Government, if I failed to raise my voice in protest against an encroachment upon the rights reserved to the States when she so promptly, unconditionally, and unreservedly ratified the Constitution of the United States.

As Pennsylvania was first to take steps to approve the Constitution, so I pray she will be the last to acquiesce in the invasion of rights involved in this heresy of Senatorial power to add to the constitutional qualifications of Senators and kindred modern heresies of constitutional construction.

The perfection of human liberty under law will only be attained under the American Constitution when each of the dual sovereignties within its sphere exerts its powers to the utmost limits for the public weal; when the States and the artificial bodies they have created cease to deny and resist the rightful and full exercise of the national power over national affairs; when there are no attempts to encroach upon the undeniable reserved powers of the States for the aggrandizement of national power; when the people discriminate betwen wise policies designed to meet the imperative needs of modern conditions and demagogic assaults upon the foundations of the Republic for political or personal purposes; when the people shall not be vexed by unnecessary legislation about their daily affairs, and normal conditions are undisturbed by ceaseless agitations—agitations fomented by ignorance and insincerity and misrepresenting those just and constitutional policies of the time which had a due beginning, have a reason for their existence, and shall have a due ending when their work is accomplished.

Mr. President, I know no tenet in the new propaganda of constitutional construction that begins to contain the danger to our country involved in the contention that a Senator of the United States may be deprived of his seat whenever the majority of the Senate concludes that there are doctrines taught, or have been taught in the past, by some church organization to which he belongs which that majority believes to be, or have been, dangerous.

It is an easy step after the first one is taken, because of a man's religion, to take the next and logical one of exclusion because of a man's politics, and then because of his notions upon economics, and then because of his attitude toward certain legislation. Identically the same argument can be made mutatis mutandis in support of the Senate's power in all these instances as is now advanced, namely, our duty to guard and protect the Senate from the contagion of false doctrine.

I know of no defect in the plain rule of the Constitution for which I am contending. I know of no case it does not reach. I can not see that any danger to the Senate lies in the fact that an improper character can not be expelled without a two-thirds vote. It requires the unanimous vote of a jury to convict a man accused of crime; it should require, and I believe that it does require, a two-thirds vote to eject a Senator from his position of honor and power, to which he has been elected by a sovereign State.

The simple constitutional requirements of qualification do not in any way involve the moral quality of the man; they relate to facts outside the realm of ethical consideration and are requirements of fact easily established. Properly enough, therefore, as no sectional, partisan, or religious feeling could attach itself to an issue as to whether or not a man is 30 years of age, had been a citizen of the United States and an inhabitant of a State for the periods prescribed, the decision as to their existence rests with a majority of the Senate. When, however, a different issue is raised, dehors the Constitution, upon allegations of unfitness, challenging the moral character of a Senator, involving a review of questions considered and settled in the Senator's favor by the action of his State in electing him, then the situation is wholly changed and a different function is to be performed by the Senate, calling for its proper exercise the highest delicacy and discretion in reviewing the action of another sovereignty.

If I were asked to state concisely the true theory of the Constitution upon this important point, I would unhesitatingly say:

First. That the Constitution undertakes to prescribe no moral or mental qualification, and in respect to such qualifications as it does prescribe the Senate by a majority vote shall judge of their existence in each case, whether the question is raised before or after the Senator has taken his seat.

Second. That as to all matters affecting a man's moral or mental fitness the States are to be the judges in the first instance, subject, however, to the power of the Senate to reverse their judgment by a two-thirds vote of expulsion when an offense or an offensive status extends into the period of Senatorial service, and such a question can only be made after the Senator has taken his seat.

If to this it is objected that it contemplates admitting a man who may be immediately expelled, I reply that it is hardly proper to adopt a rule of constitutional construction and Senatorial action based upon the theory that the States will send criminals or idiots to the Senate. Besides, it does not seem to me to be conceding much to a State, after it has deliberately and solemnly elected a Senator after the fullest consideration of his merits, to concede on the first blush of the business the State's intelligent and honorable conduct by allowing its chosen representative admission to the body to which he is accredited.

Small wonder, Mr. President, that Mr. Justice Brewer, of the Supreme Court of the United States, speaking as recently as August, 1906, to the Virginia Bar Association at Hot Springs, Va., after reviewing some of the current heresies of the day in regard to the Constitution and specifying some of the instances in which they were sought to be applied, remarked:

> The Constitution says that no person shall be a Senator of the United States who is not 30 years of age, nine years a citizen of the United States, and when elected an inhabitant of the State for which he shall be chosen. Now, the contention is that although these are the only qualifications named in the Constitution the Senate can attach other and different qualifications.

This which follows turns to another point, but I read it because I want to draw his conclusion:

> Because a manufacturer may intend to dispose of some of his products in interstate traffic it is said that Congress has the right to supervise the entire action of his manufacturing establishment. Inasmuch as it is difficult to draw the line in our great industries between that commerce which is wholly within the State and that which is carried on between the States, the contention is that Congress may take control of the entire industry, the greater power of the nation swallowing up the smaller power of the States. I might go on and enumerate many other illustrations, but these serve my purpose.
>
> Is there not danger in this tendency, and may we not wisely consider whether it ought not to be stayed?

As regards Senator SMOOT, all have agreed that he is a man of unblemished character, possessing every constitutional qualification as a Senator of the United States. What, then, is the charge against him?

Mr. BURROWS. Mr. President——

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

Mr. KNOX. I do.

Mr. BURROWS. I understand the contention of the Senator from Pennsylvania to be that a sitting member of this body 30 years of age, nine years a citizen of the United States, and an inhabitant of the State from which he is chosen can not be dispossessed of his seat except by expulsion, which requires a two-thirds vote. Am I correct?

Mr. KNOX. The Senator from Michigan has my theory exactly, unless there is some want of constitutional qualification or some irregularity in his election.

We may as well go to the root of the matter at once. It is only this: He is a member and officer of the Mormon Church—nothing more. There is no other charge brought against him. All other charges are included in or grew out of the fact that he is a Mormon and one of the advisory counsel to the presidency of that church. Clearly, that in itself can not disqualify him in this Government, where, as Mr. Justice Story said:

> The Catholic and the Protestant, the Calvinist and the Arminian, the Jew and the infidel may sit down at the common table of the national councils without any inquisition into their faith or mode of worship.

Mr. CULBERSON. Mr. President——

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

Mr. KNOX. I do.

Mr. CULBERSON. I simply desire to ask the Senator a question for information. He states that the only charge against the Senator from Utah is that he is a member of the Mormon Church. I read a few questions and answers at page 248 of volume 5 of the hearings before the Committee on Privileges and Elections:

> Senator OVERMAN. You think the laws of God are superior to the laws of man?
>
> Senator SMOOT. I think the laws of God, upon the conscience of man, are superior. I do, Mr. Senator.

Senator OVERMAN. You think the laws of God, as revealed to Joseph Smith and accepted by the church, would be binding upon the members of the church superior to the laws of the land?

Senator SMOOT. I think it would be binding upon Joseph Smith.

Senator OVERMAN. Well?

Senator SMOOT. And I think if a revelation were given to me, and I knew it was from God, that that law of God would be more binding upon me, possibly, than a law of the land, and I would have to do what God told me, if I was a Christian.

Senator OVERMAN. I speak of a law——

Senator SMOOT. But I want to say this, Mr. Senator. I would want to know, and to know positively, that it was a revelation from God.

Senator OVERMAN. I was not speaking——

Senator SMOOT. And then I would further state this, that if it conflicted with the law of my country in which I lived, I would go to some other country where it would not conflict.

I read that, Mr. President, for the purpose of inquiring of the Senator, to whose speech I am listening with great interest, whether there is not a charge against the Senator from Utah that he holds the law of revelation in temporal affairs superior to the law of the land?

Mr. KNOX. Mr. President, the statement I made is that all of the other charges are collateral and grow out of the charge that Senator SMOOT is a Mormon; and I propose, before I finish, to run into every one of those collateral charges, including the one to which the Senator from Texas has referred in the testimony he has just read. There is a specific charge, as I have already stated, that the Mormon Church is a hierarchy, or rather a theocracy, because a hierarchy is no offense. Every church that has a priesthood and bishops has what may be called a "hierarchy;" but hierarchy deals only with spiritual dominion, while a theocracy—and that is what it is charged that this church is—as we all know, is one where the priests having political power claimed direction from on high. But I will come to every one of those questions in due time, if the Senator will permit me to pass on in my own way.

It is said, however, that the Mormon Church is a theocracy, a hierarchy, a government of priests claiming to rule by divine authority in matters temporal as well as spiritual, whom all its adherents must obey absolutely, even to the disregard of the laws of the land, if they should conflict with each other; that every Mormon's allegiance is first to his church and secondly to his country; that the kingdom of God, as it is termed, is the only legal government that can exist in any part of the universe, and that all other governments are illegal and unauthorized; and that Senator SMOOT, being a member and an officer of this organization, is dominated thereby and would yield obedience to the dictates of his church rather than to the laws of the land, and therefore is not and can not be a loyal citizen of the United States, and consequently is not qualified to sit as a Senator of the United States.

I think my recital of the charges covers exactly what the Senator from Texas suggested by his question.

One thing must be borne in mind in connection with these claims, and that is that we are to take into account only what the Mormon Church is teaching and practicing to-day and not what it taught and did twenty to fifty years ago.

Now, is it true that Mormons must absolutely obey the church even to the disregard of the law of the land; that a Mormon's allegiance is first to his church and secondly to his country, and that as a Senator Mr. SMOOT would obey the dictates of his church rather than the laws of the land?

I inquire again, is this true? For if it is, Senator SMOOT should be expelled for disloyalty to his country, established by the fact of a higher allegiance.

Of course, Mr. President, no one is unreasonable enough to ask the Senate to assume these charges to be true or to ask us to deprive Utah of her Senatorial choice unless they are proven to be true.

It would seem in respect of charges of this nature that they could be easily and overwhelmingly proven if true, because of the nature of the offense and the publicity that would be incident to its commission.

If you want to know as to the loyalty of a great number of people organized into an ecclesiastical body, whose doctrines are publicly promulgated and whose actions may be daily witnessed, it seems to me the obvious way to ascertain the truth would be to examine their doctrines and search into their acts. Their teachings and their acts ought to furnish the best evidence of which the case in its nature is susceptible.

It ought to be very easy to ascertain if the Mormon Church requires a member to obey its law rather than the law of the land, and to ascertain if it required a Mormon Senator or other public officer to submit his official judgment to church dictation.

The thing to do in such a case is to examine the doctrines of the church as they are now promulgated, and if you find they teach no such disloyalty as is charged, but quite to the contrary, then, if still dubious, the next step would seem to be to look over the records of the various Mormon officers who have served Utah since her admission as a State and see if such disloyalty can be shown as a fact.

A third step might be taken for the benefit of those who insist upon the utmost suspicion as against absence of any legal proof, and that is to subject each Mormon officer to an inquisition as to his mental state of loyalty.

I propose to submit these charges to all three tests.

Now, how does the Mormon Church treat this duty of loyalty to the country in its published doctrines and revelations?

I find upon an examination of the Articles of Faith of the Mormon Church and its book of doctrines and covenants that the Mormon doctrine relating to human governments and the duties of citizenship is set out in great detail.

I quote church articles of faith, No. 12:

We believe in being subject to kings, presidents, rulers, and magistrates; in obeying, honoring, and sustaining the law.

Also, from the Doctrines and Covenants, pages 483–485, verses 1 to 11:

1. We believe that governments were instituted of God for the benefit of man, and that He holds men accountable for their acts in relation to them, either in making laws or administering them, for the good and safety of society.

I will not read some half dozen other articles of this creed. I will ask, however, that they may be printed in the RECORD as they appear upon my notes.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

2. We believe that no government can exist in peace, except such laws are framed and held inviolate as will secure to each individual the free exercise of conscience, the right and control of property, and the protection of life.

3. We believe that all governments necessarily require civil officers and magistrates to enforce the laws of the same, and that such as will administer the law in equity and justice should be sought for and upheld by the voice of the people (if a republic) or the will of the sovereign.

4. We believe that religion is instituted of God and that men are amenable to Him, and to Him only, for the exercise of it, unless their religious opinions prompt them to infringe upon the rights and liberties of others; but we do not believe that human law has a right to interfere in prescribing rules of worship to bind the consciences of men, nor dictate forms for public or private devotion; that the civil magistrate should restrain crime, but never control conscience; should punish guilt, but never suppress the freedom of the soul.

5. We believe that all men are bound to sustain and uphold the respective governments in which they reside, while protected in their inherent and inalienable rights by the laws of such governments; and that sedition and rebellion are unbecoming every citizen thus protected, and should be punished accordingly; and that all governments have a right to enact such laws as in their own judgment are best calculated to secure the public interest; at the same time, however, holding sacred the freedom of conscience.

6. We believe that every man should be honored in his station, rulers and magistrates as such being placed for the protection of the innocent and the punishment of the guilty, and that to the laws all owe respect and deference, as without them peace and harmony would be supplanted by anarchy and terror, human laws being instituted for the express purpose of regulating our interests as individuals and nations, between man and man, and divine laws given of heaven, prescribing rules on spiritual concerns, for faith and worship, both to be answered by man to his Maker.

7. We believe that rulers, states, and governments have a right and are bound to enact laws for the protection of all citizens in the free exercise of their religious belief, but we do not believe that they have a right, in justice, to deprive citizens of this privilege or proscribe them in their opinions so long as a regard and reverence are shown to the laws and such religious opinions do not justify sedition nor conspiracy.

8. We believe that the commission of crime should be punished according to the nature of the offense; that murder, treason, robbery, theft, and the breach of the general peace in all respects should be punished according to their criminality and their tendency to evil among men by the laws of that government in which the offense is committed; and for the public peace and tranquillity all men should step forward and use their ability in bringing offenders against good laws to punishment.

9. We do not believe it just to mingle religious influence with civil government whereby one religious society is fostered and another proscribed in its spiritual privileges and the individual rights of its members as citizens denied.

10. We believe that all religious societies have a right to deal with their members for disorderly conduct according to the rules and regulations of such societies, provided that such dealings be for fellowship and good standing; but we do not believe that any religious society has authority to try men on the right of property or life, to take from them this world's goods, or to put them in jeopardy of either life or limb, neither to inflict any physical punishment upon them; they can only excommunicate them from their society and withdraw from them their fellowship.

Mr. DUBOIS. Mr. President——

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

Mr. KNOX. Certainly.

Mr. DUBOIS. I should like to ask the Senator from Pennsylvania if these doctrines, some of which he has just read and others of which he will print, have always been the doctrines of the church?

Mr. KNOX. I stated a moment ago that it was not my intention to go into the ancient history of the Mormon Church. It is not my intention to go into what the Mormon Church

taught and believed fifty years ago. The question is what it teaches and believes now, and that, in my judgment, is the only thing we have to do with. I have taken these excerpts from the book called "The Doctrines and Covenants," from pages 483 to 485.

Mr. DUBOIS. If the Senator will pardon me, that does not answer my question. I should like to know if these doctrines from the Doctrines and Covenants, which the Senator has just read and others of which he is going to have printed, are the same doctrines which the church has always taught?

Mr. KNOX. I say I do not know, and I say I do not care. It is a matter wholly indifferent. Suppose they taught something wholly different fifty years ago! We are not testing this question by what the ancient Mormons taught or what the ancient Mormons believed or what concerned the ancient Mormons. We are testing it by what applies to REED SMOOT, the man who comes here with the credentials of the State of Utah.

Mr. DUBOIS. I should like to ask the Senator from Pennsylvania if he knows whether these doctrines and covenants, tenets of the church, have been changed?

Mr. KNOX. In reply to that question I will say I know nothing more than that I find what I have read in the Doctrines and Covenants, upon the pages indicated and at the places indicated. If they are not the doctrines and covenants of the Mormon Church, then I am deceived. If they are not the doctrines and covenants of the Mormon Church, I hope the Senator will take the trouble to reply to them in his own time.

Mr. DUBOIS. I do not want to interrupt the Senator from Pennsylvania against his will, but he is quoting the Doctrines and Covenants, and I want to know if they are the same doctrines which they have heretofore taught. In other words, whether there has been any change. All the testimony shows they have not been changed. They are the same now as when promulgated. They are no more and no less binding now than in the past.

Mr. KNOX. I have already answered that question to the best of my ability.

Mr. BEVERIDGE. Mr. President——

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

Mr. KNOX. Certainly.

Mr. BEVERIDGE. So far as the religious belief itself is concerned—not acts but beliefs—taking the religious belief alone, I ask the Senator from Pennsylvania, in accordance with the questions asked by the Senator from Idaho, whether in fact we are not forbidden to inquire into a man's religious belief separate from any acts?

Mr. DUBOIS rose.

Mr. BEVERIDGE. I am asking the Senator from Pennsylvania.

Mr. KNOX. Absolutely, and I propose to follow up——

Mr. DUBOIS. Mr. President——

Mr. KNOX. The Senator from Indiana asked me the question.

Mr. BEVERIDGE. I should like the Senator from Pennsylvania to answer it.

Mr. DUBOIS. Mr. President——

Mr. KNOX. I must decline to yield further to the Senator from Idaho, especially as the Senator from Indiana has asked me a question which he insists that I shall answer.

Mr. DUBOIS. He stated my position——

The VICE-PRESIDENT. The Senator from Pennsylvania declines to yield further to the Senator from Idaho.

Mr. KNOX. In answer to the question of the Senator from Indiana, and without the slightest reference to the question of the Senator from Idaho, which I have told the Senator I have answered to the best of my ability again and again, I will say that if the Senate will have patience with me, I will not only show that these are the doctrines and covenants of the Mormon Church, prima facie at least, subject to anyone challenging their authenticity, but I will show specifically by the testimony in this case that they are the doctrines at the present time and are the doctrines held by Senator SMOOT.

Mr. President, it seems to me it would be difficult to draft a creed more nearly antipodal to the teachings of a theocracy than the creed of the Mormon Church I have just read. A theocracy is defined by Webster to be "the exercise of political authority by priests representing the Deity." The creed o the Mormon Church not only disclaims the right to exercise political authority, but enjoins obedience to the authority of the State in all things.

So much, Mr. President, for the first test I proposed to apply, namely, the ascertainment of what the Mormon Church teaches, in reply to the charge that it is a theocracy and teaches obedience to the church, even to the disregard of the law of the land.

Now, let us inquire, as I have proposed, if the practices of the church in this respect have been consistent with its teachings. That is, have Mormon officeholders disregarded the laws of the land and substituted therefor the will of the church. There has not been the suggestion of an attempt to establish any such fact.

But, Mr. President, it is claimed that the head of the Mormon Church may and does at times receive divine revelations in respect of a variety of subjects, and therefore is liable at any moment to receive one enjoining disloyalty to the United States. Suppose he does. None of these revelations are in any way binding upon the church until it has been ratified by a vote of the whole congregation or convention of its members, *and even then it is not binding as against the law of the land.* Senator SMOOT's testimony touching this is very clear. He states that the members of his church are free agents, and that any one of them has the right to disobey any divine revelation given to the head of the church, even though submitted to the church conference and accepted by it; that it is the fundamental and primary law of the Mormon Church that its members must obey the law of the land, and there is a revelation to that effect; and that as between a revelation and the law of the land it is the duty of the members of that church to obey the law of the land; but he did testify that if he himself should receive a revelation commanding him to disobey the law of the land, and if he were sure that God had spoken to him, he would feel the obligation to obey it, but that he would leave the country and go where the law of the land would not conflict. His testimony on this point is as follows (Vol. III, pp. 251–253):

Senator BEVERIDGE. I merely want to continue a question which was put a moment ago, putting it in its simplest possible form. As between the law of the land and any revelation, which is binding upon the members of your church?

Senator SMOOT. What would I do?

Senator BEVERIDGE. No, sir. I did not ask what you would do. I ask you, as an officer of the church, to answer my question. As between a revelation and the law of the land, which is binding upon the members of the church?

Senator SMOOT. The law of the land in which we live.

Senator BEVERIDGE. Do I understand you to say that there is no law, rule, or ordinance of your church by which a revelation from above, even when confirmed by your people, is superior to the law of the land?

Senator SMOOT. I do not think it could be, Senator.

Senator BEVERIDGE. My mind was directed to that very point. It is rather important.

Senator SMOOT. We have a revelation in the doctrines and covenants that it is mandatory upon all members of our church to honor and obey the law of the land.

Senator OVERMAN. Right here——

Senator BEVERIDGE. Pardon me. Suppose a revelation is received, as you described a moment ago it might be, and suppose, in addition to its having been received in that way, it is confirmed, or whatever term you use, by the people, and then that revelation, thus confirmed by the people, is in conflict with the law of the land; which is binding?

Senator SMOOT. The law of the land.

Senator OVERMAN. I understand you to say, if I apprehend your answer correctly, that when a divine revelation is given to the president of the church, is submitted to the church conference, and is accepted by the conference, then, as a free agent, any member of the church has a right to disobey it?

Senator SMOOT. They have, Senator.

Senator KNOX. Senator SMOOT, let me ask you what I consider a question that should have followed Senator BEVERIDGE'S question. I understand you, then, that fundamentally and primarily it is a law of the Mormon Church that you must obey the law of the land?

Senator SMOOT. That is correct.

Senator KNOX. If there should be a revelation now that commanded you to disobey the law of the land, that revelation would be in conflict with one of the fundamental principles of your religion?

Senator SMOOT. It would.

Senator KNOX. Is that correct?

Senator SMOOT. That is correct.

Senator KNOX. That is all.

I pause here long enough to observe that this, in connection with the creed I have read, conclusively shows that the Mormon Church is not a theocracy, as the essential fact in a theocracy is that the will of the deity as promulgated by priests is the highest political authority.

Senator FORAKER. I understood you to say that rather than to undertake to obey such a revelation you would leave the country and go where the law of the land would permit obedience to the revelation?

Senator SMOOT. Yes; if God had given it to me himself then I would, because I would feel then that I was under direct obligation to my Maker to carry out what He revealed directly to me, and if I could not do it in this country I would go to some other country where I could.

Mr. TAYLER. So that you would, of course, obey the revelation coming from God?

Senator SMOOT. If I knew that God had spoken to me, I would obey it.

Mr. TAYLER. Suppose the revelation commanded of God was that you should do a certain thing and also stay in the country?

Senator SMOOT. Well, I do not think the God I worship is such a God.

This recital, which reads like a chapter from the Spanish inquisition, contains Senator SMOOT's belief as regards his duty in case of any possible conflict between the law of the land and any revelation which might be received by his church or by himself directly. I quote his testimony because it states the whole case so far as it concerns us. What finer or more accurate

declaration of a man's duty in relation to God, to the church, and to his country could there possibly be? His whole testimony and utterance is of that careful, conscientious, and reverent character, not seeking in any way to shield himself from the just consequences of any of his positions, which must have indelibly impressed upon the minds of everyone who heard him the conviction of the absolute truthfulness and reliability of his answers. He, then, clearly states under oath that he is not bound to obey, and will not obey, any revelation of his church in conflict with the laws of the land. His answer is absolutely conclusive upon this matter. He himself, and he alone, knows the exact state of his mind and his purposes in this regard, and it is this exact state of his mind that is the controlling point. The truthfulness and sincerity of his statements have not been questioned. If they could be questioned without any evidence of overt act or statement on his part to the contrary, then the sincerity of the oath of every Senator present might be similarly questioned. I think this fully meets the requirements of the third test I proposed, to wit, a rigid inquiry into the mental attitude of the individual as to loyalty.

I will not discuss the question as to the particular danger arising from Senator SMOOT's belief that he may receive a direct revelation from God; that he is capable of being in such conscious fellowship with God as to be aware of His presence, or hear His voice, and in that personal relation to receive the wish and command of God, and that for this reason he is constitutionally incapable of being a part of a man-made government. This contention of protestants, which will be found on page 612 of volume 3 of the testimony, in an answer by Mr. Tayler, counsel for protestants, to a question propounded by me, is in my judgment too absurd to demand any serious consideration. Every Christian prays to God for guidance in matters both spiritual and temporal, and particularly in times of perplexity and doubt, and many believe that they receive such guidance.

If the Almighty can not speak to SMOOT, he could not have spoken to Moses or Mahomet or Joseph Smith or Brigham Young, as the case may be, and as people variously believe. I am not prepared to attack the foundations of all religions based on revelation by denying that God has the power to reveal His will to man. I am not prepared to deny that the Omnipotent Creator of the Universe lacks the power to speak to one of His creatures, if such is His will, nor am I disposed to challenge the wisdom of the fathers of this Government who provided that in such matters every man should be protected in his individual belief.

In this country of ours religious belief is not an offense or a defense. A man may believe what he chooses without fear of molestation from the law or deprivation of his civil rights. On the other hand, his religious belief will not avail him as a protection if he violates the law.

Senator SMOOT merely says that he believes *it is possible* that he might receive a revelation. That is all. From the importance placed upon this matter by counsel for protestants one would be led to think that Senator SMOOT had been in the habit of receiving such revelations every day or so. As a matter of fact, he has never received one, and so testified. He merely asserts that he believes that he is capable of receiving one. Surely this is not a danger of such magnitude and of such an imminent character as to justify expelling him from the United States Senate, especially since he asserts under oath that in case he should have such a revelation, and it should command him to break a law of the United States, he would leave the country before violating the law.

It was stated by counsel for the protestants that "the *chief* charge against Senator SMOOT is that he 'encourages, countenances, and connives at the violation of law.'" (Vol. 3, p. 611.) Senator SMOOT is one of the twelve apostles of the Mormon Church, and as such he has voted to sustain in office members of the church who continue to cohabit with wives which were taken prior to the manifesto of 1890 and the admission of the State into the Union. It is claimed that by thus voting to sustain them in the church he encourages, countenances, and connives at a violation of law.

It will be borne in mind that in doing this Mr. SMOOT merely approved of their fitness and qualifications for the particular positions they occupied. He did not in any way pass upon the legality of their acts, but merely upon the moral quality of the acts *as measured by the standards of that church, and therefore of their fitness to hold the exalted positions which they occupied.*

Mr. BEVERIDGE. They not being civilian positions.

Mr. KNOX. Being religious positions, as I have indicated. He in no way countenanced or encouraged their illegal acts. With that he had nothing to do. His own views and conduct in regard to that subject were well known, and prevented the possibility of any misunderstanding on that point. He merely passed upon their qualifications with respect to the particular church positions which they then held and the advisability of retaining them in those offices. Some officers of the Mormon Church hold official positions in corporations. Is a stockholder who votes for them an accessory if they live in polygamous relations?

It will also be noted that those officers were not violating any law of the United States, but merely a State law, which all, Gentile and Mormon alike, knew to be a dead letter. The Mormon Church and the State of Utah are in the same position on the subject of polygamous cohabitation. The church law does not prohibit it, and the State law against it is not enforced. Senator SMOOT is no more culpable in not denouncing the practice and in not prosecuting offenders than any other citizen of his State. Even during the time that Utah was still a Territory, immediately preceding the adoption of the constitution and its admission as a State, from 1890, the date of the manifesto, to 1896, and while the Territory was still under Federal control, when hundreds of men were living in open polygamy, there were scarcely any prosecutions (3–709). Judge McCarty, who was at that time assistant United States district attorney, testified before the committee (2–887, 888) that there was no disposition on the part of the prosecutors or on the part of the people to complain, and that his understanding was that instructions had been sent from Washington to the district attorney that he was *not* to interfere with men who were living in polygamous cohabitation if they had taken their wives before the manifesto.

After the adoption of the constitution this matter was left with the State to deal with, and it was dealt with in precisely the same way the United States had dealt with it for the six years preceding. The State enacted a law against polygamous cohabitation, but never enforced it, and says in effect "if you do not flaunt this relation so as to attract public notice, nothing will be said about it."

In the face of all this, it is now contended that while neither the officers of the United States nor of the State took any active interest in the enforcement of the law in respect to polygamous cohabitation, and while public sentiment and the general understanding was against such enforcement, that Senator SMOOT, himself a Mormon, should be expelled from the Senate of the United States merely because he voted to sustain in their positions church officials who violated that statute and that by so doing he directly encouraged and connived at a defiant violation of the law.

He no more encouraged and connived at a violation of the law than has many of the Presidents of the United States time and time again in appointing to office Mormons, including governors, postmasters, etc., who have maintained the polygamous relation. And I will say further that if Senator SMOOT is disqualified for this reason, then for a very similar reason, and measured by the same standard, every man entertaining the same tolerant views is disqualified.

The only thing alleged against SMOOT is that he lets this sleeping dog lie. If this disqualifies him, every citizen of Utah, Mormon and Gentile, is likewise disqualified, who likewise refrains from prosecuting the old Mormon polygamists—and they all do.

At the beginning of this inquiry it was expected that it would be shown by protestants that a large number of polygamous marriages had taken place since the manifesto and the admission of the State, and that the church actually connived at and approved of such marriages, but what is the fact? Notwithstanding the most assiduous inquiry and research not one case has been shown of a polygamous marriage occurring in Utah after the admission of that State.

Other claims of disloyalty of the Mormon Church are founded upon certain features of the endowment ceremonies and upon the contention that candidates for political offices in Utah must receive the approval of the Mormon Church or they can not be elected, and that Senator SMOOT asked and received the permission of that church before he became a candidate for the Senatorship.

This latter contention grows out of a rule of the church which was formerly merely a practice, but is now clearly stated in the form of a rule, so that there may be no doubt as to what the church's position is in this respect. The rule is self-explanatory and will be found on pages 168 to 171 of volume 1 of the proceedings. (See also the remarks of counsel, vol. 3, pp. 656–658.) It is nothing more than a leave of absence, and applies not to the public generally, but only to officers of the church who have taken upon themselves obligations and duties which would be interfered with by the additional duties of a

political character. In such a situation it is perfectly competent and proper for the church to be consulted in order that it may determine whether the added duties are of such a character as will unduly interfere with church work. There is nothing compulsory about this approval or permission. Each officer has a perfect right to resign from his church position and become a candidate without submitting the matter to the church at all. It is only as he may desire to retain his church connection that the permission of the church is essential. The rule applies to church officers only, and not to lay members.

This is no more than would be expected of any Protestant minister. The same thing has occurred in that very State in regard to a Methodist minister whom it was desired should become a candidate on the Republican ticket for the constitutional convention. Justice McCarty refers to this incident in his testimony (vol. 2, pp. 891–892). The minister's name was Miller, and he resided at Monroe, Utah. Before being nominated he stated that it would be necessary for him to communicate with Doctor Iliff, in charge of the Methodist mission in Utah, and obtain his consent. The "consent" was obtained, and no question as to the propriety of his action has ever been raised.

It is true that for political purposes both parties usually claim that their candidates have received the sanction of the Mormon Church, but that church is not responsible for the expedients resorted to by politicians.

With regard to the endowment ceremonies, or oath of vengeance, as it is called, it has not been shown with any degree of certainty what that obligation was. It was delivered orally, and those who have attempted to describe it have done so from their memories. It is claimed that it is an obligation to pray to God to avenge the death of the prophets upon this nation. This is strenuously denied. Others who have taken the oath have stated that they were not required to take and did not take any oath or obligation against any person or any country or government or kingdom or anything of the kind (vol. 1, pp. 436–437, 744; vol. 2, pp. 759, 773, etc.); that it was in the form of a lecture, founded upon the tenth verse of the sixth chapter of Revelation, which reads: "How long, O Lord, holy and true, dost Thou not judge and avenge our blood on them that dwell on the earth." Many have testified that there is no obligation inconsistent with the duties of good citizenship. At most, it was nothing more than an obligation to pray to the Almighty to avenge the death of the prophets upon this nation. In view of the fact that it is Almighty God who is to wreak this vengeance, the danger does not seem to be at all imminent. Whatever the exact nature of the oath, it was not shown that of the many who have taken it anyone had ever acually interested himself in wreaking this vengeance, nor was it shown that any person ever heard of anyone who had attempted it. On the other hand, the Mormons of Utah have enthusiastically taken up arms in defense of the nation in every time of danger and need.

So far as Senator SMOOT is concerned, Mr. Tayler, counsel for the protestants, states (vol. 1, pp. 103, 119, 121) that he makes no claim to his taking such an oath, and will not attempt to prove it. Senator SMOOT himself testifies that he never took any oath to avenge anything, and that he took his oath as a Senator without any mental reservation whatever (vol. 3, pp. 184–185), and again, in his answer to the protest (vol. 1, p. 31), he states that he has never taken any oath or assumed any obligation controlling his duty under his oath as a Senator, but that he holds himself bound to obey and uphold the Constitution and laws of the United States, including the condition in reference to polygamy upon which the State of Utah was admitted into the Union.

Mr. President, polygamy is dying out. Polygamous marriages have ended in Utah. A few years are as nothing in the life of a state or nation, and in a few years persons plurally married before Utah's admission will be rare objects of curiosity.

As practical men, should we not be content with that?

If other religions have taught polygamy at one time and condemned it at another, why can we not be satisfied to see a reversal of the teachings and a gradual but sure extinction of polygamous practices among the members of the Mormon Church and call our being so satisfied no more than religious toleration?

If the Mormons are said to believe in a hierarchy more or less concerned with mundane affairs, they are not the only sect whose priesthood meddles with worldly affairs without the members being for that reason excluded from Federal offices.

And if prayers for vengeance for violence against prophets are required of Mormons and the history of the church is not unstained with deeds of blood, what Christian or Jewish sect has left out vengeance and has a bloodless history? The crusades and the wars of the sixteenth, seventeenth, and nineteenth centuries, and the old Jewish wars—numberless massacres and slaughters of heretics—these are not held to require the expulsion from the Senate of men who belong to the various Christian churches or are Jews.

It has been frequently said that Senator SMOOT should be expelled from the Senate in order to protect the sanctity of the American home. I do not see how the sanctity of the American home is at stake in this issue. If the Mormon Church teaches polygamy and encourages its practice, surely the fact that Senator SMOOT is a monogamist and has from his youth up set his face and lifted up his voice against polygamy is conclusive evidence that he is fighting by precept and example for the sanctity of the American home against his church and under circumstances requiring the greatest moral courage. If, on the other hand, the Mormon Church is not teaching and encouraging polygamy the argument that the sanctity of the American home is involved here utterly fails. You may take either position and it will lead to Senator SMOOT's complete vindication and to the certain conclusion I have indicated, that the purity of the American home is not in jeopardy. You may take either horn of the dilemma. If the church is teaching polygamy SMOOT is preaching and practicing monogamy. If the church is not teaching polygamy it is blameless, and the whole case against SMOOT fails.

Mr. President, we are all sworn to support the Constitution of the United States. Personally I construe this to mean that I have solemnly obligated myself not to vote to deprive any person or State of any right guaranteed by that instrument.

Entertaining this view, and for the reasons I have stated, I could not yield to the importunities and in some cases the demands that I cast my vote for Senator SMOOT's expulsion without deliberately violating my oath of office, without yielding my judgment to others as it is alleged Senator SMOOT will yield his to the Mormon Church, and without converting my place here from one of honor to one of shame.

RESTRICTION OF IMMIGRATION.

Mr. DILLINGHAM. I ask that the report of the committee of conference on the bill (S. 4403) entitled "An act to amend an act entitled 'An act to regulate the immigration of aliens into the United States,' approved March 3, 1903," be laid before the Senate.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the report is before the Senate.

Mr. DILLINGHAM. I ask for its adoption.

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

Mr. BACON. Mr. President, I trust this report may be allowed to go over until to-morrow. I beg to assure the Senator that I make the suggestion with no disposition whatever to delay the consideration of this important matter, but it is an utter impossibility for us to intelligently consider the report without having the time to read it. Of course it was read yesterday in part from the desk. It was manifestly impossible then for us to understand intelligently what its full scope and meaning were. It has been placed on our desks only this morning. I never myself saw it until fifteen minutes before the Senate convened. Since then, of course, there has been no opportunity to read it.

It is a very unusual report in the scope of the matter which it covers. It is not like an ordinary report where there is a difference between the two Houses on a few isolated points well defined.

The VICE-PRESIDENT. The Senator from Georgia will 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.

Mr. CARTER. I ask unanimous consent that the unfinished business be, for the time being, laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered. The Senator from Georgia will proceed.

Mr. BACON. This matter in a practical form is presented in this way to the Senate. The Senate passed a bill with a great many different features or rather embracing a great many sections. It was a long bill. It went to the House, and the House passed another measure equally long as a substitute for it. That went into conference, and it has been there for a number of months. Then the conference committee reports a third bill, made up, I suppose, very largely of the matter which was between the two Houses in common, but also attaching to it a large amount of independent matter, absolutely new and making in the neighborhood of one hundred different changes in the existing law.

I say, Mr. President, it is an absolute utter impossibility for us to be able to understand this report in the limited time which has been given to us to examine it. I understand the cause for the urgency in the matter to be one which relates to the amendment relative to immigrants coming from other countries with passports to the insular possessions or to other countries. But the bill does not stop there. If it did, whether I approve it in all particulars or not, I would be content to let it go by without anything being said by me, although there are some features which I might possibly object to. But the report of the conferees goes further in the bill which they present to the Senate.

Mr. DILLINGHAM. Will the Senator allow me?

Mr. BACON. I will.

Mr. DILLINGHAM. The conferees have no disposition to press the consideration of this report unduly. They desire that the Senate and the individual members of the Senate shall examine the report with great care and detail, because they believe they have presented a bill which will meet with the approval of all.

The Senator has referred to reasons why there should be speedy action. Those reasons seem to the conferees to be imperative, but, as I said before, they have no disposition to press the consideration until the Senate can make a careful examination of the report.

If there can be a unanimous-consent agreement that the vote shall be taken on the report to-morrow, I would be glad to let it go over until that time. I presume there may be no objection to that course.

Mr. BACON. I do not know about that.

Mr. DILLINGHAM. There is other business pressing, and if the Senator wants to make a suggestion of that kind I will very gladly join him in it.

Mr. BACON. While I have every disposition to do whatever may be necessary to expedite the particular thing which makes urgency important, as I was saying, the bill is not limited to that, and there are matters in it which most vitally concern the people of the section from which I come. It is not any slight matter; it is a matter of absolute life and death to the industries of the people of my section—not only to my State, but of other States of that section. It is not possible that we could consent to the taking of the vote at any time until this matter has been properly investigated and understood by us.

The important fact can not be overlooked, when we come to talk about voting on the report, that here is a lengthy bill, as I said, with nearly a hundred changes in existing law, many of them most vitally interesting to a great section of this country and not affecting simply the Pacific slope; and we are in a position where we can not offer an amendment to it because it is a conference report. We must, under the rules governing the consideration of conference reports, accept this bill in its entirety, with all of its provisions, or reject it in its entirety.

Mr. President, in view of such a grave presentation as that and the magnitude of interests involved, with every disposition to yield everything that may be in the particular direction indicated by the Senator as to that which demands urgency, we could not, without a grave and serious abandonment of most important interests, consent to any particular time or hour or day for the taking of the vote. If it were a matter that we could proceed with by amendment, where, when a proper presentation were made, the Senate could sift out what might be deemed to be undesirable or objectionable and come to a vote upon that which was left, it would be a very different thing from a question whether we shall take a vote upon a matter involving so many interests, where Senators may be led to vote not with reference to particular details, but with reference to some particular consideration which may be uppermost or paramount in their minds.

Mr. DILLINGHAM. Mr. President, the Senator from Georgia has given more reasons than had occurred to me why the consideration of this report should begin at once. If there are as many questions as he says which are to be debated, then certainly the debate should begin at once. It had not occurred to me, however, that so many questions were open for consideration. A brief examination of the report will show that a very large majority, substantially all, of the changes in the existing law are those which were presented in the Senate bill last winter, carefully examined, considered, and passed upon. There are only two or three, perhaps, of a different character.

Yet with all this, as I stated before when upon my feet, I have no disposition to crowd this matter upon the Senate unless it can receive the consideration that is due to it. For the purpose of making progress, and doing it fairly to all concerned, I ask that the matter may be laid before the Senate to-morrow morning at the conclusion of the morning business, and that a vote be taken upon it before adjournment.

Mr. BACON. Of course, I am speaking only for myself. There are other Senators who are equally interested with me; I mean who represent interests which are involved in the same manner as the interests I represent are involved. I do not know what their views may be, but I have no objection to the consideration beginning to-morrow. I shall certainly not do anything to delay it in any manner. We want, however, the fullest opportunity for the discussion of it.

I repeat, the embarrassment in this case grows out of the fact that here is a conference report presenting a bill in which there is one particular thing which is recognized now as being of the uttermost importance, demanding urgency, and a thing which has attracted so much attention from a national standpoint that all other matters may be lost sight of; and yet we are compelled to vote upon this report as an entirety, and will not be in a position to try to have eliminated from the bill, by amendment, those things which are equally important to the section from which we come as the things which relate to matters concerning the Pacific coast.

I am perfectly willing that the matter shall begin to-morrow, and I shall not, so far as I am concerned, desire in any way to interrupt the consideration of it until it shall be concluded. But as to consenting that a vote shall be taken at a particular time, when there is so much involved and when we do not have the opportunity to try to correct the things which we object to by offering amendments, as far as I am personally concerned it will be impossible to consent to a particular time for taking the vote.

Mr. McCREARY. Mr. President, I take a very deep interest in the conference report. I am upon the Committee on Immigration and assisted in preparing the immigration bill which passed the Senate nearly a year ago.

This is a very interesting subject, but it is one that there should be no delay in getting through with. I think the Senator from Vermont made a very fair suggestion. We ought to take up the conference report to-morrow morning. It seems to me that Senators can study the report to-day and to-night, and that we ought to take it up to-morrow and finish it.

It refers to very important questions; questions which should be decided. For one I can say that the conference report is satisfactory to me in the main, and I have given as much study to this question as any other question that has come before us since I have been in the Senate. I believe that there should be action, and speedy action, on the conference report. I hope it will not be delayed. I hope we will take it up to-morrow and dispose of it.

Mr. DILLINGHAM. Mr. President, I renew my request for unanimous consent, that the report be laid before the Senate to-morrow at the close of the routine morning business, and that a vote be taken upon it before adjournment to-morrow.

The PRESIDING OFFICER (Mr. PILES in the chair). The Senator from Vermont asks unanimous consent——

Mr. TILLMAN. Mr. President, I hope the Senator will not press that request.

Mr. LODGE. I ask that the request for unanimous consent may be stated by the Chair.

The PRESIDING OFFICER. The Senator from Vermont asks unanimous consent that the conference report now under consideration be laid over until to-morrow morning, that it be taken up immediately after the conclusion of the morning business to-morrow, and that a vote may be had on it that day.

Mr. LODGE. Before adjournment?

The PRESIDING OFFICER. Before adjournment.

Mr. TILLMAN. Mr. President, I want to say that there are questions involved in the report of very serious moment. I for one am not disposed to delay the action of the Senate upon them, but I think the Senator in charge of the report could secure all he wants and get early action without undertaking to get an agreement. Things might develop after an examination which would make it obligatory on some of us to fight the report until the 4th of March, if necessary, rather than see it become a law. I do not think it is entirely fair to ask that we shall be pledged to vote to-morrow whether we are ready or not.

So I hope the Senator will not press his request and will let us take up the report to-morrow morning, that we may have one more twenty-four hours in which to examine it. Then he can ask in the morning when we take up the report that we shall vote upon it before we adjourn, and probably we will agree upon that.

Mr. CULBERSON. Mr. President——

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

Mr. TILLMAN. With pleasure.

Mr. CULBERSON. I do not desire to interrupt the Senator. I thought he had concluded. I will wait until he gets through.

Mr. TILLMAN. I do not want to go into the merits of the subject until we know what we are doing.

Mr. CULBERSON. In that view, Mr. President, I will ask the Senator from South Carolina to yield to me for a question which I wish to ask the Senator in charge of the conference report, to see what, if anything, there is in the matter which has occurred to me.

Mr. TILLMAN. I yield to the Senator with pleasure for that purpose.

Mr. CULBERSON. I will state, Mr. President, that we have had a good deal of report, newspaper and otherwise, lately of a new treaty with foreign nations with reference to the immigration of their subjects who are coming to this country. Before the question of unanimous consent is definitely proposed, I invite the attention of the Senator from Vermont [Mr. DILLINGHAM] to this language in section 39 of the conference report, which is found on page 2816 of the RECORD:

And the President of the United States is also authorized, in the name of the Government of the United States, to call, in his discretion, an international conference, to assemble at such point as may be agreed upon, or to send special commissioners to any foreign country, for the purpose of regulating by international agreement, subject to the advice and consent of the Senate of the United States, the immigration of aliens to the United States.

I do not know whether there is any significance in it, Mr. President, but this section does not use the language of the Constitution as to treaties, for there is no question but such an agreement between the United States and any other nation would be a treaty, and yet are we to infer from the language used, not being that of the Constitution, that it may be approved by a majority of the Senate? I therefore ask the Senator from Vermont if there is any significance in that action?

Mr. DILLINGHAM. None whatever, Mr. President.

Mr. CULBERSON. Does the Senator consider that such an agreement would be a treaty within the meaning of the Constitution and require a two-thirds vote of the Senate for its ratification?

Mr. LODGE. To what page of the conference report does the Senator from Texas refer?

Mr. CULBERSON. I have not the report convenient, but I refer to it as found printed on page 2816 of the RECORD.

Mr. TILLMAN. It is on page 13 of the conference report printed in pamphlet form.

Mr. CULBERSON. And section 39 of the report.

Mr. LODGE. Mr. President, the intention of the conferees was to bring any agreement of any form which was made within the advice and consent of the Senate, using the constitutional words "advice and consent." Of course such an agreement would be regarded as a treaty.

Mr. TILLMAN. I submit again to the Senator from Vermont the fairness and justice of allowing Senators an opportunity of reading this report and studying it one more day before he undertakes to drive it through the Senate.

Mr. DILLINGHAM. Mr. President, that is just what I have tried to do.

Mr. TILLMAN. But you want to get a unanimous-consent agreement that we shall vote on the report to-morrow without an opportunity of examining it.

Mr. DILLINGHAM. That places it on your own responsibility.

Mr. TILLMAN. You ought not to force us to take the responsibility. Perhaps we shall not want any responsibility. We may be willing to vote on the report to-morrow without discussion. The Senator from Vermont ought not to force us to get into a corner, as it were, and tie us hand and foot by an agreement. I do not want the Senator to understand that I am filibustering or that I am going to obstruct or prevent action on this report; but I submit that what I suggest is no more than fair and just to those of us who have not had an opportunity to read the report, who do not know what is involved in it, and who do not know what grave and serious questions may arise. I submit that we ought not to be compelled to vote on it to-morrow.

Mr. DILLINGHAM. Mr. President, it seems to me that the proposition which has been made for unanimous consent is a reasonable one in view of the lateness of the session and the very large volume of business that is awaiting attention; and unless it is granted I shall feel compelled to ask that the Senate proceed with the consideration of the report at the present time.

The PRESIDING OFFICER. Is there objection to the request for unanimous consent?

Mr. TILLMAN. I object, Mr. President.

The PRESIDING OFFICER. Objection is made.

Mr. TILLMAN. Well, Mr. President, that involves the effort to discuss and present questions here without preparation and without proper opportunity to get before the Senate all the matter which would be conducive to intelligent action. So far as I have had an opportunity to study this question, I call attention to the proviso on page 17 of the report.

Mr. BACON. Mr. President, am I to understand that the Senator in charge of the conference report declines to let the matter go over until to-morrow?

Mr. TILLMAN. He has said so in terms.

Mr. BACON. I wanted to know that.

Mr. DILLINGHAM. Mr. President, I will submit another proposition, because I want to be fair to everybody in relation to this matter. I ask unanimous consent that the consideration of this conference report be entered upon to-morrow at the conclusion of the routine morning business, and that the vote be taken before adjournment on Saturday. That will give abundance of time for the consideration of every question involved in the report.

Mr. TILLMAN. That does not answer the objection which I raised a moment ago, Mr. President, to the effect that in the investigation which we make we may come upon propositions in the report which to our minds are so important and vital in their character that we could not consent to have the report adopted at all if we could prevent it; and under the rules of the Senate Senators know that there is great opportunity for delay if a compact minority makes up its mind to fight aggressively. So I submit that to-morrow morning will be time enough to ask for a vote, after we have had an opportunity to examine the report. I do not want to be put into a corner. I would just as lief vote to-morrow night as Saturday night, for we may be willing to vote in an hour after assembling to-morrow if Senators have an opportunity of examining the report.

The question is, What is in this report? So far as I have been able to discover, the conferees have acted with a free hand; they have put into this conference report matters that were never passed by either body. They have amended and changed the immigration laws of the United States to suit themselves and to suit the special interests which seem to influence and control things here, and I for one am not prepared or willing to agree now to vote at any time.

Mr. DILLINGHAM. Then, Mr. President, I know of no other method to be adopted than to proceed with the consideration of the report.

Mr. TILLMAN. I say I can not agree now, but we might to-morrow morning agree upon a time and save the struggle of a discussion without proper preparation.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Colorado?

Mr. TILLMAN. Certainly.

Mr. PATTERSON. Mr. President, it seems to me there is abundance of business to occupy the Senate until to-morrow morning. As I understand the position of the Senator from South Carolina, it is simply to allow this conference report to go over until to-morrow morning, and that then the request for unanimous consent be taken up and acted upon.

Mr. TILLMAN. Certainly; and by me there will be no captious opposition or effort to delay.

Mr. PATTERSON. That is a very reasonable request, it seems to me, the Senator from South Carolina putting it on the ground that he wants time to examine the report. There is only one feature in the report, it seems to me, that will bring on any very considerable debate. That new feature I am in favor of, but for the purpose of facilitating the matter and preventing trouble, if possible, I suggest that the matter ought to go over as requested by the Senator from South Carolina.

Mr. TILLMAN. Well, Mr. President, I have been in the Senate twelve years, and yet I have never seen anything gained here by an effort to dragoon Senators, and those people who are ordinarily unwilling to fight and not spoiling for a fight can be very easily aroused to a condition of indignation and a sense of wrong and driven into an attitude which voluntarily they would not take.

I want to call attention mainly to the proviso—it is the one thing I have examined thus far—on page 17 of the conference reports, which reads:

Provided further, That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone.

I make the point of order, Mr. President, that this is entirely new and extraneous matter; that it was never considered by

either House; that it does not appear in either bill as it was passed by the Senate or by the House; that the conferees have exceeded their authority, and that they are entirely outside of their jurisdiction in having brought into this Senate a matter which has no business here.

Mr. LODGE. Mr. President——

Mr. TILLMAN. Mr. President [the Vice-President in the chair], I have stated the point of order, but the present occupant of the chair having been absent at the time, I shall have to repeat it.

Mr. LODGE. Is the Senator going to state it again?

Mr. TILLMAN. Yes. I make the point of order, Mr. President, that the proviso on page 17, in italics, at the end of section 1, just preceding section 2, is out of order, because the conferees have injected into this report matter that never was considered nor passed upon nor adopted by either House in either of the bills which they had under consideration.

Now, I will call attention, Mr. President, while I am on my feet, to the fact that last June, when the rate bill, with which I had to do at the time, was under consideration here, and a conference report was brought in, the conferees, in the desire to make a workable law, had taken the liberty, in the interest of what they thought was the public welfare and proper legislation, which seemed to be desired by all parties—one feature of which was afterwards added to the laws of the land in the way of a joint resolution—we brought that conference report here with three or four little amendments, entirely new, and which had never been considered by either body; and I recall now the terrible earnestness the Senator who is on his feet to combat the position I now occupy—I allude to the Senator from Massachusetts [Mr. LODGE]—and with what unction and zeal those conferees were lectured for their impudence in presuming to do this thing. I recall with what unanimity the conferees were notified that that was entirely outside of their jurisdiction; that they had no authority to do it; that the conference report must be taken back and changed and these extraneous and improper things be stricken out.

So, while I have seen in my service here matters submitted to the Senate itself and what everybody knew to be entirely out of order has been voted in order—and I suppose that is the method proposed now—I submit, Mr. President, that if we have rules we ought to stand by those rules and compel all our conferees to treat all bills alike.

Speaking further to the point of order, I call attention to the fact——

The VICE-PRESIDENT. The Chair will call the attention of the Senate to the fact, applying not only to the point of order under consideration, but to all points of order, that, under the rules, debate is not in order upon a point of order, and whatever debate there is is by unanimous consent. If there is no objection, the Senator from South Carolina may proceed.

Mr. TILLMAN. Proceeding then, Mr. President, I had referred to the action of the Senate and of various Senators relative to the conference report on the rate bill last June and the reprimand given the conferees in that instance for doing just what the conferees have done here. There is this difference, that when the Senate passed the immigration bill, changing the law in many particulars, it presented an entirely new bill, and the House struck out everything except the enacting words and enacted an entirely new bill. Based on this, it is contended that the conferees are at liberty to enact anything they see fit in regard to immigration; that there is no limitation whatever on their power, and that technically they have been within their rights.

What I contend for is that in neither of the entirely new bills which were passed—one by the Senate and one by the House—is there anything relating to the subject of the proviso which I have just read. That is absolutely new matter. It does not relate to anything which preceded it or which followed it. It is entirely separate and apart and relates to a condition which has arisen in the last three months and was not considered by either House. Therefore it is subject to a point of order.

The VICE-PRESIDENT. The Chair is prepared to rule upon the point of order.

Mr. LODGE. I ask permission to be heard very briefly in reply to the Senator from South Carolina [Mr. TILLMAN] on the point of order.

The VICE-PRESIDENT. Without objection, the Chair will hear the Senator from Massachusetts.

Mr. LODGE. In this case, Mr. President, we have an entirely different set of conditions presented from those presented in the case of the rate bill. In this case the Senate bill was stricken out by the House and a single amendment was made in the nature of a substitute—a long act covering every section of the existing immigration law. Therefore both bills in their entirety were open to the conferees and were subject to any modification which they might choose to make. Technically, there can be no doubt that in a situation like that the powers of the conferees are very large, if not unlimited.

In the second place, Mr. President, this amendment is not out of order in itself. It is a mere modification of a section which provides for certain exceptions in regard to admission to this country and for collection of a head tax. It is merely the application of the exceptions, such as are stated previously in the bill as to persons coming from Canada or from Mexico. It is a simple extension to meet another case in which entry to this country must necessarily be defined.

Mr. President, I do not desire to consume the time of the Chair or of the Senate on that point. It was held, formally decided by the Senate, no longer ago than last session that a point of order did not lie against a conference report. I contended for the House view and for the House position, which is that a point of order may be made against a conference report and the report, without a vote, be thrown out on the point of order. It was held by the Chair—correctly, as I now believe, in view of the precedents in the Senate—and sustained by the Senate that under the rules and practice of the Senate a point of order did not lie against a conference report, that the only vote possible was on the acceptance of the report—it could be either accepted or rejected—and that there was nothing else open to the Senate.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. In the absence of objection, the Senator from Texas may proceed.

Mr. CULBERSON. Mr. President, I desire to invite attention a moment to the rules. Rule XX provides:

1. A question of order may be raised at any stage of the proceedings, except when the Senate is dividing, and, unless submitted to the Senate, shall be decided by the Presiding Officer without debate, subject to an appeal to the Senate.

The Senator from Massachusetts [Mr. LODGE] a moment ago stated that a conference report was not subject to a point of order. On that subject I read from the pamphlet entitled "Conferences and Conference Reports," which is practically a part of the rules of the Senate. On page 16 it says:

Conferees may not include in their report matters not committed to them by either House. (1414–1417.) (50th Cong., 1st sess., Sen. Jour., pp. 1064, 1065; 54th Cong., 2d. sess., Sen. Jour., pp. 90, 91, 96.)

In the House, in case such matter is included, the conference report may be ruled out on a point of order. (See Rule 50, below.)

In the Senate, in case such matter is included, the custom is to submit the question of order to the Senate.

Showing that a question of order can be raised to a conference report, and, if raised, must be submitted to the Senate by the presiding officer. A note, Mr. President, by Mr. Cleaves to this rule is as follows:

NOTE.—In the Fifty-fifth Congress, first session, Vice-President Hobart, in overruling a point of order made on this ground against a conference report during its reading in the Senate, stated that the report having been adopted by one House and being now submitted for discussion and decision in the form of concurrence or disagreement, it is not in the province of the Chair during the progress of its presentation to decide that matter has been inserted which is new or not relevant, but that such questions should go before the Senate when it comes to vote on the adoption or rejection of the report. (55th Cong., 1st sess., Sen. Jour., pp. 171, 172; CONG. REC., pp. 2780–2787.) See also CONGRESSIONAL RECORD, page 2827, Fifty-sixth Congress, second session, when the Presiding Officer (Mr. LODGE in the chair) referred with approval to the foregoing decision of Vice-President Hobart, and stated that when a point of order is made on a conference report on the ground that new matter has been inserted, the Chair should submit the question to the Senate instead of deciding it himself, as has been the custom in the House. No formal ruling was made in this case, however, as the conference report, after debate, was, by unanimous consent, rejected. (59th Cong., 2d sess., CONG. REC., pp. 2826–2883.)

Mr. PATTERSON. Mr. President——

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

Mr. CULBERSON. Certainly.

Mr. PATTERSON. I call the attention of the Senator from Texas to the fact that this identical question was raised and determined at the last session of Congress on the Indian appropriation bill, and the position taken by the Senator from Texas was sustained. A point of order was made to the effect that the part of the conference report that was under discussion until it was brought to the Senate had never been acted upon by either House, was held to be a good point of order, and the matter to which the point of order was referred was stricken out. The Senator from Maine [Mr. HALE] took very decided ground upon that question, and, if I am not mistaken, the Senator from Massachusetts [Mr. LODGE] did also.

Mr. LODGE. I took very decided ground, but was overruled both by the Chair and by the Senate.

Mr. PATTERSON. Mr. President, in the matter to which I refer—if the Senator from Minnesota [Mr. CLAPP], the chairman of the Committee on Indian Affairs, were here he would

recall it distinctly—at the last session of Congress the point was raised, and I raised it. The Senator from Maine sustained the position that I took. The Chair was ready to decide, according to a statement made by the Chair to me afterwards, but, on the statement by the Senator from Maine and other Senators that it was subject to the point of order, the Senator from Minnesota, chairman of the Committee on Indian Affairs, consented that that part of the report of the conference committee might go out.

Mr. TILLMAN. He withdrew the report, carried it back to conference, and brought it in again with that eliminated.

Mr. PATTERSON. He consented that it should go out. It was understood that it should go out, because there was not any dissenting voice, Mr. President, in that case. Everybody who addressed the Senate or the Chair upon the subject agreed that it was subject to a point of order for the simple reason that it was a matter that had not been considered by either House before the meeting of the conference committee. Coming back to the Senate in that way, after pretty full debate and very earnest speech by the Senator from Maine, in which he deprecated that kind of legislation and used strong language condemnatory of it, practically by unanimous consent the point of order was sustained. I think that was the last decision upon that question that we have had.

Mr. CULBERSON. Mr. President, when interrupted by the Senator from Colorado—and the interruption was entirely agreeable, of course—I had about concluded what I had to say upon the question as to whether the new matter in the report before the Senate was subject to the point of order. I desire to state and to submit to the Chair that, under the uniform rule of this body, it is subject to the point of order, and that it is the duty of the Chair to submit the point of order to the Senate.

In addition to the case cited by the Senator from Colorado, Mr. President, I want to remind the other side of the Chamber that less than a year ago, when the conferees, of which I happened to be one, on Senate bill 6248, entitled "A bill to amend section 5501 of the Revised Statutes of the United States," brought in some new matter, namely, bringing Members of the two Houses of Congress within the prohibition of that statute, but frankly stated to the Senate that such was the case, the point of order was made by Senators opposed to the bill, and the conferees were required and compelled to withdraw the report and reconsider the matter.

So I submit, Mr. President, that a point of order may be made to a conference report, and that under the rule cited it ought to be submitted to the Senate by the President.

The VICE-PRESIDENT. The Chair has heretofore had occasion to rule on a point of order raising precisely the same question in principle that is now raised by the point of order made by the Senator from South Carolina [Mr. TILLMAN]. The Chair, when the subject was first presented to his attention, examined with some considerable care the practice of the Senate in the premises. He came to the conclusion then that the practice of the Senate for some time past, at least, differed somewhat from the practice which obtained in the House. The Chair is of the opinion that the objectionable matter in the report, if any, can not be reached by a point of order, but the Senate may consider it when voting upon the question of agreeing to the report. On the 11th of last June the Chair ruled as follows:

> The Chair is of the opinion, as he has previously held, that under the usual practice of the Senate a point of order will not lie against a conference report. The matter in the report challenged by the point of order interposed by the Senator from Texas may be considered by the Senate itself when it comes to consider the question of agreeing to the report. The only question under the usual practice of the Senate, in the opinion of the Chair, is, Will the Senate agree to the conference report?

The Chair holds that the point of order is not well taken, and therefore overrules the point of order.

Mr. CULBERSON. I rise to a parliamentary inquiry.

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

Mr. CULBERSON. I am not certain that I understood the decision of the Chair just rendered on the point of order.

The VICE-PRESIDENT. The Chair overruled the point of order, thinking that it was not well taken.

Mr. CULBERSON. I understand. I want to see if I understand the ruling of the Chair.

The Chair first stated, as it occurred to me, that the point of order might be made and that the Senate in passing upon the conference report might consider the question whether or not the point of order was well taken. The Chair, however, as it seemed to me, notwithstanding that, decided himself that the point of order was not well taken. I would be glad to have the Chair state if my understanding of the ruling is correct.

The VICE-PRESIDENT. The Senator from Texas does not quite understand what the Chair said. The Chair is of the opinion that the point of order is not a matter for the consideration of the Chair. The matter which is now challenged may be properly considered by the Senate when it comes to vote upon the question of agreeing to the report. If matter beyond the jurisdiction of the conferees has been incorporated by them in the conference report, that is good ground for the rejection of the report when the Senate comes to act upon the entire subject-matter of the report. The Senator will observe that while the Chair overrules the point of order, the extraneous or improper matter included in the report, if any, is not by the ruling of the Chair withdrawn from the consideration of the Senate, but may be considered and will properly be considered when the Senate votes upon the question of agreeing to the report.

That is all that was said by Vice-President Hobart in his ruling to which the Senator from Texas has directed attention. The entire opinion of the Vice-President is not included in the pamphlet from which the Senator from Texas read. The most important part has not been incorporated in the pamphlet. That will be found to be so by the Senator upon an examination of the RECORD where the full text is published.

Mr. BACON. Mr. President, as I understand, then, the direction given to this matter by the ruling of the Chair, it is entirely proper for Senators to make points of order and to discuss them, but the decision of them will be relegated to the final vote of the Senate on the question of the rejection or adoption of the report of the committee?

The VICE-PRESIDENT. The Chair is of the opinion that interposing points of order does not change the status of the subject in the least, and that it is not necessary to make a point of order in order to give the Senate jurisdiction over the subject-matter challenged when the Senate comes to act upon it by final vote.

Mr. BACON. I understand, but the particular matter which I brought to the attention of the Chair, with a view to seeing whether I was correct in it, was as to the matter of procedure, that of course the question whether or not there is extraneous matter in the report of the committee is a matter of order, but that instead of being raised as a point of order, it will be pointed out in the debate as extraneous matter and urged as a reason why the report should be rejected; but that in each instance there is still reserved to Senators who think there is extraneous matter the right to make a distinct issue upon each one of those particular matters thus indicated.

Mr. NELSON. Mr. President, I concur in the first part of the ruling of the Chair, if the Chair will permit me, but I think the results drawn from that ruling are improper. The Chair practically stated in the first part of his ruling that the rule here is unlike the rule in the House of Representatives, which allows the presiding officer there to rule on such a question. If it is true, and I do not question it, that the President of the Senate has not the authority to rule on it like the Speaker of the House can, the decision of the Chair should be not to overrule the point of order made, but that the Chair has no jurisdiction to rule on the point of order; that it is a matter for the Senate. That would put our record in proper shape, for if the Chair rules against the point of order, and if it has a right to rule against it, then it has a right to sustain the point of order.

The VICE-PRESIDENT. The effect of the Chair's ruling is that the matter complained of is for the Senate to consider upon the vote upon the conference report and not for the Chair to determine.

Mr. NELSON. Therefore the Chair had no authority——

The VICE-PRESIDENT. The Chair meant to be understood in effect as saying that he could not entertain the point of order.

Mr. NELSON. To that extent the decision of the Chair is correct——

The VICE-PRESIDENT. Yes.

Mr. NELSON. That the Chair has no jurisdiction to entertain the point of order.

The VICE-PRESIDENT. That is the effect of what the Chair intended to say.

Mr. PATTERSON. Mr. President, I desire to suggest that the ruling which the Chair has just made will doubtless stand as a precedent. The Chair mentioned the decision of Vice-President Hobart, stating that the most important part of it was not incorporated in the pamphlet from which the Senator from Texas read. In order that the Senate may have the whole matter incorporated in the RECORD to-morrow I ask that the Chair will cause the Secretary to read the portion of the decision of Vice-President Hobart to which he referred in his opinion.

The VICE-PRESIDENT. The Secretary will read.

Mr. GALLINGER. Let the entire decision be read, Mr. President.

The VICE-PRESIDENT. The Chair is of the impression that

this is the entire opinion which was read at the request of the Senator from New Hampshire on the 12th of last June. The Secretary will read as requested.

The Secretary read as follows:

The VICE-PRESIDENT. The Chair has not the opportunity to look up any of the precedents that may exist on similar points of order made heretofore to the relevancy of items like the one in question contained in a conference report. The present occupant of the chair feels that it would be an unwelcome task if he is obliged to decide as to whether any or every amendment made in conference is germane to the original bill, or germane to the amendments made in either House or both Houses, or whether a conference report as submitted to the Senate contains new and improper or irrelevant matter.

The rules of the Senate certainly do not provide for such action, and the Chair calls the attention of the Senator from Arkansas and of the Senate to the fact that this conference report has been adopted by one House in this perfected shape, and that this report is now submitted here as a whole for parliamentary discussion and decision in the form of concurrence or disagreement.

All arbitrary ruling on a point of order like this after the bill has been fully passed by one House and approved by it can not be within the power of any presiding officer.

He can not decide while such a report is being discussed and during the progress of its presentation that matter has been inserted which is new or not relevant, and thus decide what should or should not have been agreed upon. It is not the province of the Chair.

All such questions are such as should go before the Senate when it votes upon the adoption or rejection of the report, which is the only competent and parliamentary action to be taken.

If the Senate itself can not amend this report, and it admittedly can not, the Chair can not do more in that respect than the Senate itself. The Senator from Arkansas asks the Chair by its decision to do that which the Senate itself can not do, to amend this conference report. It is not possible to amend by such a method. The Senate must decide for itself as to the competency of this report in all particulars and the relevancy of all amendments.

No rule or practice permits the presiding officer to annul the action of a conference committee, and thus indirectly to amend it. The Chair has not the power to thus negative the action of a free conference and send a passed bill back to a new conference without a vote. Only the action of the Senate upon the vote taken upon concurrence has that power.

The effect of such a decision, if made, can only be surmised. Where would the bill go if thus amended? Not to the conference committee, for that has been dissolved upon the making of its report to the other House and acceptance there. Not to the Senate conferees, for they have concluded their action also. Possibly to the Senate Finance Committee, where the bill started many months ago. Such a decision, therefore, that paragraph No. 396, contained in the conference report, contains new matter or new legislation, or is not germane or relevant, might be tantamount to indefinite postponement of the bill. Surely the Chair has no such power, and if exercised would be arbitrary in the highest degree.

The Chair decides that the point is not well taken. (CONGRESSIONAL RECORD, 55th Cong., 1st sess., vol. 30, pt. 3, pp. 2786, 2787).

Mr. BACON. Mr. President, if the suggestion of the Senator from Massachusetts [Mr. LODGE] as to the powers of conference committees in a case such as that now before the Senate, where the report is one submitting an entire bill, growing out of a condition where the Senate had passed one bill and the House another bill, is correct, it would absolutely destroy the fundamental principle which controls the action or should control the action and is designed to control the action of conference committees, that they shall not in any manner undertake to legislate as to matters which were not committed to them growing out of the differences between the two Houses. I do not recall the exact language of the Senator from Massachusetts, but I think he said that in such a case the powers of conference committees were practically unlimited. I think he used the word "unlimited." If so, there is nothing which is better calculated to illustrate the necessary fallacy of the position taken by the Senator from Massachusetts, because there can be no legislative construction of the powers of a conference committee which gives them unlimited power to legislate as to the subject-matter involved.

Mr. LODGE. The Senator, of course, did not understand me as saying that they were not limited to the subject-matter.

Mr. BACON. No.

Mr. LODGE. I mean conferees on an immigration bill could not legislate on an appropriation bill.

Mr. BACON. No; I did not even——

Mr. LODGE. I meant practically unlimited on the subject before them.

Mr. BACON. Exactly.

The proposition of the Senator is that when a case is presented such as this is, that the only limitation to the power of the conference committee is that they shall confine themselves to the subject, and that when confining themselves thus to the subject, there is no limitation upon them. They may roam at will throughout its entire extent and present to the Senate for its consideration and adoption any measure they may see fit to present, provided it is upon that subject. If that is true, there could be no more dangerous proposition submitted to a deliberative body.

This particular matter before the Senate is one which illustrates the danger of it. I am sorry we have not more Senators here to listen to our presentation of this argument, because it is one which concerns us vitally.

Mr. CULBERSON. Mr. President——

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

Mr. BACON. Certainly.

Mr. CULBERSON. I suggest the absence of a quorum.

The VICE-PRESIDENT. The Senator from Texas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ankeny	Cullom	Hemenway	Newlands
Bacon	Curtis	Heyburn	Nixon
Berry	Daniel	Kean	Patterson
Beveridge	Depew	Kittredge	Perkins
Blackburn	Dick	Knox	Pettus
Brandegee	Dillingham	La Follette	Piles
Burkett	Dubois	Lodge	Proctor
Burnham	Du Pont	Long	Rayner
Burrows	Elkins	McCreary	Scott
Carter	Flint	McLaurin	Simmons
Clapp	Frazier	Mallory	Smith
Clark, Mont.	Fulton	Millard	Stone
Clarke, Ark.	Gallinger	Money	Sutherland
Clay	Gamble	Mulkey	Tillman
Culberson	Hansbrough	Nelson	Whyte

The VICE-PRESIDENT. Sixty Senators have answered to their names. A quorum is present.

Mr. FULTON. I have been requested to state that the Senator from Wyoming [Mr. WARREN], the Senator from Missouri [Mr. WARNER], the Senator from Ohio [Mr. FORAKER], and the Senator from Florida [Mr. TALIAFERRO] are in the Committee on Military Affairs, engaged in taking testimony in pursuance of an order of the Senate.

Mr. SCOTT. Mr. President, I should like to inquire how those of us who are on committees engaged in investigations are regarded. We do not want to be marked as being absent, and I understand we have the privilege of holding committee meetings during the session of the Senate. Is that correct?

The VICE-PRESIDENT. That is the practice.

Mr. BACON. Mr. President, I hope Senators on the other side of the Chamber will give us their attention. I am sorry there are so few of them present, because I do not believe, if they could hear the presentation we have to make as to the injustice that this bill does to the industries of our part of the country, they would sustain the report of the committee.

Before endeavoring to present some matters right along the line of the great injustice which I said one feature of this bill does to important industries in our part of the country, I want to complete what I was saying on the subject of the proper functions of a conference committee. I was discussing the position taken by the Senator from Massachusetts [Mr. LODGE]——

Mr. GALLINGER. Mr. President——

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

Mr. BACON. I do.

Mr. GALLINGER. Before the Senator from Georgia proceeds to discuss that will he direct my attention to the section or paragraph in the bill to which he alludes, that I may examine it?

Mr. BACON. I am going to do so in a very imperfect way, because I have not had time to read the bill, although I am going to take the time of the Senate in an endeavor to read it. As I am not to be allowed to read it elsewhere, I will read it here.

Mr. GALLINGER. If the Senator is going to read it——

Mr. BACON. But I call the attention of the Senator particularly to page 18, in order that he may look at it. I will come to it directly.

Mr. GALLINGER. I thought the Senator was about to proceed to the discussion of another question.

Mr. BACON. In order to make coherent what I had said, I want to add a few words, which will probably take four or five minutes, and then I will come to my discussion of that question——

Mr. GALLINGER. I will listen to the Senator.

Mr. BACON. Without having had the opportunity to do more than glance at it.

I was discussing the question whether or not the fact that a bill had passed the Senate in one shape and had passed the House by a substitute, and had then been committed to a committee of conference, clothed the conference committee with the powers claimed by the Senator from Massachusetts, powers limited only by the extent of the subject involved, or whether the conferees were still bound by the fundamental rule of conference committees, that they must limit their consideration and their report to matters of difference between the two Houses.

I only want to say in that connection that where the Senate passes a bill in its entirety and the House, instead of amending that bill by piecemeal, passes a substitute for it also in its entirety, that condition of affairs thus presented does not change the rule. The conference committee are limited in their powers to a consideration of the points of difference between the two Houses.

It may be a matter of some difficulty to definitely determine what are the precise points of difference, but it is none the less necessary that the bill passed by the Senate and the substitute passed by the House shall be compared, and that in so far as they agree the conference committee have no jurisdiction whatever; that in so far as they differ, points of difference are thus developed which the conference committee are clothed with jurisdiction to consider, and their power is limited to those points of difference as much in that case and as rigidly in that case as in the other case where the one House passes the bill with distinctive, independent amendments, as is usually done.

I will not stop to discuss that, though I may have occasion before this debate concludes to call attention more particularly to that proposition and to apply it to various amendments which are proposed by this conference report, which we shall insist are in no manner connected with any points of difference between the two Houses, but are independent matters of legislation growing out of no such differences.

Mr. President, I ask the Senators on the other side of the Chamber to let me present to them and to give consideration to a matter which I now bring to their attention. As I said, I have had no time to read this document. I have had but a mere glance at it. I call attention to page 18 of the document, which was printed last night and laid on our desks this morning. It is not indicated by numbered lines, so I will have to indicate it by the relative position upon the page. It will be seen by reading it that there is an attempt, as far as I can gather from the casual reading, to utterly destroy all possibility of the securing of any immigrants by means which are now permitted under the law as it stands to-day. I will read some part of it.

Mr. LODGE. May I ask the Senator a question, as I want to understand his point? He means that this prevents the importation of contract labor?

Mr. BACON. I mean to say that it goes much further than the law as it now exists.

Mr. LODGE. That is not my question. Does it prevent more absolutely the importation of contract labor than the present law?

Mr. BACON. The Senator can discuss the question whether it does or not. I am going to discuss the very question which he asks.

Mr. LODGE. I can understand why the Senator does not answer my question.

Mr. BACON. The Senator need not fear to ask me any question he wishes, and I will answer it in my own way.

Mr. LODGE. I am not afraid to ask it. All I am afraid of is that I can not get an answer.

Mr. BACON. The Senator need not be apprehensive on that point. I think he will have a full answer before the debate gets through.

Mr. McCREARY. Will the Senator read the matter to which he referred?

Mr. BACON. If the Senator will permit me, I will do so with pleasure. As the law now stands, there is no limitation upon the States of the Union undertaking to bring laborers into the United States, and there is no limitation upon an officer of the State having the assistance of money contributed by individuals for that purpose. Under the law as it stands, the State of South Carolina undertook to bring in laborers to supply a most pressing need in that State, a need which exists in other States in that section to the same degree that it exists in the State of South Carolina.

Mr. President, I am going to give a history of this matter as disclosed in a letter from the Secretary of the Department of Commerce and Labor. Under the law as it now exists the commissioner of the State of South Carolina, supplied with funds by individuals, has been bringing in immigrants to be employed in the cotton mills of South Carolina and other industries where they are so much needed. Several shiploads have been brought in. The attention of the country having been drawn to it, an effort was made to bring the commissioner or the officer of the State under the terms of the law as a violator of it. The matter came to the Department of Commerce and Labor for its decision. I hold in my hand the decision of the Secretary of Commerce and Labor on that subject, which I now propose to read to the Senate.

Before proceeding to read the decision I wish to say that we all understand what has brought this conference report to the Senate. We know that a condition of affairs, which in no manner relates to the industries and interests of which I am speaking, has attracted the attention of the whole country, and even of other countries, and that there is an acute situation which it is the purpose to relieve by bringing in this report. If the report were limited to that, so far as I am concerned, I would have nothing to say. But it is an illustration of what is said of the decisions of courts, that hard cases make bad law. In other words, in the case of courts, in order to meet hard cases the law is frequently bent and distorted in order that injustice may not be done in that particular case. So it is here. In order to meet this case of emergency on the Pacific coast a report is brought in which does not simply relate to that matter, but which covers the entire field of the question of the introduction of immigrants into this country, and opportunity is taken to supply a drastic rule which will do great injustice to some parts of the country, and under the stimulus of this acute situation to induce Senators to vote for a report containing this injustice, even though they may not approve it, in order that this other great end may be accomplished.

Mr. LODGE. I do not think the Senator desires to misrepresent the conferees, of whose action he knows nothing but from the report. In order that he may not misrepresent them I desire to say that this report, without the clause relating to passports, was entirely complete several days ago and would have been presented to the Senate without any reference to that clause.

Mr. BACON. That may be all true, but, Mr. President, the conferees had the opportunity to present this immigration restriction to the consideration of the Senate and to invoke the decision of the Senate with the hope of success that they otherwise would not enjoy, because of the fact that the great interest in this conference report is one which does not concern the particular matters of which I am now speaking, but is an interest in the California situation which is so great that Senators who may not agree with the conferees upon this particular matter that I am speaking about may still vote for the report in order to effect the particular object that they may consider of greater and even of paramount importance.

I can not speak for other Senators, but in opposing this report I in no manner propose to interfere with the accomplishment of what I say is the principal thing which has brought this report here. We all know the fact that the conference committee have been at a deadlock on the immigration bill ever since last June, and we all know that everyone had despaired of the possibility of the conferees coming to an agreement which would enable them to present a report to either House. It was known to be an absolutely fixed deadlock. We know it is only because of this matter on the Pacific coast that the committee have been able to agree to throw aside differences on other matters and to bring in a report which will accomplish this particular object, and that other questions are subordinated. The conferees can not be ignorant of the fact that the great importance of the question which has thus brought them together in an agreement is one upon which they hope to rely, and that other matters, however wrong they may be in this report, will be subordinated, and that the report as a whole, including the objectionable features, may thus be adopted.

Mr. President, I want to say in this connection that it was not necessary to do that in order to accomplish what they wish to accomplish with reference to this matter on the Pacific coast. So far as I am concerned, if they had a joint resolution here which presented a solution in the control of the immigration on the Pacific coast which was deemed satisfactory by those most interested in it, they could pass that resolution through to-day by immediate action, under a suspension of the rules, and in twenty-four hours it could be passed through each House. It is not necessary that it should be engrafted upon this bill, and it is not necessary that Senators should do a great injustice to a great section of this country, utterly oblivious to the interests of that section in order to accomplish this other end.

Is it important that the Pacific coast shall be protected? Yes; we say so; and we of the South have ever stood here cooperating with the Senators from the Pacific coast in the effort to protect them against the matters with which they are now threatened in one shape or another. Can it be said, Mr. President, when we come to legislate for the entire country, that as to the great section, with the great interests about which I shall briefly speak, and with their great demands, with their great needs, they are to be utterly ignored, and this single question to be allowed to occupy the consideration of Congress to an extent that so long as there can be accomplished what they require, it matters not how thoroughly and ruthlessly the interests of other sections may be trampled under foot?

Mr. President, I started to read this report from the Secretary of Commerce and Labor. It will illustrate to the Senate the injustice of the adoption of this report, which results in the passage of a bill that we have never had a chance to consider or to offer an amendment to. It will also illuminate the Senate as to the influences which are back of the particular action which has resulted in the features of this bill of which I shall speak.

I am sure that when Senators have heard it they will not wonder that we are not willing to consent that a certain time shall be fixed for the consideration and a vote upon this report, when we have not even had a chance to read it, and when even in glancing our eyes hurriedly across the page we can see this injustice which is thus sought to be perpetrated upon us.

Mr. President, I am going to read this report in full. It is headed:

DECISION NO. 111.

DECEMBER 26, 1906.

To whom it may concern:

The following decision is published for the information of those interested.

OSCAR S. STRAUS, *Secretary.*

[Foreign laborers—Introduction of, by State of South Carolina.]

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SOLICITOR,
Washington, December 15, 1906.

SIR: The accompanying papers, constituting the file of the Bureau of Immigration relating to certain activities of Mr. E. J. Watson, commissioner of agriculture, commerce, and immigration of the State of South Carolina, in bringing about the immigration of a large body of aliens and placing them at work in that State, were referred to me by your letter of November 16, 1906, and my opinion is required as to whether the plan pursued by Mr. Watson, as it is shown to have been carried out, involves a violation of the immigration laws of the United States prohibiting the importation of contract laborers—

If the Senator from Massachusetts will give me his attention he will find an answer in a large degree to the question which he propounded to me—

and if so, in exactly what particulars the exemption in favor of States, Territories, and the District of Columbia, contained in section 6 of the act of March 3, 1903, has been erroneously applied.

The questions presented are both important and delicate—

I pause, Mr. President, to ask the attention of Senators to the fact that that is a ruling upon the law as it now stands; and then I will ask the attention of the Senate to the fact that the language used in this bill is not intended directly to put the law in a condition where this would longer be a construction of it, but where this construction would be a violation of it.

The questions presented are both important and delicate, and before undertaking to answer them it was necessary to prepare a careful brief of the facts out of which the questions arose and upon which an opinion might be predicated. The size of the record and the need of making proper mention of the various details of the transaction render the statement prepared too long for insertion here. For present purposes it will suffice to indicate the salient features of the case as follows: It appears that the agricultural and manufacturing industries of South Carolina were languishing and in danger of material injury for lack of labor; that this was particularly true of the cotton industry, fully 20 per cent of the spindles in the State being idle; that this condition would inevitably work to the injury, not only of the operating companies and their stockholders, but to the injury of labor already employed; that the South Carolina mills had tried in the State itself, in adjoining States, and in various parts of the United States to secure the necessary labor, but without success, by reason of the great demand for labor throughout the South; that the sanitary, educational, and living conditions provided for mill workers in the State, as well as the hours of labor required and the rate of wages paid, were satisfactory in themselves and were being constantly improved; that immense property values and the welfare of thousands of laborers are involved in the successful operation of the mills of South Carolina, wherefore not only the interests mentioned but the State itself would suffer from an insufficient supply of labor; that the mill owners, being forbidden by Federal law from themselves procuring the immigration of foreign contract laborers, were denied relief from this source, unless the immigration of laborers could be secured through the agency of the State. An appeal to the legislature resulted in the passage of an act approved February 23, 1904, creating "a State department of agriculture, commerce, and immigration," and providing for a commissioner thereof, who was charged generally with the duty of promoting the industrial development of the State by the collection and publication of information addressed to "those seeking homes and investments in agricultural or manufacturing industries," and specifically with all work looking "to the inducement of capital and desirable immigration by the dissemination of information relative to the advantages of soil and climate, and to the natural resources and industrial opportunities offered in this State." Besides appropriating the sum of $2,000 for defraying the expenses of the new department, the act contained the following provisions:

"SEC. 8. That the commissioner be empowered to make such arrangements with oceanic and river steamship companies and immigration agencies in this country and abroad as may best serve the interests of successful immigration, the necessary expenditures being made within the annual appropriation for the general expenses of this department: *Provided, however,* Nothing herein shall forbid the commissioner acting without fee as the agent of such citizens of the State, who, through the South Carolina Immigration Association and the department, wish to meet excess expenses of bringing desirable immigrants to their farm or other lands. That in the discharge of these duties the commissioner, or such person as he may select, is empowered to visit such immigration centers whenever necessary to produce the best results.

* * * * * * *

"SEC. 11. That immigrants shall be confined to white citizens of the United States, citizens of Ireland, Scotland, Switzerland, France, and all other foreigners of Saxon origin."

A commissioner having been duly appointed, an association of private persons (whether the South Carolina Immigration Association or the Cotton Manufacturers' Association of South Carolina is not clear) made up a fund amounting to $30,000 or more, which was placed at the disposal of the commissioner, and which, with the sum appropriated by the State, constituted a general fund for the encouragement of immigration.

Mr. TILLMAN. May I ask the Senator from what document he is reading?

Mr. BACON. I am reading from a document issued by the Department of Commerce and Labor, so headed, and entitled "Decision No. 111." It is the decision issued by the Secretary of Commerce and Labor. The document I am now reading from is signed by Charles Earl, solicitor, and also by the Secretary of Commerce and Labor, and it is promulgated by the Secretary of Commerce and Labor, which I read when the Senator, I presume, was not in his seat, with this headnote:

To whom it may concern:

The following decision is published for the information of those interested.

OSCAR S. STRAUS, *Secretary.*

Mr. TILLMAN. I am much obliged to the Senator.

Mr. BACON. Mr. President, I resume the reading:

It does not appear what restrictions, if any, were placed upon the specific uses to which this fund might be put. In August of the present year the commissioner, Mr. E. J. Watson, went to Europe for the obvious purpose of carrying out the provisions of the act of assembly relating to immigration, and his efforts seem to have been directed toward the accomplishment of two principal objects, namely, the starting of a current of emigration on the part of foreign laborers to South Carolina and the establishment of Charleston as a port of entry for such laborers, with a permanent line of boats of the North German Lloyd plying between that city and Bremen.

The general objects of Commissioner Watson's mission and the outlines of the methods to be employed were freely communicated to the (United States) Commissioner-General of Immigration and seem to have received at least his tacit approval, Mr. Watson at the same time (i. e., before his departure) expressing every desire to avoid a violation of Federal statutes and every intention of doing only what appeared permissible under those statutes. Mr. Watson's operations abroad were conducted openly; he kept in communication with the Commissioner-General of Immigration, and the Secretary of State had requested for him "such courteous facilitation of the purposes of his mission as may be in accordance with the laws of Belgium and due to the official agent of a constituent State of the American Union."

I pause long enough to say, in connection with the inquiry of the Senator from South Carolina, that not only is this document authenticated in the way I have indicated, but I wrote a letter some time ago to the Secretary of Commerce and Labor in behalf of a similar organization in the State of Georgia, where it was proposed by an immigration society to get up a fund to be placed in the hands of a State officer with a view to securing for the State of Georgia the best class of immigrants to meet a most trying and urgent demand for labor in order to prevent great sacrifice of the industries of that State. The letter which I wrote to him inquired whether or not—it was written before this decision was promulgated—the procurement of such a fund and the placing of it in the hands of a State officer would, in the opinion of the Department, be a violation of the statutes of the United States; and the particular copy of this report, which I hold in my hand, was sent to me with a letter by the Secretary of Commerce and Labor as an answer to my inquiry, stating that this was his construction of the law. So there can be no doubt whatever that this document is an authentic document and the official utterance of the Department of Commerce and Labor. I will resume the reading.

Commissioner Watson's procedure abroad appears to have been substantially this: He appointed resident representatives of his department at Ghent, Belgium; Middleburg, Holland; Berlin, Germany; Copenhagen, Denmark; Glasgow, Scotland, and Salford, England. These representatives he supplied with a variety of literature descriptive of South Carolina, its characteristics, climate, institutions, resources, industries, and opportunities, and particularly its labor conditions, including reference to the great demand therefor, to hours of labor, housing facilities, and wages paid. Advertisements were inserted in the newspapers containing more or less of this information, and persons interested were referred to the local representative of the State. As a result of these measures and of the personal efforts of Commissioner Watson and his agents nearly 500 laborers, principally from Belgium, Holland, and Germany, were collected, who agreed to migrate. In the meantime Commissioner Watson had arranged with the North German Lloyd to furnish a steamer to transport the passengers from Bremen to Charleston, which was ready to receive the laborers. Before sailing, each of the laborers signed a paper containing the scale of wages advertised as the prevailing rates paid in South Carolina, Commissioner Watson on his part agreeing to find employment for such emigrants at the rates stated and pay the passage money of each emigrant, first taking an obligation (subsequently canceled) that the sum advanced would be repaid to him by gradual deductions from the earnings of the emigrant within the ensuing year, and first satisfying the Belgian Government that the advertised scale of wages was correct and that any Belgians having just cause of dissatisfaction upon arrival would be returned at the expense of the State to their homes. Each emigrant carried with him to the United States a letter of introduction, addressed to Commissioner Watson and stating the laborer's name, the kind of employment in which he was experienced, and the occupation he desired to follow. This letter was intended to serve two purposes: First, to satisfy the immigrant inspectors that the bearer was

not likely to become a public charge; second, to assist in placing the laborer in the proper industry. In a number of cases considerable confusion and dissatisfaction resulted from misstatements in those letters as to the character of work the bearer was qualified to perform.

After the immigrants had been admitted to the United States by the officers of the Bureau of Immigration they were distributed among employers in South Carolina by the State commissioner, who appears to have acted on his own judgment as to what localities and persons they should be sent. It seems, also, that the commissioner was under no obligation to supply any particular laborer, or any laborers at all, to an employer solely because he had contributed to the immigration fund; and, further, that the immigrants themselves were free to reject any particular offer of employment that might be made to them. Most of the immigrants went to work in cotton mills, but a hundred or more who were unfitted for the mills were placed with farmers, contractors, and tradesmen generally. Out of the total number who emigrated, about twenty-two became dissatisfied and were returned to their homes at the expense of Commissioner Watson's fund.

The contract-labor laws, so-called (i. e., the acts of February 26, 1885, 23 Stat. L., 332; February 23, 1887, 24 Stat. L., 414; October 19, 1888, 25 Stat. L., 366; March 3, 1891, 26 Stat. L., 1048; February 5, 1893, 27 Stat. L., 449; March 3, 1893, 27 Stat. L., 569; August 18, 1894, 28 Stat. L., 372, 390; April 29, 1902, 32 Stat. L., 176; March 3, 1903, 32 Stat. L., 1213), bear directly upon three classes of persons: First, persons who import foreign labor or aid in the immigration thereof; second, masters or owners of vessels who knowingly assist in the importation or immigration of such labor, and, third, foreign laborers themselves coming to the United States under contract to perform labor, or in consequence of certain forbidden inducements held out to them. By the terms of the questions presented, a consideration of the provisions of these statutes is required only as they affect the first-mentioned class. No determination is called for with respect to the liability of shipowners or transportation companies for bringing over the immigrants in question, nor is any opinion required as to whether the immigrants themselves were lawfully admitted to the United States.

The provisions of the contract-labor laws directed against those who import foreign labor or aid in the immigration thereof, as enacted from time to time, are as follows.

Mr. President, it is important that what I am now to read shall be considered not only with reference to this construction put upon it by the Secretary of Commerce and Labor, but also as furnishing to the Senate in convenient form a statement of the law as it now exists. An examination of it will afford Senators an opportunity, by reference to the bill now before us as reported by the conference committee, to compare the two and to see wherein the bill as reported differs from this. They then will be able to see that the express provisions of the bill proposed in the report are evidently designed to meet the view and construction of this law as presented by the Secretary of Commerce and Labor and to put the law where he can no longer so construe it and where what has been done in the State of South Carolina can no longer be done for the purpose of supplying labor in that part of the country for the cotton mills or for other purposes.

Here the Secretary quotes a provision of the law with reference to contract labor, showing to what extent contract labor may be permitted to come in and pointing out in what particular this has been lawful in this particular transaction and how these immigrants could lawfully be brought into the State of South Carolina.

"SECTION 1. * * * That from and after the passage of this act it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation, or in any way assist or encourage the importation or migration of any alien or aliens, any foreigner or foreigners, into the United States, its Territories, or the District of Columbia, under contract or agreement, parol or special, express or implied, made previous to the importation or migration of such alien or aliens, foreigner or foreigners, to perform labor of service of any kind in the United States, its Territories, or the District of Columbia. (Act of Feb. 26, 1885.)

"SEC. 3. That for every violation of any of the provisions of section 1 of this act the person, partnership, company, or corporation violating the same, by knowingly assisting, encouraging, or soliciting the migration or importation of any alien or aliens, foreigner or foreigners, into the United States, its Territories, or the District of Columbia, to perform labor or service of any kind under contract or agreement, express or implied, parol or special, with such alien or aliens, foreigner or foreigners, previous to becoming residents or citizens of the United States, shall forfeit and pay for every such offense the sum of $1,000, which may be sued for and recovered by the United States or by any person who shall first bring his action therefor, including any such alien or foreigner who may be a party to any such contract or agreement, as debts of like amount are now recovered in the circuit courts of the United States, the proceeds to be paid into the Treasury of the United States. * * *" (Act of Feb. 26, 1885.)

"SEC. 3. That it shall be deemed a violation of said act of February 26, 1885, to assist or encourage the importation or migration of any alien by promise of employment through advertisements printed and published in any foreign country; and any alien coming to this country in consequence of such an advertisement shall be treated as coming under a contract as contemplated by such act; and the penalties by said act imposed shall be applicable in such a case: *Provided*, This section shall not apply to States and immigration bureaus of States advertising the inducements they offer for immigration to such States." (Act of Mar. 3, 1891.)

Mr. President, if I have not in my haste misread the amendments to the present existing law which are found in the report of the conference committee, they are designed expressly and particularly to nullify the provisions of the present law.

Mr. LODGE. That is the law of 1885, which has been modified since by the law of 1903.

Mr. BACON. I am reading from the law of 1891 and not from the law of 1885.

"SEC. 6. That any person who shall bring into or land in the United States by vessel of otherwise, or who shall aid to bring into or land in the United States by vessel or otherwise, any alien not lawfully entitled to enter the United States shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding $1,000, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment." (Act of Mar. 3, 1891.)

"SEC. 4. That it shall be unlawful for any person—

Of course these various sections that I am reading from are sections of the particular law from which they are quoted. That will be readily seen from the fact that the sections are numbered here irregularly—

"SEC. 4. That it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to assist or encourage the importation or migration of any alien into the United States, in pursuance of any offer solicitation, promise, or agreement, parol or special, expressed or implied, made previous to the importation of such alien to perform labor or service of any kind, skilled or unskilled, in the United States. (Act of Mar. 3, 1903.)

"SEC. 5. That for every violation of any of the provisions of section 4 of this act the person, partnership, company, or corporation violating the same, by knowingly assisting, encouraging, or soliciting the migration or importation of any alien to the United States to perform labor or service of any kind by reason of any offer, solicitation, promise, or agreement, express or implied, parol or special, to or with such alien shall forfeit and pay for every such offense the sum of $1,000, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such alien thus promised labor or service of any kind as aforesaid, as debts of like amount are now recovered in the courts of the United States." * * * (Act of Mar. 3, 1903.)

"SEC. 6. That it shall be unlawful and be deemed a violation of section 4 of this act to assist or encourage the importation or migration of any alien by a promise of employment through advertisements printed and published in any foreign country; and any alien coming to this country in consequence of such an advertisement shall be treated as coming under a promise or agreement as contemplated in section 2 of this act, and the penalties imposed by section 5 of this act shall be applicable to such a case: *Provided*, That this section shall not apply to States, or Territories, the District of Columbia, or places subject to the jurisdiction of the United States advertising the inducements they offer for immigration thereto, respectively." (Act of March 3, 1903.)

That is the act of March 3, 1903, along the line of the one which I previously read, which, as I say, it is the express purpose and design of the bill now before the Senate to practically repeal, and in so doing to deny to these States the opportunity hereafter to procure any labor which may be needed by the industries within their respective borders.

"SEC. 8. That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or who shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, any alien not duly admitted by an immigrant inspector, or not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding $1,000 for each and every alien so landed or attempted to be landed, or by imprisonment for a term not less than three months nor more than two years, or by both such fine and imprisonment." (Act of March 3, 1903.)

It will not be questioned, after reading the foregoing provisions, that the actions of Commissioner Watson, as recited above, if performed by a private person, would fall squarely within the condemnation of the statutes. Commissioner Watson was not acting in his private capacity, however, but as the representative of the State of South Carolina. The points to be considered therefore are (1) whether the provisions quoted were intended to control the action of States as well as persons; if not, (2) whether they were intended to affect State officers, acting under State authority; if so, (3) whether the actions in question fall within the prohibitions of the statutes, or are excepted from the operation thereof, either by express provision or by necessary intendment. Though stated separately, these questions can best be considered together.

To prevent any misunderstanding of what will be said later, it is desirable to state certain propositions, which may be regarded as established by judicial decision.

1. The power to regulate the immigration or importation of aliens into the United States is vested in the National Government to the exclusion of State authority. (Gibbons *v.* Ogden, 9 Wheat., 1, 216; Henderson *v.* Mayor, N. Y., 92 U. S., 259, 273, 274; Head Money Cases, 112 U. S., 580, 591; Ekiu *v.* United States, 142 U. S., 651, 659.)

2. The power to regulate the immigration or importation of aliens includes the power to exclude or expel. (Chinese Exclusion Case, 130 U. S., 581; Fong Yue Ting *v.* United States, 149 U. S., 698; Japanese Immigrant Case, 189 U. S., 86, 97.)

3. "Given to Congress the absolute power to exclude aliens, it may exclude some and admit others, and the reasons for its discrimination are not open to challenge in the courts. Given the power to exclude, it has the right to make that exclusion effective by punishing those who assist in introducing, or attempting to introduce, aliens in violation of its prohibition. The importation of alien laborers * * * is the act denounced. * * * If Congress has power to exclude such laborers, as by the cases cited it unquestionably has, it has the power to punish any who assist in their introduction." (Lees *v.* United States, 150 U. S., 476, 480; United States *v.* Craig, 28 F. R., 795.)

4. "It must always be borne in mind that the Constitution of the United States, 'and the laws which shall be made in pursuance thereof,' are 'the supreme law of the land,' and that this law is as much a part of the law of each State and as binding upon its authorities and people as its own local constitution and laws." (Farmers' Bank *v.* Dearing, 91 U. S., 29, 35; Dodge *v.* Woolsey, 18 How., 331, 347; Cohens *v.* Virginia, 6 Wheat., 264, 413; Worcester *v.* Georgia, 6 Pet., 515, 570; United States *v.* Cruikshanks, 92 U. S., 542, 550.)

In accordance with these principles, if the State of South Carolina had undertaken by legislative act to prescribe the conditions under which aliens might be admitted to her ports, to grant or deny the privilege of entry, to authorize measures which Congress had denounced, to forbid measures which Congress had sanctioned, or to "regulate" in any other way the immigration or importation of aliens, such legislation would be void. But she has done none of these things; she has enacted a law designed to encourage and assist the immigration of foreign laborers to her territory, on the assumption that this action on her part was not forbidden by Federal laws, leaving to those laws the determination of whether any foreign laborers seeking entry should be excluded. Congress, on the other hand, while it has passed numerous laws to regulate immigration, denying altogether admission to certain classes of aliens and penalizing certain acts of assistance or encouragement, has neither prohibited the immigration of aliens generally and without distinction nor proscribed all modes of assistance or encouragement by whomsoever employed. The question to be considered, therefore, is reduced to this: Has Congress forbidden the use of the particular mode of assistance or encouragement employed in the present case, notwithstanding that a State is the actor through its authorized agent?

First, as to the persons against whom the prohibitions of the contract-labor laws are directed.

It is altogether probable that the purpose of controlling the action of the several States never once occupied the mind of Congress throughout the whole course of this legislation except by way of disclaiming any such intention. An examination of the committee reports and the debates in both Houses of Congress in connection with the passage of the first and the last of this series of acts will show that the effect of these laws upon State action was never considered as a vital subject of legislation or as necessarily involved in the measures under discussion. (See CONG. REC., vol. 15, pt. 5, p. 5358, and pt. 6, p. 6059; House Report No. 982 and Senate Report No. 2119, 57th Cong., 1st sess.; CONG. REC., vol. 35, pt. 6, pp. 5757, 5768, 5813, 5833, 5985; vol. 36, pt. 1, pp. 27, 47, 96, 108, 128, 556, pt. 2, pp. 1112, 1172, pt. 3, pp. 2749, 2804, 2894, 2949, 3011.) "Capitalists," "corporations," "mine owners," "manufacturers," "railroads," "employers," were the words usually employed in describing importers of foreign labor; never words signifying a State or State officers. The truth seems to be that the idea of a State adopting as a governmental policy the promotion of immigration in aid of its industries was never broached, or, if broached, that the need of regulating the execution of such a policy was never considered. (See CONG. REC., vol. 22, pt. 3, pp. 2949, 2953, 2954.) The possibility of the original act (February 26, 1885) interfering with the work of State immigration bureaus was suggested by Senator MORGAN, who offered an amendment to prevent such a result. That the act would have this effect was denied and the amendment was defeated. (See CONG. REC., vol. 16, pt. 2, pp. 1790 et seq.)

Nor is it apparent that the conditions which led to the passage of these acts and the evils they were designed to remedy had any reference to such a situation as would move a State to act in the manner followed by South Carolina in the present case. "The situation which called for this statute," said the Supreme Court (143 U. S., 463), speaking of the contract-labor law of February 26, 1885, "was briefly but fully stated by Mr. Justice Brown, when, as district judge, he decided the case of United States *v.* Craig (28 F. R., 795, 798):

"The motives and history of the act are matters of common knowledge. It had become the practice for large capitalists in this country to contract with their agents abroad for the shipment of great numbers of an ignorant and servile class of foreign laborers, under contracts by which the employer agreed, upon the one hand, to prepay their passage, while, upon the other hand, the laborers agreed to work after their arrival for a certain time at a low rate of wages. The effect of this was to break down the labor market, and to reduce other laborers engaged in like occupations to the level of the assisted immigrant. The evil finally became so flagrant that an appeal was made to Congress for relief by the passage of the act in question, the design of which was to raise the standard of foreign immigrants and to discountenance the immigration of those who had not sufficient means in their own hands, or those of their friends, to pay their passage. While the act is undoubtedly, to a certain extent, a reversal of the traditional policy of the Government, it does not purport to inhibit or discourage the immigration of foreign laborers in general, but only the importation of such laborers under contracts made previous to their migration or importation."

The committee of the House in reporting the latest of these acts, that of March 3, 1903, said:

"Provision is also made in section 2 that the inhibition of the importation of skilled alien workmen under contract to perform service in the United States shall not operate to prevent bringing such workmen into the United States if labor of like kind unemployed can not be found in this country. The propriety, as well as the practical wisdom, of such a provision is obvious, since the purpose of legislation against alien contract labor is the protection of American workingmen from unfair competition by aliens who are willing to work for lower wages. As such competition, however, can become effective only by displacing the American workingman, it is clear that such purpose will not be defeated by permitting aliens under contract to be brought into the United States to fill places for which American labor unemployed can not be found; and, moreover, such a proviso is an encouragement to the extension of our industries." (House Report No. 982, 57th Cong., 1st sess., p. 3.)

And the committee of the Senate:

"If the labor imported does not displace American labor, whatever use it may be put to, it does not come within the purpose of the law for the protection of Americans from unfair competition; but, on the other hand, its exclusion, by retarding the growth and multiplication of our industries, would choke the opening of new avenues to American thrift, industry, and adaptability. This section provides, therefore, that alien labor may always be imported under contract to work in the United States 'if labor of like kind unemployed can not be found in this country.'" (Senate Report No. 2119, 57th Cong., 1st sess., p. 3.)

The evil here adverted to, and the evil deprecated throughout the debates in Congess, was the importation of cheap foreign labor for the purpose of supplanting American labor, resulting in a breaking down of the labor market and the reduction of native laborers to the level of foreign competitors. Just as home products of manufacture were protected by a tariff against the competition of cheaper products from abroad, so, it was repeatedly urged in debate, the home producer, the native worker, should be protected by exclusory immigration laws from the competition of foreign workmen, satisfied with lesser pay and contented with fewer rights. The ability to bring this inferior and undesirable class of laborers to this country at pleasure and whenever need should arise was thus a weapon in the hands of large employers in their disputes with their employees. Unfair and degrading competition, induced by the self-interest of the employer class, was the wrong to be remedied. In all this, however, there is no suggestion that the effort of a State to supply an actual deficiency in its working population from foreign sources, although primarily for the benefit of the owners of its private industries, was ever regarded as an evil or even contemplated at all. In Holy Trinity Church *v.* United States (143 U. S., 457, 463), where the question was whether a contract between a religious society and an alien clergyman, whereby the latter was to remove to this country and serve as pastor of a church, was within the prohibition of the contract-labor law of February 26, 1885, the Supreme Court said: "Another guide to the meaning of a statute is found in the evil which it is designed to remedy; and for this the court properly looks at contemporaneous events, the situation as it existed, and as it was pressed upon the attention of the legislative body;" and, after quoting the remarks of Justice Brown, supra, the court continued:

"It appears, also, from the petitions and in the testimony presented before the committees of Congress, that it was this cheap unskilled labor which was making the trouble, and the influx of which Congress sought to prevent. It was never suggested that we had in this country a surplus of brain toilers, and, least of all, that the market for the services of Christian ministers was depressed by foreign competition. Those were matters to which the attention of Congress, or of the people, was not directed. So far, then, as the evil which was sought to be remedied interprets the statute, it also guides to an exclusion of this contract from the penalties of the act."

But if it be said, nevertheless, that Congress must be presumed to have intended to prohibit States as well as others, and official as well as private persons, from assisting foreign laborers to immigrate, since assisted immigration is the thing forbidden and forbidden in general and unqualified terms, the answer is twofold: First, whatever the evil a statute is designed to suppress the means of suppressing it are confined to those pointed out by the words of the act; and, second, a penal statute will be held to apply only to those who are clearly embraced within its terms. On the first point the Supreme Court has said:

"We recognize the value of the rule of construing statutes with reference to the evil they were designed to suppress as an important aid in ascertaining the meaning of language in them which is ambiguous and equally susceptible of conflicting constructions, but this court has repeatedly held that this rule does not apply to instances which are not embraced in the language employed in the statute or implied from a fair interpretation of its context, even though they may involve the same mischief which the statute was designed to suppress. (United States *v.* Chase, 135 U. S., 255, 261.)"

And Judge Wallace, of the circuit court, in considering whether a railroad company which knowingly employed in its office in New York, near the Canadian border, a person who resided in Canada and came daily to his work in the United States had violated the contract-labor law, said:

"It may be that such a case as this is within the mischief which the promotors of the law intended to remedy, but it is not within the ordinary import of the words of the statute. (United States *v.* Michigan Central R. R. Co., 48 F. R., 365, 366.)"

On the second point, the highly penal character of these laws was declared by the Supreme Court in Lees *v.* United States (150 U. S., 476, 480); and in United States *v.* Gay (80 F. R., 254, 255) it was said:

"The statute in question is highly penal and must be so construed as to bring within its condemnation only those who are shown by the direct and positive averments of the declaration to be embraced within the terms of the law. It will not be so construed as to include cases which, although within the letter, are not within the spirit of the law."

Turning to the actual language employed by Congress, it will be found that the prohibitions of the several acts are invariably directed against "any person," or "any person, partnership, company, or corporation." Obviously, the only one of these terms which could possibly be held to apply to a State, or a State officer acting in its behalf, is the word "person." While a State or the United States may be included in the word "person" (Bishop, Written Laws, sec. 212), such is not the usual construction, by reason of the presumption that the legislative power has primarily in view rules regulating the conduct and affairs of individuals and not the affairs of government. (Endlich, Stat. Interp., sec. 161; see also Bishop, Written Laws, sec. 103.) The test is said to depend on "the object of the enactment, the purpose it is to serve, the mischiefs it is to remedy, and the consequences that are to follow, starting with the fair and natural presumption that, primarily, the legislature intended to legislate upon the rights and affairs of individuals only." (Endlich, Stat. Interp., sec. 167.) In United States *v.* Fox (94 U. S., 315, 321) the Supreme Court, considering a statute of New York which provided that a devise of lands might be made "to any *person* capable by law of holding real estate," and where the question was whether the United States could take under such a device, said:

"The term 'person' as here used applies to natural persons and also to artificial person—bodies politic, deriving their existence and powers from legislation—but can not be so extended as to include within its meaning the Federal Government. It would require an express definition to that effect to give it a sense thus extended. And the term 'corporation' in the statute applies only to such corporations as are created under the laws of the State."

So, too, in McBride *v.* Commissioners (44 F. R., 17, 18) it was said:

"This statute does, in effect, authorize an injunction to prevent waste in cases where two or more persons are opposing claimants to the same tract of land under the land laws of the United States. But it is not applicable to this case, for, although this is a case in which there are opposing claimants to the same tract of land, under the laws of the United States, inasmuch as the plaintiff is endeavoring to acquire it through the pretense of an intention on his part of working it as a mine, and it may be assumed as a matter of law, although it is not alleged in the bill, that the State of Washington claims it as a part of the grant made to it by act of Congress for school purposes, still it does not come within the letter of the act, because the opposing claimants are not two or more persons. One of the opposing claimants is the State of Washington, and it is not a 'person' within the ordinary or legal definition of the word. The court of appeals of New York, in a case in which the definition of the word was of vital importance and in which its decision was afterwards on appeal affirmed by the Supreme Court of the United States, held that the word 'person' does not, in its ordinary or legal definition, include either a State or a nation."

Even more directly in point is the case of Lowenstein *v.* Evans (69 F. R., 908, 911), which involved a construction of the Federal antitrust act of July 2, 1890, denouncing contracts, combinations, and conspiracies in restraint of trade and making it a misdemeanor for any "person" to monopolize or attempt to monopolize any part of the trade or commerce among the several States. The court sustained a demurrer to a suit filed by a liquor dealer in South Carolina under the seventh section of the act against the members of the State board of control, under the State dispensary law, alleging that the State monopoly of the liquor traffic was in violation of the act. In the course of its opinion the court said:

"The section of the act of 1890 sued upon gives a right of action for any injury by any other person or corporation. The State is not a corporation. A corporation is a creature of the sovereign power, deriving its life from its creator. The State is a sovereign having no derivative powers, exercising its sovereignty by divine right. The State gets none of its powers from the General Government. It has bound itself by compact with the other sovereign States not to exercise certain of its sovereign rights, and has conceded these to the Union, but in every other respect it retains all its sovereignty which existed anterior to and independent of the Union. Nor can it be said that the State is a person in the sense of this act."

From the foregoing considerations—that is to say, from the fact that neither the necessity nor the occasion for regulating the action of the several States with regard to the importation of foreign labor occupied the attention of Congress during the passage of the acts; that the mischief intended to be cured bore no relation to the situation of any State finding itself in need of foreign workers to supply an actual deficiency of domestic hands; that the terms employed in the acts do not expressly apply to States or State bureaus or officers; that the acts are highly penal, and as such must be construed strictly and held to apply only to those who are clearly embraced within their terms; that the terms actually used, "any person, partnership, company, or corporation," can not without violence to every reasonable presumption be held to embrace a State or its duly constituted agents—from all this I conclude that the prohibitions of the contract-labor laws have no direct application either to a State or to an officer of a State acting in its behalf and pursuant to its authority.

For this narrowing of the scope of general and unqualified provisions, if it be deemed such, there is the highest authority. In the Trinity Church case, already quoted on another point, it was held (p. 459):

"It is a familiar rule that a thing may be within the letter of the statute and yet not within the statute because not within its spirit nor within the intention of its makers. This has been often asserted, and the reports are full of cases illustrating its application. This is not the substitution of the will of the judge for that of the legislator, for frequently words of general meaning are used in a statute, words broad enough to include an act in question, and yet a consideration of the whole legislation, or of the circumstances surrounding its enactment, or of the absurd results which follow from giving such broad meaning to the words, makes it unreasonable to believe that the legislator intended to include the particular act. As said in Plowden, 205: 'From which cases it appears that the sages of the law heretofore have construed statutes quite contrary to the letter in some appearance, and those statutes which comprehend all things in the letter they have expounded to extend to but some things, and those which generally prohibit all people from doing such an act they have interpreted to permit some people to do it, and those which include every person in the letter they have adjudged to reach to some persons only, which expositions have always been founded upon the intent of the legislature, which they have collected sometimes by considering the cause and necessity of making the act, sometimes by comparing one part of the act with another, and sometimes by foreign circumstances.'"

Note should be made that in thus holding the contract-labor laws inapplicable to the official agent of a State under the circumstances of the present case, it is not pretended that, if a law of Congress applied to him and he committed an act in violation of that law, either his official position or a statutory warrant of his own State would be a valid defense. (Osborn *v.* Bank, 9 Wheat., 738; Poindexter *v.* Greenhau, 114 U. S., 284; Pennoyer *v.* McConnaughy, 140 U. S., 10.) All that is meant is that if it is lawful for a State, or one of the duly established departments of its government, to take certain measures, since a State can act only through natural persons, it is lawful to commission an officer to act for it and perform such duties as its legislature, within the limits of the State's authority, may prescribe. The distinction may be illustrated by the case of United States *v.* Harris (78 F. R., 290), where an action for a penalty was brought against the receivers of a railroad company for a violation of section 4388 of the Revised Statutes regarding the transportation of live stock, which was directed against "any company, owner, or custodian of such animals." The court said:

"The construction of the statute, and the proceeding under it, are governed by the rules of the criminal law as fully as if the proceeding was by indictment. The exclusive purpose of the section is to inflict punishment. Those named as liable to such punishment are the railroad company and the owners and custodians of the animals. The defendants here sued are neither. What reason, therefore, is there for supposing that the suit can be maintained? The language must receive a strict construction, confined to its obvious import. (U. S. *v.* Hartwell, 6 Wall., 395.; U. S. *v.* Wiltberger, 5 Wheat., 76; Grooms *v.* Hannon, 59 Ala., 510; Com. *v.* Wells, 110 Pa. St., 463, 1 Atl., 310.) No straining, however desperate, would be adequate to make the terms embrace the defendants. They are simply the court's officers, appointed to execute its orders. The property is in custody of the court and is controlled and managed by it through these officers. It would be immaterial to say that in this view no one can be punished under the section during such custody, if it were true. It would not be true, however, for the owners, as well as those in direct charge of the stock, may be so punished during such custody. If others also should be punished, Congress should provide for it."

Passing to a consideration of what was actually done in the present case, with a view of ascertaining whether the course pursued by Commissioner Watson was permissible on the part of a State official under the legislation of Congress. The original act of February 26, 1885, declared it unlawful for any person "to prepay the transportation or in any way assist or encourage the importation or migration" of any aliens or foreigners into the United States "under contract or agreement, parol or special, express or implied, made previous to the importation or migration * * * to perform labor or service of any kind in the United States." This provision was expanded by the act of March 3, 1903, section 4, which made it unlawful for any person "to prepay the transportation or in any way assist or encourage the importation or m'gration of any alien into the United States, in pursuance of any offer, solicitation, promise, or agreement, parol or special, expressed or implied, made previous to the importation of such alien to perform labor or service of any kind, skilled or unskilled, in the United States." The earlier of these two provisions has frequently been the subject of judicial decision and its effect has been fully elucidated. (U. S. *v.* Craig, 28 F. R., 799; U. S. *v.* Bonneman, 41 F. R., 751; U. S. *v.* Edgar, 45 F. R., 44, 48 F. R., 93; U. S. *v.* Michigan Central R. R. Co., 48 F. R., 365; U. S. *v.* Great Falls R. R. Co., 53 F. R., 77; Moller *v.* U. S., 57 F. R., 494; Lees *v.* U. S., 150 U. S., 480; U. S. *v.* Bannister, 70 F. R. 45; U. S. *v.* Gay, 80 F. R., 254; U. S. *v.* McElroy, 115 F. R., 253; U. S. *v.* River Spinning Co., 70 F. R., 978.) Not so with the later provision. No case has been found which expressly considers what is meant by the altered phraseology or determines the precise force and effect of the new terms. It has never been determined, for example, what is meant by assisting the importation or migration of aliens "in pursuance" of any offer, etc., although the difficulty of applying this phrase in practice was recognized by the lawmakers during the debates in Congress. Nor has there been any decision, so far as known, as to what is covered by "any offer, solicitation, promise, or agreement" to perform labor or service in the United States. Whether it would be held, for instance, that the offer, solicitation, promise, or agreement, to be unlawful, must be made by some responsible person, who is to furnish the employment, in his own behalf and interest or as the duly authorized agent of another, or whether it would be equally unlawful if made by a wholly disinterested person, who has no employment to give, either for himself or for anyone else, and who acts, say, from motives of humanity or from his personal views as to the needs of particular localities; and again, whether the offer or solicitation to perform labor or service does not necessarily imply that employment of some specified kind, at some definite place, for some particular employer, and at some fixed compensation, will await the immigrant upon his arrival—how the courts would answer these questions it is hard to say, since they appear never to have been presented. But in the absence of judicial determination, relying solely on the language of the statute, I should not hesitate to say that an Executive Department charged with the enforcement of the act would be bound to hold that the course of action followed by Commissioner Watson fell within the condemnation of the law as it now stands, were it not for the fact, as already pointed out, that States and State officials were not contemplated in the passage of the act, and for the further fact that the exemption in favor of States and Territories contained in the sixth section is not without a bearing on the provision in question. Section 6 of the act of March 3, 1903, provides:

"That it shall be unlawful and be deemed a violation of section 4 of this act to assist or encourage the importation or migration of any alien by a promise of employment through advertisements printed and published in any foreign country; and any alien coming to this country in consequence of such an advertisement shall be treated as coming under a promise or agreement as contemplated in section 2 of this act, and the penalties imposed by section 5 of this act shall be applicable to such a case: *Provided*, That this section shall not apply to States or Territories, the District of Columbia, or places subject to the jurisdiction of the United States advertising the inducements they offer for immigration thereto, respectively."

The intimate relation between this section and section 4, denouncing offers, solicitations, promises, or agreements, is indicated by the fact that both provisions were treated together by the committee of the House of Representatives in reporting the bill. The committee said:

"Section 4 follows section 1 of the act of February 26, 1885, known as the 'original alien contract-labor law,' making the importation of aliens under contract or agreement to perform labor or service of any kind in the United States unlawful, but omits the word 'contract,' substituting therefor the words 'offer, solicitation, promise.' This change was made to meet the rulings of the courts, which held that in every case of alleged violation of the law all the elements of a binding contract must be proven to bring offenders within the meaning of the act. Such rulings have destroyed the efficacy of the act, as under them aliens can be imported with impunity upon the suggestion or assurance that employment in this country awaits them. Moreover, Congress itself has recognized in section 3 of the act of March 3, 1891, the necessity of broadening the language of the act so as to cover the evil sought to be prevented, for it there makes the migration of any alien to the United States in consequence of an advertisement in any foreign country promising work in this country a violation of the law. Throughout this bill, therefore, the terms 'offer, solicitation, promise' are used in lieu of the word 'contract' contained in the present law." (House Report No. 982, 57th Cong., 1st sess., pp. 3, 4.)

Moreover, in the only case which has been found dealing with the prohibition against promises of employment through advertisements, the reasoning of the court seems to be as pertinent to the one section as to the other. The question being whether a manufacturing firm, having inserted an advertisement abroad and received into its employ foreign laborers coming in response thereto, had violated the law, the court said:

"It was the obvious purpose of the amendatory act to remedy the defects in the preexisting statute in two particulars. Under the preexisting statute the penalty did not accrue unless (1) the alien had, previous to his migration, entered into a contract to perform labor or service in this country, and (2) had actually migrated here, and (3) the defendant had, by prepayment of transportation or otherwise, encouraged or assisted his migration, knowing that such a contract had been entered into. * * * The statute was capable of being read so that the penalty would not accrue from the making of a previous contract with the alien by the defendant himself if the alien's migration had not been otherwise encouraged by the defendant, as by the prepayment of his transportation or some analogous act, though it was capable of a reading by which the contract, if made with the defendant, might be deemed a sufficient assistance or encouragement. The amendment was intended to dispense with the necessity of proving that there had been a contract with the alien 'made previous to the importation or migration,' or that there had been any other assistance or encouragement to his migration than a promise of employment. It adds to the acts penalized by the former statute another and makes it penal to 'assist or encourage' the migration 'by promise of employment through advertisement.' The word 'promise' is used in the sense in which advertisements commonly promise employment to applicants. Under the former statute there could be no antecedent contract by an advertisement, however explicit the terms of the promise might be, because the promise could not, until the alien entered upon its performance, become a contract. Under the present, no antecedent contract is necessary, and it would seem to suffice if there is a promise of em-

ployment sufficiently explicit to induce those to whom it is addressed to apply to some particular employer in the expectation of receiving employment of a specified kind at specified compensation. The proviso indicates that Congress did not use the word 'promise' in its strict legal meaning, but rather in the sense of an assurance or inducement to encourage aliens to migrate. The proviso withdraws from the operation of the section the 'inducements advertised by States and immigration bureaus of States offered for immigration to such States.' These advertisements do not ordinarily contain promises of employment in the nature of specific proposals, but contain assurances of opportunity for employment and of the remuneration that may be expected. The office of a proviso is to carve an exemption out of the enacting clause, to except something which would otherwise have been within it (Wayman v. Southard, 10 Wheat., 30, 6 L. Ed., 253; Minis v. United States, 15 Pet., 423, 10 L. Ed., 791); and this proviso denotes the intention of Congress to exempt States and their immigration bureaus from a liability which might otherwise be incurred by the advertisement of their inducements to immigrants. We are of opinion that any assurance of probable employment, definite as to the kind, the place, and the rate of wages, is a promise of employment within the meaning of the statute. If this conclusion is correct, the advertisement published by the defendant was within the interdicted class. Obviously both the defendant and the alien regarded the advertisement as holding out a promise of employment specific enough to induce the alien to migrate and accomplish the purpose intended by the defendant. The question which was presented by the demurrer is not altogether free from doubt, especially in view of the very strict construction which the courts have placed upon the alien contract labor law; but we are constrained to the conclusion that the complaint was sufficient." (United States v. Baltic Mills Co., 124 F. R., 38, 40.)

It thus appears that the object of both sections is substantially the same, namely, to prohibit not only the importation of foreign laborers "under contract," which the strict interpretation of the courts, limiting the import of the word "contract" to its technical meaning, rendered difficult of enforcement, but the importation of such laborers in pursuance of any promises or inducements held out to them, as by advertisement, which, though not amounting to a contract, are nevertheless sufficient to bring about the immigration of the alien and to secure his services. So far as the prohibition against assisting the importation or immigration of foreign laborers by promise of employment through advertisements abroad is concerned, States and Territories are expressly excepted from the operation of the law. But does not the exception go further and exempt States and Territories, at least by implication, from the operation of the section directed against assisting the importation or migration of foreign laborers in pursuance of any offer, solicitation, promise, or agreement to perform labor in the United States? There would seem to be no reason on the score of policy why the exception should not apply in one case as well as the other, in view of the common object of both provisions. This conclusion is almost unavoidable when consideration is given to what is necessarily involved in the exception as expressed. By the terms of the proviso States and Territories may offer inducements or make promises to foreign laborers by advertisement printed and published in foreign countries, and they are not forbidden to "assist" in the immigration of the foreign laborers to whom such offers are addressed. What difference in principle can there be between soliciting laborers to come to the United States by advertisement and by letter or word of mouth? If the laborer responds to an appeal made to him by advertisement, he is just as much an imported alien laborer as if he yielded to any other form of solicitation, and comes just as actively into competition with domestic workmen. The fact is that by this proviso Congress has distinctly authorized States and Territories to encourage the immigration of foreign laborers when such a policy should seem to be required by local industrial conditions. And since Congress must have contemplated the actual immigration and employment of such laborers, it must be held to have authorized also the adoption and use of all reasonable and necessary measures looking to the assembling of such emigrants abroad, their transportation to this country, and their distribution among the industries of the State or Territory—such practical measures, in other words, as may be appropriate for the protection of the immigrant on the one hand and for needs of the State or Territory on the other. A construction of this proviso or exception which would restrict its application to the particular section in which it stands and allow to it no independent operation is opposed to the clearest canons of statutory interpretations. While "the office of a proviso, generally, is either to except something from the enacting clause or to qualify or restrain its generalities or to exclude some possible ground of misinterpretation of it as extending to cases not intended by the legislature to be brought within its purview" (Minis v. United States, 15 Pet., 423, 445), yet in practice it is not always so restricted, and, where the manifest legislative intention requires, it will be held both to limit the effect of other sections (Telephone Company v. Manning, 186 U. S., 238, 242; In re Scheld, 104 F. R., 870; In re Lange, 91 F. R., 361) and to operate as "an independent proposition" (United States v. Babbit, 66 U. S., 55, 61; Banking Co. v. Smith, 128 U. S., 174, 181). As said by the Attorney-General (21 Op. At. Gen., 259), exceptions and provisos "are apt to be thrown in upon a Congressional debate or in committee without full appreciation of the scope of the section under consideration, but in order to protect some particular class from any possibility of embarrassment," and, as said by Judge Lurton, of the circuit court of appeals:

"Such clauses are often introduced from excessive caution and for the purpose of preventing a possible misinterpretation of the act by including therein that which was not intended. The rule is, therefore, not one of universal obligation, and must yield to the cardinal rule which requires a court to give effect to the general intent, if that can be discovered within the four corners of the act. If such general intention would be defeated by construing the act as embracing everything of the same general description as those particularly excepted therefrom, an arbitrary application of the rule is not admissible." (Baggaley v. Iron Co., 90 F. R., 636, 638.)

The rule on this subject and the reason for it are admirably stated by Bishop:

"The doctrine is that when from any of the recognized reasons the main provisions of a statute are to be construed strictly the same reasons require those which create exceptions, exemptions, and the like to be interpreted liberally, and beyond this the strict construction as well as, and even more than, the liberal excepts and exempts, without the aid of any statutory words whatever, while within the terms of a statute, is not within its motives and purposes. The most familiar applications of this doctrine are to criminal statutes, and from them the illustrations of this chapter will be chiefly drawn. But it is applied equally to all other statutes which are strictly construed. Thus, * * * while a criminal statute is to be construed strictly in those parts which are against defendants, its construction is to be liberal in those which are in their favor—that is, for their ease or exemption, * * * in favor of accused persons—criminal statutes may be either, according to the form of the provision, contracted or expanded by interpretation in their meanings, so as to exempt from punishment those who are not within their spirit and purpose, while at the same time, as the last section shows and as explained in the last chapter, they can never be expanded against the accused so as to bring within their penalties any person who is not within their letter. * * * In the nature of things statutes can not be so framed as, by express exemption, to provide for every possible unforeseen and even foreseen case thereafter to arise which, while within the terms of their main provisions, is still outside of their spirit and purpose. And what can not be done the courts should understand as not having been attempted. Therefore, though a case in judgment is within the letter of a statute, if they can see that it is exceptional to its spirit and purpose, and so the lawmakers did not mean punishment for it, they ought not to inflict the punishment. By excepting it in the interpretation they fulfill their highest duty, which is to carry out the true legislative intent." (Bishop, Written Laws, secs. 226, 230, 236.)

Replying to your letter, therefore, in the light of all the foregoing considerations, I have the honor to say that, in my opinion, the plan pursued by Commissioner Watson, as it is shown to have been carried out, does not involve a violation of the immigration laws of the United States prohibiting the importation of contract laborers; and I am further of opinion that there has been no misapplication of the exemption in favor of States, Territories, and the District of Columbia, contained in section 6 of the act of March 3, 1903.

The views taken in reaching this conclusion have made it unnecessary to consider questions which might arise in an ordinary case involving the contract-labor laws, as, for example, whether the payment by "another" of the passage money of foreign laborers induced to come to this country to perform labor would of itself constitute a violation of law. And it is proper to add that this opinion is based altogether upon the facts of the particular case, as disclosed by the record referred to at the outset. It is obvious that very different questions would arise if the facts were that Commissioner Watson, instead of acting independently and as the representative of the State in behalf of the general body of its citizens and of its industries as a whole, acted in reality only under color of State authority and in fact as the agent of particular persons, firms, or interests; that the contributions made by private persons toward the expenses of the department of immigration, instead of being merely added to the general fund appropriated by the State, to be expended at the sole discretion of State officials, were used to assist in the immigration of foreign laborers to perform labor for the particular persons who so contributed; that Commissioner Watson, instead of being wholly free to act for the benefit of the State at large, was actually under the control of special interests and bound to act as they should direct; or that the immigrants themselves, instead of being entirely at liberty to accept or reject any employment provided for them, were coerced into working for particular employers. Such circumstances, and others which readily suggest themselves, would materially alter the complexion of the case, and are not, therefore, to be considered as covered by this opinion.

Respectfully submitted.

CHARLES EARL, *Solicitor.*

The SECRETARY OF COMMERCE AND LABOR.

Mr. PERKINS. Mr. President——

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

Mr. BACON. I do.

Mr. PERKINS. If it will not interrupt the Senator from Georgia, I should like to make a suggestion. I have listened to him, as I always do, with much interest and instruction, but it is not clear to me, from his remarks, how this conference report discriminates against one part of the country in favor of the Pacific coast States.

Mr. BACON. Mr. President, I will with pleasure——

Mr. PERKINS. I want to say, in connection with that, that it seems to me we ought to restrict immigration. We have been absorbing a million immigrants into this country during the past year or more, and it seems to me it is wise policy and statesmanship for us to only invite those to come here who honor our institutions and have a veneration for a republican form of government.

Mr. BACON. Mr. President, I will with pleasure endeavor to answer the Senator, not at length, but briefly.

The Senator from California, Mr. President, asks me in what particular the bill reported by the conferees discriminates in favor of the Pacific coast and against another section—I will say the South—and then the Senator, before hearing the reply, announced what he considers to be the correct rule as to the exclusion of immigrants, which, of course, does not particularly relate to the inquiry he propounded to me, except in so far as it may be controlled by a general principle and not by the conditions to which his inquiry is directed.

Mr. President, this bill, so far as it relates to the Pacific coast, is distinctively in the interest of the Pacific coast, so far as that interest can be gathered from the attitude of those who so ably represent it upon this floor. In other words, the interest of the Pacific coast, as interpreted and represented by these able and distinguished Senators, is to interpose a barrier between that coast and the Asiatic countries which shall prevent the influx into the States bordering upon the Pacific Ocean and those neighboring to it of a class of population which is deemed by them to be injurious in its general interests and in conflict with the interests of the laboring and mechanic classes of that country; not only so, sir, but, far more than that, pernicious, and,

if not checked, absolutely destructive of the civilization of their country. I do not think I overstate the case when I say that that is the attitude occupied by those Senators and that which is recognized by the country at large, with which we are all in sympathy and in the accomplishment of which we are all ready to join with the Senators to protect them against this very great evil.

I am not sufficiently familiar with the conditions there to say whether or not this bill will accomplish that purpose, but that is the design of it. It is distinctively in the interest of the Pacific coast, and, I may say for myself, without regard to details of which I am not capable of judging, one properly directed to a laudable end. That is one side. That is the presentation of this bill as it affects the Pacific coast.

Now, how does it present itself as it affects the South? The conditions in the West and on the Pacific coast are such that it is not to their interest to have this influx of Japanese labor. It is not only not to their interest to have such an influx of this particular class of labor, but it is considered to be destructive of all that is desirable in the development and civilization of that country.

On the other hand, so far from having at the South the labor which we require, the industries of the South are languishing—the industries of the South are more than languishing; some of them are absolutely paralyzed, because of the fact that we can not secure the labor which is required to keep our industries in motion.

Here is the report from which I have been reading, and the reading of which I have suspended in order to reply to the inquiry of the Senator from California. Here is the report of the Secretary of Commerce and Labor, who says that upon an examination it was ascertained that 20 per cent—one-fifth—of the spindles of South Carolina were absolutely still, because there was no labor to keep them in motion. What is true of the State of South Carolina is true of North Carolina and true of Georgia, the three States which, more than any others in the South, are engaged in the manufacture of cotton—a fact of peculiar pertinency when the fact is known that one-half of all the cotton manufactured in the United States is manufactured in the South. And what is true of cotton mills is true of all other industries. The mines are comparatively unworked, or to a large degree unworked, because there are no laborers to do the work. The fields are in large measure untilled, because there is no sufficiency of labor to till them. Many furnaces are cold. In every branch of industry it is the same thing in greater or less degree. It is only with the greatest difficulty that in any department of industry in the South labor can be obtained, and in no department of labor is there a sufficiency of labor.

Senators, conditions there are not like they are anywhere else. We have peculiar conditions that make it difficult for us to secure labor. The harvest is great, but the laborers are few, and we can not get them in that portion of the country. Take the cotton-mill industry. The colored people can not be employed in the cotton mills. Why, I am not able to tell you, because I have no technical knowledge in the matter.

Mr. BEVERIDGE. Mr. President——

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

Mr. BACON. Certainly.

Mr. BEVERIDGE. I do not want to prolong this discussion at all, but I can tell the Senator why the colored people can not be employed in the Southern cotton mills. It is because the white people will not work with them.

Mr. BACON. Oh, the Senator is entirely mistaken.

Mr. BEVERIDGE. I can produce testimony to that effect.

Mr. BACON. I possibly misunderstood the Senator. I understood him to say that the white people would not work them.

Mr. BEVERIDGE. No; I said "with" them.

Mr. BACON. Mr. President, if that is the case, it would be a simple matter to have cotton mills in which there was only negro labor, if that were all. But it has been tried time after time. Can anybody believe that, with 20 per cent of the spindles of the State idle, with all that capital lying eating itself up and rusting itself away, if negro labor could be employed it would not be employed? It is true the white people will not work with the negro in the mills, but it is not necessary, in order that the mill industry should be carried on, that the two races should be worked together. They could be worked in separate factories. It has been tried by those who are most anxious to make it a success, and it has been demonstrated that negro labor can not be successfully employed in the cotton-milling industry. That is how we are situated.

But this condition affects all other industries as well. The presence of this great negro population deters white immigration. They do not care to come there voluntarily. You have to go and seek them in order to secure them. You have got to remove the prejudice which naturally keeps white men away from a country where negroes are thought to come in competition with them, if not into direct competition with the particular labor upon which they are to be engaged, then in the general industries of the country. So far as the white labor of the South is concerned which is available for this purpose, it is practically exhausted; it is exhausted, and the mills of the South are to-day in excess, so far as their capacity for production is concerned, of the possibility of getting labor to keep them in motion. As I said, it is not confined to the cotton mills. It is so in every branch of industry, and this very week or next week, I am not certain which, there is to be in the city in which I live a great convention of people engaged in all the various branches of industry to try to devise means by which, without violating the laws of the United States, immigrants can be brought into the country to keep our industries in motion.

If all the Republican Senators were in their seats to-day and could have this presentation made to them, that 20 per cent, one-fifth, of the industries of the South are to-day idle because of the impossibility of getting labor, would they say they would pass a bill that would make it even more difficult than it is now to get labor, and that we shall not have the advantage presented by existing law? The present law, as I was proceeding to show by reading from the decision of the Secretary of Commerce and Labor, now gives us some slight opportunity. Would the Republican Senators say that that small door shall be shut to us, and that in face of the assertion which I have read to you from the Secretary of Commerce and Labor that one-fifth of our spindles are to-day idle?

So far from enlarging our opportunities and giving us a chance to keep our industries in motion, the slight opportunities that we now have are to be taken away from us, and this is brought here in a conference report. This is brought here in a conference report attached to another matter of paramount importance in order that the greater and more important matter shall carry it through, when it would not go through otherwise by the vote of any Senators who understood it. Am I putting it too strongly when I say so?

Mr. President, have I answered the Senator from California when he asked me how this bill will discriminate in favor of the Pacific coast and against the South? If I am incorrect in my statement that this bill, which is now under consideration, presented here by the conference report, does seek to change that existing law under which these immigrants have so far been obtained and under which others will be obtained, then what I am saying is largely out of place. If I am in error I have the excuse of saying that I have had no chance to read this bill except, as the saying is, with my finger, running it down the page and catching a word here and a word there. But I do not think I am mistaken. Before this debate is through—I can not do it now, but I am going to have the opportunity to do it, if some one else does not do it—I shall point out with particularity how this bill has been framed and designed purposely to meet this ruling of the Secretary of Commerce and Labor and with the design to take away from southern industries of all kinds the opportunities which are now given them under existing law to supply even a small modicum of the labor which they require.

Mr. BEVERIDGE. Has the Senator from Georgia concluded?

Mr. BACON. I yield to the Senator from Indiana with great pleasure.

Mr. BEVERIDGE. No; I thought the Senator had concluded his speech, and I was going——

Mr. BACON. Oh, no.

Mr. BEVERIDGE. I beg pardon.

Mr. BACON. The Senator from Indiana underestimates altogether the scope of the remarks which I intend to submit to the Senate.

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

Mr. BACON. I will, with pleasure. I was about to suggest to the Senator that if he wishes to put anything else in——

Mr. TILLMAN. Not now. I am getting ready for a week or ten days or something like that. Until I get some consideration of the justice and fairness of a request for an opportunity to read an important bill before we are called upon to vote on it I shall be prepared to fight a little while longer. I was called out a moment ago——

Mr. DILLINGHAM. Mr. President——

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

Mr. TILLMAN. I will in a moment. While I was away I understood a question was asked by the Senator from Indiana as to why negroes do not work in cotton mills.

Mr. BACON. There was such a question asked, and I endeavored to answer it in this way, I will state to the Senator, in order that he may supplement the answer. I said I could not state the reason particularly, because I had no technical knowledge; that I could only state the fact that with every inducement to avail themselves of negro labor, if it could be done, those who had honestly and repeatedly made the effort to have negro labor in cotton mills had found it impracticable to utilize it, as it could not be successfully done. I shall be glad to have the Senator from South Carolina supplement that answer.

Mr. TILLMAN. I will supplement that by a statement of fact, which can be substantiated, that at least two mills in the South, one in my State and one in North Carolina, have been built and organized with a view to the utilization of negroes alone, and it was found that the habits of work and the characteristics of the colored people, their inability to maintain the continued alertness of mind necessary to care for the machinery, made it absolutely impossible to run a mill with colored people; that the racial disability prohibited their employment.

Mr. BACON. Mr. President, if I have not sufficiently answered the Senator from California in the inquiry he has made of me in what manner this bill discriminates between the Pacific coast and the interests of the Pacific coast and the interests of the South, I will be glad if he will point out in what particular I have failed to do so, and I will endeavor to add to it. I judge by the Senator's silence that he recognizes the correctness of the statement which I made, that this is a bill which, while not intended by those particularly interested to prejudice the South, is a bill which in its practical workings takes care of the interests of the Pacific coast, and that on the contrary the conferees have lugged in here and put upon it a provision which is absolutely destructive of the interests of the South.

Mr. DILLINGHAM. Mr. President——

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

Mr. BACON. I do.

Mr. DILLINGHAM. Has the Senator pointed out the clause to which he objects?

Mr. BACON. I thought I had.

Mr. DILLINGHAM. The clause which he says the conferees have "lugged" in here.

Mr. BACON. Possibly "lugged" was an improper word. If the Senator criticises that word I withdraw it.

Mr. DILLINGHAM. I have been listening very attentively to the Senator to find out what clause it was in the bill to which he objects and which he thinks discriminates against the South.

Mr. BACON. I am endeavoring to point it out. I am about to read now from the decision of the Secretary of Commerce and Labor in which he says and rules that as the law now stands it is practicable to do certain things through the agent of a State, and that that agent of the State can avail himself not only of the money of the State, but that it is perfectly lawful for him to receive from associations and private individuals money which he may use for that purpose. As to the bill reported by the conference committee, with only the opportunity to read it with my finger, I have found, as I conceive, provisions in it which are intended so to change existing law that that can not be done.

Mr. DILLINGHAM. I will be very glad if the Senator will point out that provision which he says——

Mr. BACON. Before I get through I will read the whole law, so as to be sure to point it out.

Mr. LODGE. What are those provisions?

Mr. BACON. I say I will, with great pleasure, before I get through, read the entire law.

Mr. LODGE. The Senator is unable to point them out.

Mr. BACON. I will.

Mr. LODGE. I notice that all of the Senator's answers are in the future.

Mr. BACON. I will point them out in the way I desire to do it. I will point them, if they are here. If they are not here, it is due to the unusual methods pursued by the conference committee, which forces us to a discussion before we have had a chance to read the bill over.

Mr. TILLMAN. Mr. President——

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

Mr. BACON. Certainly.

Mr. TILLMAN. If the Senator should have mistaken the meaning of some of these phrases, interlineations, amendments, and not be prepared, upon calmer and more thorough investigation, to substantiate his contention, it is due to the fact that Senators here have tried to drive this bill over us like an automobile, without any opportunity even to read it.

Mr. BACON. Certainly. Senators will pardon me for undertaking and assuming to present this matter in my own way. I will now resume the reading of this document.

At the time I was interrupted by the honorable Senator from California in his very proper inquiry——

Mr. SPOONER. Mr. President——

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

Mr. BACON. With very great pleasure.

Mr. SPOONER. I think the business of the Senate and the public interest will be well conserved by permitting this matter to go over until to-morrow. No one can doubt what the Senator from Georgia [Mr. BACON] has said, that he has had no opportunity, except in the most superficial way, to read this bill, in which he thinks are provisions which discriminate against his section. The same thing is true of other Senators. It is really, under the circumstances, not the best way to debate objectionable points in this bill, if there be any. I appeal to the Senator who has the bill in charge, if it is agreeable to the Senator from Georgia, to let this matter go over until to-morrow.

Mr. BACON. Before this matter is disposed of I desire to say one thing. So far as I have been enabled to do so, I have not, as might have been supposed, consumed time with a word that I have regarded as irrelevant.

Mr. SPOONER. No.

Mr. BACON. I did not understand the Senator from Wisconsin to make any such suggestion.

Mr. SPOONER. Oh, no.

Mr. BACON. But such might have been the conclusion reached. I have endeavored to present it legitimately. But of course I am willing to submit to the convenience and better judgment of Senators, and either to go on now or to postpone my remarks.

Mr. SPOONER. I thought it would be agreeable to the Senator——

Mr. BACON. Absolutely so.

Mr. SPOONER. And to all other Senators to have the matter go over.

Mr. BACON. But I wished to say that much before yielding the floor.

Mr. SPOONER. Certainly.

Mr. DILLINGHAM. In view of the suggestion made by the Senator from Wisconsin and the fact that my colleague [Mr. PROCTOR] is anxious to call up the agricultural appropriation bill this afternoon, I am willing to yield.

Mr. BACON. I want to say that this particular document from which I have been reading is an important one, and I shall desire to have it all printed as one, with the permission of the Senate. I will give such directions—I do not know exactly whether it will be by withholding all of my remarks or simply that part of the document that I have read—in order that it may all appear at one time. I intend some time to finish the reading of the document.

Mr. NELSON. Mr. President, I wish to state to the Senate what has heretofore been the practice in such cases. I myself had a case of this kind, and in all cases where conferees have put in new matter, clearly and indisputably so, foreign to any action that had been taken in either body, it has always been the universal rule heretofore, when the attention of the Senate has been called to the matter and the fact has been undisputed, to withdraw the report. I had such a case many years ago in reference to the Indian appropriation bill, where the conferees put in a provision for the sale of an Indian reservation in the State of Minnesota—matter that was entirely new. We debated it here. The Senator from Maine and many other Senators took part in the discussion, and the conclusion of the debate was that the conference report was withdrawn.

The same thing took place last year in reference to the Indian appropriation bill. The same thing took place, if I remember aright, in reference to the interstate-commerce bill; and while it is not a rule, it has grown to be a practice of the Senate since I have been here where there is a clear case of this kind and it is brought to the notice of the Senate the report is always withdrawn. I think that practice ought to be adhered to in this case.

Mr. LODGE. Mr. President, in the first place, the conferees do not admit that there is any matter in the conference report which is not legitimately there in connection with the subject. They were very careful not to put in anything that was not either in the House or the Senate bill or immediately connected with the subject and modifying the section. They absolutely deny that there is matter improperly in the bill.

Mr. TILLMAN. Do I understand that this matter has now passed from the consideration of the Senate and that we are going to take up other matters?

Mr. SPOONER. It has gone over until to-morrow.

Mr. TILLMAN. It has not gone over. At least there has been no announcement.

The VICE-PRESIDENT. It has not been announced. Is there objection to the report going over? The Chair hears none.

GLASGOW LAND DISTRICT, MONTANA.

Mr. CARTER. Yesterday the bill (S. 7512) to provide for an additional land district in the State of Montana, to be known as the Glasgow land district, was passed by the Senate. Yesterday afternoon the House of Representatives passed a similar bill, which is now on the Vice-President's table, and I ask that it may be laid before the Senate for action.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 20984) to provide for a land district in Valley County, in the State of Montana, to be known as the Glasgow land district; which was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That all that portion of the State of Montana included within the present boundaries of Valley County is hereby constituted a new land district, and that the land office for said district shall be located at Glasgow, in said county.

Mr. CARTER. I ask unanimous consent that the bill may be put on its passage at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

Mr. CARTER. I move that the bill (S. 7512) to provide for an additional land district in the State of Montana, to be known as the Glasgow land district, be recalled from the House of Representatives.

The motion was agreed to.

AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR. I move that the Senate proceed to the consideration of the bill (H. R. 24815) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908.

The motion was agreed to.

Several Senators addressed the Chair.

The VICE-PRESIDENT. Will the Senator from Vermont yield for a few moments to morning business?

Mr. PROCTOR. I can not yield for the consideration of any measure. I will yield for the introduction of bills or the presentation of reports, etc., but at this late hour I can yield to nothing else.

[Morning business was received, which will be found under the appropriate headings.]

SHORTAGE OF RAILWAY CARS.

Mr. HANSBROUGH. I offer a resolution which I desire to have acted upon at this time.

The VICE-PRESIDENT. The Senator from North Dakota submits a resolution, which will be read for the information of the Senate.

The Secretary read as follows:

Resolved, That the Interstate Commerce Commission be, and it is hereby, directed to send to the Senate, at the earliest practicable time——

Mr. CULBERSON. Unless the rule is to be applied fairly I shall object to the consideration of this resolution.

The VICE-PRESIDENT. Objection is made.

AGRICULTURAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 24815) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908, which had been reported from the Committee on Agriculture and Forestry with amendments.

Mr. PROCTOR. I ask that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments be first disposed of.

The VICE-PRESIDENT. Without objection, that course will be pursued.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Agriculture and Forestry was, on page 1, line 10, to increase the salary of the Secretary of Agriculture from $8,000 to $12,000.

The amendment was agreed to.

The next amendment was, on page 2, line 1, to increase the appropriation for the salary of one solicitor in the office of the Secretary from $3,000 to $3,500.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the office of the Secretary, on page 3, line 1, after the word "dollars," to strike out "one carpenter, $1,000" and insert "two carpenters and cabinetmakers, at $1,000 each, $2,000;" so as to read:

One assistant fireman, $600; two carpenters and cabinetmakers, at $1,000 each, $2,000.

The amendment was agreed to.

The next amendment was, on page 3, line 15, to increase the total appropriation for salaries, office of the Secretary, from $90,760 to $96,260.

The amendment was agreed to.

The next amendment was, on page 4, line 11, to increase the total appropriation for the maintenance of the office of the Secretary from $114,200 to $119,700.

The amendment was agreed to.

The next amendment was, on page 7, line 9, after the word "in," to insert "the District of Columbia or elsewhere in;" so as to read:

Salaries, station employees, Weather Bureau: Professors of meteorology, inspectors, district forecasters, local forecasters, section directors, research observers, observers, assistant observers, operators, repairmen, station agents, messengers, messenger boys, laborers, and other necessary employees, for duty in the District of Columbia or elsewhere in the United States, in the West Indies or on adjacent coasts, in the Hawaiian Islands, and in Bermuda.

Mr. KEAN. I should like to ask the Senator from Vermont what is the necessity of the amendment? It seems rather peculiar.

For duty in the District of Columbia or elsewhere in the United States.

Mr. PROCTOR. Because it is necessary and it is always inserted. These employees or some portion of them——

Mr. KEAN. They must all be in the United States.

Mr. PROCTOR. The Comptroller has held that those words should be inserted.

Mr. KEAN. They must all be in the United States.

The amendment was agreed to.

The next amendment was, on page 7, line 22, after the word "the," to strike out "establishment;" so as to read:

General expenses, Weather Bureau: Every expenditure requisite for and incident to the equipment and maintenance of meteorological observation stations in the United States, in the West Indies or on adjacent coasts, in the Hawaiian Islands, and in Bermuda.

The amendment was agreed to.

The next amendment was, on page 9, line 3, to increase the appropriation for the salary of one Chief of Bureau of Animal Industry from $4,500 to $5,000.

The amendment was agreed to.

The next amendment was, on page 10, line 4, to increase the total appropriation for salaries, Bureau of Animal Industry, from $84,780 to $85,280.

The amendment was agreed to.

The next amendment was, on page 13, line 15, to increase the appropriation for experiments in animal feeding and breeding in cooperation with the State agricultural experiment stations from $25,000 to $50,000.

The amendment was agreed to.

The next amendment was, on page 27, line 6, to increase the total appropriation for the maintenance of the Bureau of Animal Industry from $1,006,980 to $1,032,480.

The amendment was agreed to.

The next amendment was, under "Bureau of Plant Industry," on page 27, line 10, to increase the appropriation for the salary of one Plant Physiologist and Pathologist, who shall be chief of bureau, from $4,500 to $5,000.

The amendment was agreed to.

The next amendment was, on page 27, line 11, to increase the appropriation for the salary of one chief clerk, Bureau of Plant Industry, from $2,000 to $2,250.

The amendment was agreed to.

The next amendment was, on page 29, line 21, to increase the total appropriation for salaries, Bureau of Plant Industry, from $188,700 to $189,450.

The amendment was agreed to.

The next amendment was, on page 33, line 4, after the word "establish," to insert "and maintain;" in line 7, after the word "grain," to insert "including rent and the employment of labor in the city of Washington and elsewhere;" in line 9, before the word "thousand," to strike out "fifteen" and insert "forty," and in line 13, after the word "grades," to insert "and for the issuance of certificates of inspection when requested by the consignor or consignee;" so as to make the clause read:

Grain investigations: To enable the Secretary of Agriculture to establish and maintain, at such points as he may deem expedient, laboratories for the purpose of examining and reporting upon the nature, quality, and condition of any sample, parcel, or consignment of seed or grain, including rent and the employment of labor in the city of Washington and elsewhere, $40,000, or so much thereof as may be necessary; and the Secretary of Agriculture is authorized to report upon such samples, parcels, or consignments from time to time, and

the reports so made shall serve as a basis for the fixing of definite grades and for the issuance of certificates of inspection when requested by the consignor or consignee of any grain entering into interstate or foreign commerce.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the purchase and distribution of valuable seeds, on page 34, line 12, after the word "of," to strike out "field;" in the same line, after the word "vegetable," to strike out the comma; and in line 23, after the word "determined," to strike out the comma and the words "to the Postmaster-General;" so as to read:

And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at a public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated, and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States. An equal proportion of five-sixths of all seeds, bulbs, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or mailed by the Department upon the receipt of their addressed franks, in packages of such weight as the Secretary of Agriculture and the Postmaster-General may jointly determine; and the person receiving such seeds shall be requested to inform the Department of the results of the experiments therewith.

The amendment was agreed to.

The next amendment was, on page 36, line 17, to increase the total appropriation for the maintenance of the Bureau of Plant Industry from $1,026,480 to $1,052,230.

The amendment was agreed to.

The next amendment was, under the head of "Forest Service," on page 36, line 21, to increase the salary of one forester, who shall be Chief of Bureau, from $3,500 to $5,000.

Mr. HALE. I wish the Senator in charge of the bill would tell us why this salary has been raised from $3,500 to $5,000.

Mr. PROCTOR. The salaries of the Chief of the Bureau of Animal Industry and the Chief of the Bureau of Plant Industry have stood for some years at $4,500. The salary of the Chief of the Forest Service has stood at $3,500, and that of the Chief of the Bureau of Chemistry has stood at the same amount. Those gentlemen never speak to anyone; I never was approached, directly or indirectly, in regard to any increase of the salary; but the duties have been very largely increased by recent legislation, and they must be men highly educated in their scientific pursuits as well as administrative men.

In another body as the bill was reported it gave $5,000 to the chiefs of the two bureaus, Animal Industry and Plant Industry, and to the chiefs of the Bureaus of Forestry and Chemistry $4,500. As the labors and requirements are substantially equal, your committee thought it best to put them all where they would stay, and we hoped that that would make the salaries of the chiefs of five bureaus, the Weather Bureau, Animal Industry, Plant Industry, Forestry, and Chemistry, $5,000. We think it is just and right in view of everything, their increase of duty, the increased cost, etc. These are men who must be kept permanently. I know they are refusing offers of higher salary. I think it is for the public interest to put the salaries at that rate, and I hope they will remain there for a long time. We raise the salary only $1,000 above what was reported to the other House.

Mr. HALE. Of course I realize that the Department of Agriculture is of much more importance than any other Department. The salaries of the Department are on a basis entirely different from those of any other Department. Some of the old, conservative, and fogy departments of the Government get on with much smaller salaries. In the old-fashioned way the salaries were considered first of the Secretary, then of the assistant secretaries, and then of the chiefs of bureaus, who have in every other Department been considered as inferior.

I should like to ask the Senator from Vermont what the salaries are in the Department of Agriculture for chiefs of bureaus, compared with assistant secretaries in the old established Departments—for instance, the State Department and the Treasury Department? Of course I realize that they are not so important as the Department of Agriculture, and that perhaps a clerk in the Department of Agriculture ought to be paid a higher salary than an assistant secretary in one of those Departments. What is the amount of salary paid in this bill for chiefs of bureaus compared with the salaries of assistant secretaries in the old Departments of the Government?

Mr. PROCTOR. I think most assistant secretaries get $4,500. The Assistant Secretary of the Department of Agriculture gets $4,500, and we saw no occasion to raise his salary.

Mr. HALE. I am not comparing the salary of the Assistant Secretary of that Department, but the salary of these chiefs of bureaus with the salary of the assistant secretaries in the old Department. Which is the largest?

Mr. PROCTOR. I was coming to that. The salary is generally $4,500, but the assistant secretary serves usually for a very limited time. The honor compensates him largely. I think as a rule their service will average much less than four years. They are merely administrative officers. The Senator's experience will bear me out in that statement. I have had some personal acquaintance with them. They are good men, but they do not expect to really get their living while here. On the other hand, these men have been educated at much expense of time and money for their special duties, and they must in the interest of the Government render long service, and it is for the interest of the Government that we should pay them so that we can keep them. We have had a good deal of difficulty in keeping them. Many good men have left the Department of Agriculture for that very reason, because they were offered by colleges and corporations higher salaries.

Mr. HALE. My recollection is that a great many assistant secretaries of the old Departments have rather incontinently abandoned their positions and gone to New York, because they can get higher pay in banks and great financial institutions. I have always supposed that they were educated men, and men worth competent salaries. My only point is that here is a pure instance of favoritism for a single Department and that lower grades of officers in this bill are not content with what they are getting now and are being put up on a scale that is beyond any other Department of the Government.

Mr. NELSON. Will the Senator allow me to interrupt him a minute?

Mr. HALE. Certainly.

Mr. NELSON. I am glad that the Senator has called attention to this matter. The Assistant Secretary of Agriculture is a scientist and an expert of a high order.

Mr. HALE. But, Mr. President——

Mr. NELSON. And he has been discriminated against here. The salaries of four chiefs of bureaus are raised to $5,000, and his salary is left at $4,500.

Mr. HALE. I think the Senator must be mistaken.

Mr. NELSON. Oh, no; it is a fact.

Mr. HALE. It can not be possible that the Assistant Secretary of this Department, who is only a creature of the day and may go out to-morrow, has been discriminated against, and that inferior officers are put above him in pay. Does the Senator say that that is right?

Mr. NELSON. It is proposed that four bureau officers shall get $5,000 and he gets only $4,500.

Mr. HALE. I think that must be a mistake.

Mr. BEVERIDGE. That is explained by the Senator from Vermont—that $500 represents the honor. There is $500 worth of honor and $4,000 worth of service.

Mr. HALE. It seems, because the Assistant Secretary is a creature of a day——

Mr. BEVERIDGE. Or of honor.

Mr. HALE. That he ought not to have as high a salary as his inferiors. I am not going to make trouble for my friend from Vermont, who is managing the bill, but it appears to me that the perspective of the bill is entirely lost sight of. We might cut down the salary of the Secretary, because he is the creature of a day. He is likely some morning to be notified by the President that his services are no longer wanted, and therefore we should put him down below these chiefs of bureaus.

I certainly can not understand on what scale of salaries inferior officers in a Department are by this bill put higher than superior officers, and I am not willing to consent under these conditions to the raising of this salary from $3,500 to $5,000. I will take the vote of the Senate upon it.

Mr. PROCTOR. It is because of their scientific attainments. Assistant secretaries can be pretty readily obtained. A man who has spent his life in fitting himself for his position is not so readily obtained. The assistant secretary in this case is deserving of a higher salary, and I would have been very glad to have made it $5,000, but he has been there for only a short time, and the assistant secretaries of most other Departments get only $4,500. That is so in the War Department and the Navy Department. I have been personally acquainted with some of the men who come into that position for a short time in the Treasury Department and other Departments. They do not come intending or wishing to make their living by it. It is not important to the Government that they should.

Mr. NELSON. Mr. President——

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

Mr. PROCTOR. I yield to the Senator.

Mr. NELSON. I want to say to the Senator that the Assistant Secretary of Agriculture is no politician. He is a scientist and an expert. He was connected with the agricultural colleges of North Dakota, and for a great many years connected with the experimental station in the State of Minnesota. I have known him for a great many years. He is a scientist and an expert of a high order. He did not seek the office. The Secretary of Agriculture was acquainted with him and asked the President to appoint him. I happen to know that, because I was asked if I had any objection, and I said, "Certainly not; he is a first-class man."

Now, to discriminate against a man of that kind and to call him just an officer of the day is not exactly fair. When a man will leave his position in the State of Minnesota to perform this high work, to place him in the matter of salary as a subordinate to these bureau officers does not look to me to be just and proper.

Mr. BEVERIDGE. Mr. President, it seems to me that, upon the statement of the Senator from Minnesota [Mr. NELSON], for whose opinion on everything I have uncommon respect, there is no reason why the salary of the Assistant Secretary of Agriculture should not be raised.

Mr. HALE. Mr. President, I do not know to whom it applies. I do not know who is the chief of this inferior department or bureau of the Agricultural Department.

Mr. PROCTOR. Mr. Pinchot.

Mr. HALE. I think, under the conditions that have been disclosed here, the Senator from Vermont will not insist on raising this salary for this comparatively unimportant place in the Department above not only the salaries of much higher officers in the other Departments, but in this Department. I think an expression of the Senate ought to be had upon the question whether this salary shall be raised from $3,500 to $5,000.

Mr. PROCTOR. Then make it the same as the Assistant Secretary, $4,500.

Mr. HALE. The Senator says make it the same as the Assistant Secretary. What does the Senator from Minnesota say about that? Ought this chief of bureau to have as high a salary as the Assistant Secretary?

Mr. NELSON. It seems to me not. If this increase of salary of the bureau officers remains at $5,000 apiece, I shall certainly ask the Senate to make the salary of the Assistant Secretary $5,000 at least.

Mr. HALE. I think the Assistant Secretary ought to receive at least——

Mr. NELSON. He ought to be put on a par with them.

Mr. HALE. He ought to have $6,000 or $7,000.

Mr. NELSON. He ought to have $6,000, I am sure.

Mr. PROCTOR. These men are specialists. The Director of the Geological Survey gets $6,000. That is a bureau under the Department of the Interior.

Mr. HALE. I remember that that, in a sense, was forced upon the Director of the Geological Survey without any act upon his part. Congress insisted that he should have an increased salary. It was not, perhaps, as much as some of his friends wanted, but Congress insisted that he should be paid beyond the chief of any other bureau. I think it was understood that that was an exceptional case, and I did not suppose that because of that the Senate was to be asked to increase the salaries of these chiefs of bureaus beyond those of the higher officers in all the Departments. I do not think that ought to be instanced, because that is a case where the salary was forced upon the Director of the Geological Survey against his will.

Mr. PROCTOR. The salaries as reported in another body for these two chiefs were $4,500, and for the sake of putting the matter into conference I am ready to place it at $4,500.

Mr. BEVERIDGE. I hope the Senator with reference to this salary, now that our pleasantry is over, will not think of decreasing the salary the committee has fixed for this chief of bureau in this particular case. Five thousand dollars does not anywhere pay for the work that this man really does.

If a change is to be made let it be done by raising the salary of the Assistant Secretary rather than to see the great injustice done of cutting down the salary of this most faithful and most deserving public servant I ever knew, without any exception whatever. As the Senator from Vermont has explained, in this particular case there is not any question about the fact that the man by his acquirements and abilities and special aptness for the work and the actual service rendered is not compensated by the salary paid. If a change is to be made I shall hope it may be made in the other way, now that the pleasantry is over, rather than to have a reduction made in this salary.

Mr. HALE. Mr. President, the Senator from Indiana by mere association with this chief of bureau may believe we could not pay him too much money. That may be so, Mr. President, but I am not looking at the person; I do not know who it is; but I am trying to have some kind of scale established that will not be exceptional for persons, for individuals; and I think the Senator from Vermont should be content by keeping this salary at what it is now—$3,500. Is there danger of the present incumbent of this Bureau escaping from the Government service and entering private employment at a larger salary?

Mr. PROCTOR. Yes. Mr. Pinchot, as is very well known and understood, remains in his present place because he has a pride in his work. He is fortunately able to live without his salary; but it is a matter of justice that he should have this increase. I do not know of any man who has devoted himself more unselfishly to the public service than has Mr. Pinchot. I never heard of a whisper from him, either directly or indirectly, on the question of salary. I do not know that he knows that it has been proposed to increase his salary in the bill; but it is a matter of simple justice and fairness.

Mr. PATTERSON. Mr. President——

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

Mr. PROCTOR. I do.

Mr. PATTERSON. Mr. President, Mr. Pinchot has been in Colorado a great deal, and we have read a great deal in the newspapers about him. I recall about three or four weeks ago reading a partial history of Mr. Pinchot, which represented him to be an exceedingly rich man who had entered the public service for an occupation, to be useful; that he took especial pride and interest in the matter of forestry, and that he was devoting his time to the forest industry as a sort of beneficence or gratuity to the people. The article was a very eulogistic one and appeared to be semiauthentic, as though it had been written from an interview with Mr. Pinchot or from a very direct knowledge of his life and purposes. I can well understand that any movement to raise his salary is not at his solicitation or his desire. Under those circumstances it seems to me that the suggestion of the Senator from Maine [Mr. HALE] should be agreed to, and that an exception ought not to be made in favor of the head of this Bureau for personal reasons or by reason of his peculiar knowledge and acquirements which fit him for the position.

I doubt, Mr. President, if Mr. Pinchot would really appreciate an increase of salary, because I think it would take from the services he has rendered that element in which he apparently seems to take pride—that of a man of great wealth, moved and influenced by patriotic, country-loving motives, giving service to the Government in the advancement of the great cause of forestry, a man peculiarly skilled and well adapted to his particular occupation. It seems to me it would detract very decidedly from the peculiar attitude Mr. Pinchot has been able to secure in the public mind in connection with this great work. That is a very good suggestion in view of those facts, and I presume they are facts, because they were stated in a newspaper that always tells the truth.

Mr. KEAN. What newspaper is that?

Mr. PATTERSON. One with which I am connected. [Laughter.] I think really Mr. Pinchot ought to be let alone—that is my view—and let him go on with the work he is doing and receive his reward in the sense of work well done.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Massachusetts?

Mr. PROCTOR. Certainly.

Mr. LODGE. Mr. President, I observe that the salary of the Forester is raised and the salary of the Chemist is raised—that is Doctor Wiley, I suppose?

Mr. PROCTOR. Yes. These salaries were reported, I will say to the Senator from Massachusetts, in another body at $4,500.

Mr. LODGE. Then, I find on page 47 of the bill the following provision:

> One Soil Physicist, who shall be chief of bureau, $3,500.

His salary is not raised.

Mr. HALE. Why not?

Mr. LODGE. Why should not the salary of the Soil Physicist be raised?

Mr. PROCTOR. That is a much less important position.

Mr. LODGE. He is paid at the same rate as the others were before.

Mr. PROCTOR. Yes; but the others have not been paid enough. Their duties and responsibilities have been very largely increased by recent legislation.

Mr. BEVERIDGE. Mr. President, I very sincerely hope that neither the Senator from Maine nor any other Senator will insist upon a change of the salaries fixed by the committee for

the two chiefs of those bureaus. With reference to the work of one of them I know particularly, because I myself have witnessed it in various parts of this country; and that is the work of the Chief Forester. I am quite sure the Senator from Colorado [Mr. PATTERSON], who is a just man and who, above all things, does not want to do any one man, not a technical injustice, but an injustice in spirit, is not in earnest in what he said a moment ago.

Concerning Mr. Pinchot—although I know nothing about his reputed wealth—I take it for granted that all of us understand that his reputed wealth makes not the slightest difference. The truth about it is that either in this Hall or in any other place in the public service, in the legislative or in the executive departments, I do not know a man who so long and so faithfully and so hard and so thoroughly has equipped himself for a great service to the whole country, and who, almost alone, by his work and by his talents, has created a very great beneficence for the entire Republic as this man; nor do I know here or in any Department, or in any line of work, private or public, I have seen in all my life, a man who gives his remarkable talents, his high and severely acquired accomplishments, so completely to any work as this man gives his whole life to the public service. When the Committee on Agriculture of its own motion, without any request from this man—because I judge he does not even know of it, as the chairman of the committee says he does not—has seen fit, as a matter of plain justice, the justice of proportion, to add this, I think that its wisdom and its justice ought not to be questioned.

I myself participated in the pleasantry that went on concerning the raising of a salary of a chief of a bureau above that of the Assistant Secretary of the Department—those are the humorous incidents that come up—but I do not see why the salary of the Assistant Secretary of Agriculture should not be raised to $5,000 a year; and because it is not, is no reason in the world why a man who earns that much and many times more, too, should not be paid at least this much.

The truth is that our salaries, as was pointed out by the Senator from North Dakota [Mr. MCCUMBER], all through our services are most disproportionate in view of the services rendered. Some men receive a small amount for doing very important and continuous service, and others receive a great deal too much. This is a case where the man does not receive enough—not by a great deal—and when a committee of this body, of its own motion, and solely because of the committee's knowledge of the work done, adds a small amount to a salary like this, I hope it will appeal to all Senators that the committee has done the right thing—the just thing. It is to these circumstances that I call the attention of the Senator from Maine and to the fact that the recommendation for this increase has not been secured by solicitation nor by importunity, for the chairman of the committee has informed us that it was done upon the motion of the committee itself, probably without the knowledge of the man, but solely by reason of the fact of the committee's knowledge of his very great services and his special aptitude and fitness and attainments for the work in hand.

Mr. HALE. Mr. President——

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

Mr. PROCTOR. Certainly.

Mr. HALE. I do not object to the impassioned appeal of the Senator from Indiana for his friend.

Mr. BEVERIDGE. I hope the Senator will pardon me for an interruption there——

Mr. HALE. Yes.

Mr. BEVERIDGE (continuing). To say this, first—and I think the Senate will bear me out in saying it—what I have said has been very calmly said, and the adjective "impassioned" does not apply to me in any way; and, second, that he will do me the justice to say that even if this were a question of personal friendship, I should be the last man here, or in any other place, to ask that public moneys should be paid on the ground of personal friendship.

I was entirely serious in what I said, and I had hoped I was quite moderate and even serene in my manner in stating that this addition to the salary, given on their own motion by the committee of this body, without importunity, which had been given, as the chairman has said, purely as a matter of justice—I hope the Senator will not raise any question of personal acquaintance or friendship of mine. He knows I am incapable of that.

Mr. HALE. Well, I will substitute the word "earnest" for "impassioned."

Mr. BEVERIDGE. I am earnest always.

Mr. HALE. I do not blame the Senator. In the discussions that come up here, Mr. President, there ought to be nothing personal.

Mr. BEVERIDGE. There is not in this discussion.

Mr. HALE. We are trying—and that is what I am trying to do—to put all these salaries on a proper basis compared with the importance of the places the officials fill. But when I am told that in any one bureau the duties are so vast, the range of subjects is so magnificent, and the duration of the term of office is so nearly eternal [laughter] we ought to give an additional salary, that does not appeal to me. My impression is, with some experience about salaries and dealing with appropriation bills, that we ought to keep all these places in their proper relation to the head of the Department; and nobody can persuade me that in a given case we ought to take the chief of a bureau and give him a larger salary than the chiefs of all the great bureaus in the other Departments receive, and a larger salary than his superior officers in his own Department receive.

The claim that is made by the Senator from Vermont that there is something special, something in education, something almost sacred that applies to this Bureau and to the person who is occupying it does not have any force with me. I am trying to have all these salaries put upon the proper basis. But for one I object, and shall ask the vote of the Senate upon it, to any increase of the salary of a bureau officer in this bill that puts him above not only the corresponding bureau officers in other Departments, but beyond his superior officers in his own Department. I suppose that is a very tame and uninteresting view of the subject, but it is my view of the subject, and that is what I am trying to call to the attention of the Senate.

Mr. PROCTOR. The Senator from Maine is familiar with the chiefs of bureaus of the Navy and War Departments, and he knows very well that they all receive higher pay than the Assistant Secretaries of those Departments. They are, to be sure, offices fixed by statute.

Mr. HALE. I was going to call the Senator's attention to the fact that in these Departments mere civilian officers do not receive higher pay than the Assistant Secretaries. If an officer of the Army or the Navy is detailed for service he gets the salary that his military rank entitles him to. But I did not know, Mr. President—and if I did I should be impatient of the fact—that in many of the great Departments of the Government we have put the salaries of bureau officers above the salaries of the Assistant Secretaries.

In the old days, Mr. President, the Assistant Secretaries in all the Departments were selected with the greatest care. In my day in Congress the Assistant Secretaries of the Treasury Department were not only competent men, but they were great men; they were not clerks; they were not stenographers; they were not men who were introduced into the Departments because of any special favoritism; but they were men who, when the emergency arose, were amply competent to succeed to the place of the head of the Department. I should be very glad to maintain that condition as it used to be; and the one way of maintaining it is to give to these great officers, who stand next to the head of the Department and may be called upon to assume the duties of the head of the Department, corresponding salaries. It is a slight upon these officers to select a chief of bureau below them, who only has to deal with an inferior sphere in the Department, and put him above the Assistant Secretary. I agree with the Senator from Minnesota in that regard. The Senate ought not to agree to any such proposition.

Mr. BEVERIDGE. It has not been shown that the assertion of the Senator from Vermont, the chairman of the committee, that the increase in the salaries of the two chiefs of bureau in question, was proposed as a matter of justice, is not true. The statement of the Senator from Maine, I think, is rather inconsistent. He objects that the salaries of bureau chiefs should be higher than the salary of an Assistant Secretary; but surely the Senator from Maine would not do the other men—two of them, I believe—an injustice by not raising the salary of the Assistant Secretary $500.

Mr. HALE. I do not believe their salaries ought to be as high as the salaries of the Assistant Secretaries. I think they ought to be kept lower.

Mr. BEVERIDGE. But I have said——

Mr. HALE. I think the rule ought to be that they should not be paid the same. By this amendment they are increased beyond what the Assistant Secretaries receive. I am not willing that they shall be put up even with the Assistant Secretaries. They ought to be kept in their proper place as chiefs of bureaus. They have subordinate work and smaller jurisdiction, and the Senate ought not to agree, because somebody wants one or two chiefs of bureaus put up to a high rate, that that shall

be done and thereby disturb the harmony which I am trying to establish in the offices of the different Departments of the Government.

Mr. BEVERIDGE. In answer to that, I will say, with all due deference to the Senator—and no person in the world has more than I—the harmony the Senator suggests is, after all, but the shadow of harmony. I do not believe that there should be a lower salary because a man is called by some particular name. The better rule of harmony is the rule of simple, sheer justice; of the just proportion of pay for a corresponding proportion of work.

Of course the Senator had no special reason for making the objection at this particular point. Of course the Senator from Maine did not strike at the Chief Forester directly. He is incapable of that. He would have attacked anybody else as readily. The Senator from Vermont says, and he knows, and I know, and the Senator from Maine knows, that subordinate heads of the Navy Department are paid more than those above them.

Mr. HALE. They are naval officers.

Mr. BEVERIDGE. If it be so in the Navy Department, I see no reason why it should not be true for the Agricultural Department. It is because they do more work, and not for any other reason. It is not because one man wears a civilian's coat and another man wears epaulets. In this particular instance the chairman of the committee has said to the Senate that it was done not only because these men did more work, but because the work was of a special nature, requiring expert knowledge. I call the Senator's attention to the fact that we have already passed, without objection upon the part of the Senator from Maine or any other Senator, two other items at least raising the salaries of chiefs of bureaus from $4,500 to $5,000, and nobody objected at all. Not until this point was reached was there any objection; but of course the Senator from Maine did not mean to concentrate his vigilance upon the Chief Forester. I can not believe that—I do not, notwithstanding the point has not been made until now, although we have agreed already to favor similar increases less deserved.

Mr. HALE. In this bill?

Mr. BEVERIDGE. Yes.

Mr. HALE. I have been at work on the naval appropriation bill and have just come into the Senate, but I will say that before we get through I shall ask to go back——

Mr. BEVERIDGE. I was sure the Senator did not make any special point on the amendment under discussion.

Mr. HALE. In the little time that we have I do not want to be obliged to explain a thing twice to the Senator from Indiana. I have said that the heads of bureaus in the Navy Department do not receive superior pay, because they are not in civil life, but they are detailed for service because they are officers of the Navy, not because they have superior duties; but when they are detailed for that service their pay is larger——

Mr. BEVERIDGE. Because their work is larger.

Mr. HALE. But that is the military feature. I do not understand that the military feature applies to the Department of Agriculure. It is very embracing in its terms and has great privileges, but it is not yet a military department of the Government, and the rules that apply in the Army and Navy and in the War Department and Navy Department do not apply to it. I suppose in time they will; but I object to it, Mr. President. When the Senator says that we have already raised the salaries of two chiefs of bureaus, that is not final.

Mr. BEVERIDGE. I said the Senator had not called attention to them, and I was sure he did not mean to make a special point on this amendment.

Mr. HALE. I am very glad the Senator has called my attention to those items; and when the bill reaches the Senate I shall venture to go back and object to those salaries being raised.

Mr. BEVERIDGE. Notwithstanding the paucity of time that remains—and I know how very valuable that is; we spent almost half the session with a great deal of discussion about one matter, but I have not taken very much time until the other day, and then I took considerable—I must be permitted to say to the Senator that, after all, the "military feature" is nothing mysterious, I suppose. I presume that, after all, the reason for giving certain officers more salary than is given to others is not based on any mystery, but upon their service and the nature of their service. So that to use the words "military feature" to justify higher pay to some naval officer than to a civilian officer in the Navy Department superior to what that naval officer receives is no answer. The reason undoubtedly must be—else it is a foolish thing and it is not explained by the mere term "military" or "naval feature"—that the person who gets higher pay does greater or more important service. That, undoubtedly, is the reason for differences in the Army between the pay of officers and the pay of soldiers. So here the reason assigned by the chairman of the committee for this increase of salary, upon the committee's own motion, without solicitation, is precisely the same reason that undoubtedly exists in the Navy and in the Army—that is, more pay as a matter of justice for more service and service of a special kind.

That is the question that we are confronted with, and not a bureaucratic rule that, because a man has a higher title, he shall have more money, but the rule of simple justice of proportionate pay for proportionate service.

A great deal has been said—and I think it would not have been said if it had been thought over—about the personal business and financial condition of some of these officials. That has nothing whatever to do with it. A man who is not worth a cent, so far as his personal fortune goes, deserves no more from the Government for work performed than a man worth millions of dollars for the same work performed. The Government is no eleemosynary institution. It is no beggar, either. It is not soliciting or accepting service from any man who is rich merely because he is rich and can afford it; neither is it giving salary to some person who is poor because he needs it—but in both instances for work actually performed, because they have justly earned it.

I hope the Senator from Vermont will insist on the amendment.

Mr. HALE. I for one am entirely willing to leave this matter to a vote of the Senate. I do not want to consume any more time.

Mr. HEYBURN. Mr. President——

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

Mr. PROCTOR. Certainly.

Mr. HEYBURN. Mr. President, I think it is proper and important at this time to interject into the RECORD some facts contained in a report of the Secretary of Agriculture as to the condition of this fund. We can not properly consider this provision of the bill without taking that into consideration.

I will say, in passing, that I have frequently been met with the argument, in defense of the high character of the acts performed by this officer of the Government, that his salary is no consideration; that he is contributing his services, his valuable services, to the country. That has been frequently stated in public addresses and in newspaper articles in response to criticisms that have been made of the policy of the Department. That has always seemed to me quite immaterial, and I am of the same mind as is the Senator from Maine [Mr. HALE] in regard to the wisdom or advisability of increasing this salary. There is nothing personal to me about it, but I should like to call the attention of the Senate to this condition of facts.

Under the direction of this officer, and under his control now, there is a special fund, and according to this report of the Secretary of Agriculture on the 12th day of April, 1906, there was a balance to the credit of the special fund amounting to $273,363. That is an irresponsible fund in the hands of, and subject to the disposition of, these officers. Why should not that money be covered into the Treasury for the purpose of paying the expenses of the administration of this Department? It is now, I think I am safe in saying, much more than that. That was a year ago. In connection with that report the Secretary says:

> The amount to be collected during the remaining three months of the present fiscal year is estimated at $262,000.

In three months. That covers the collection for the grazing period.

Mr. FLINT. Mr. President——

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

Mr. HEYBURN. Certainly.

Mr. FLINT. I should like to ask the Senator whether or not the report shows what this money is to be used for, and whether he does not desire more money properly to carry on the forestry-reserve work?

Mr. HEYBURN. I was coming to that. According to this statement during the current year in which this sum of money was collected the total expenses of the Department in the field were $43,323. So there was enough on hand in this special fund to conduct the expenses of this Department in the field for six years. It is a rapidly increasing fund. It is safe to say that now, upon the present basis of administration, there is in this special fund more than enough to make it unnecessary to appropriate a single dollar for the purpose of maintaining this work.

I call attention to a provision of this bill on page 42, in which the bill as it came to the committee of the Senate carried an appropriation of $500,000, "to be expended as the Sec-

retary of Agriculture may direct for proper and economical administration, protection, and development of the national forests." It came to the Senate committee appropriating $500,000, and the Senate committee has reported in favor of a million dollars—a million dollars in addition to this rapidly accumulating fund, which, while it is nominally in the Treasury of the Unted States, is there as a special fund. According to the report of the Secretary of Agriculture the fund is disbursed "for expenses or refunds * * * out of the special fund in accordance with the law and regulations of the Treasury Department and of the Department of Agriculture."

So you see it is an irresponsible fund. There is an officer, termed a fiscal agent, who seems to receive and disburse this fund, and he does it, not pursuant to an act of Congress, as the Constitution of the United States provides that public moneys shall be disbursed, but he does it upon an order from these heads of bureaus, nominally an order from the Secretary of Agriculture, but really, I should say, from the heads of bureaus. This immense fund, already perhaps more than half a million dollars—certainly it was more than a quarter of a million dollars a year ago—to be augmented by a million dollars reported in this bill, and with this immense fund to conduct the Forestry Bureau, they come here and ask us to appropriate for this purpose something in the neighborhood of $2,000,000.

It seems to me, when we are considering the question of the salaries of these officers, we must necessarily take some heed of the duties they perform; and in connection with that, of the necessity for this appropriation; and in connection with that again, the propriety of taking it out of the Treasury of the United States as against paying it out of this special fund which is in their hands and under their control. This is a very badly organized branch of the Government. It is tying up a large sum of public money, to be used, not under the direction of Congress, not pursuant to an act of Congress, but at the will and pleasure of and pursuant to an organization over which Congress has no supervision or control. Is that the way the Government should be conducted? Is there any other branch of the Government conducted along those lines?

It is proposed now that we shall place the Interior Department upon this same basis, and give it a large irresponsible fund for disbursement under practically the same or like conditions. But we might just as well, in dealing with this question, now face the proposition whether we are going to allow it to be the medium of accumulating a million or two million dollars, which is withdrawn from public use under our direction and is used at the will and the pleasure of the Forestry Service.

It seems to me that the officer at the head of this Bureau, whether he may be capable of earning more money in some other occupation or capacity, is receiving quite a sufficient compensation for the character of the service that he is rendering to the country at large; and we may well pause to consider whether the country is benefiting to any extent by the service which he is rendering.

Mr. PROCTOR. Mr. President, the salaries of all of the chiefs of bureaus in the Department of the Interior are $5,000, with the exception of that of Director of the Geological Survey, who has $6,000. The salaries of the chiefs of bureaus in the Department of Commerce and Labor—Corporations, Labor, Standards, Coast Survey, Fisheries, Immigration—are all $5,000. The Census is larger.

The committee in this matter were actuated merely by what they believed to be right and due to the officers and the public service. It was not to be supposed that an amendment affecting this officer whose salary is now under consideration, taking up new duties, affecting western interests, would be adopted without friction. But he is one of the very highest types of the faithful, hard-working Government officers, and this proposed increase of salary is no more than an act of simple justice.

I am ready, as the Senator from Maine has expressed himself, to have a vote upon the amendment.

Mr. HALE. It is very late. Let us have a vote on the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Agriculture and Forestry.

Mr. HALE. Let the amendment be stated.

The SECRETARY. On page 36, line 21, under the Forestry Service, after the word "Bureau," it is proposed to strike out "three thousand five hundred" and insert "five thousand;" so as to read "$5,000."

Mr. HANSBROUGH. Mr. President, I am in entire sympathy with the Senator from Maine [Mr. HALE] when he stated that the Assistant Secretaries of these Departments should receive greater salaries than the chiefs of bureaus or the chiefs of divisions, whatever they are called. I believe that the Assistant Secretary of the Agricultural Department, Professor Hays, should receive at least $5,000, and if the chiefs of bureau are to receive $5,000, I think his salary should be made $6,000. I was not fortunate enough to be present at the meeting of the committee when final action was taken upon the question of his salary. That is the view I hold on the subject.

Mr. President, I was very much interested in the facetious remarks of the Senator from Maine with respect to the Agricultural Department, and notwithstanding the very complimentary things which the Senator said about that Department, I very much fear that the Senator from Maine underestimates the importance of the institutions of agriculture in this country. The American farmer is the basis of the prosperity of the whole country, in time of peace or in time of war, and especially in time of war; always in time of peace, because in time of peace we are preparing for war. And as the Senator from Maine talked about this great Department of Agriculture I could not help but recall the efforts of that Senator here year after year to build up the Navy of this country so that we might be ready for war.

The Senator from Maine, as chairman of the great Committee on Naval Affairs, comes in here from year to year with increased appropriations in the naval bill, asking for more battle ships; and the Senator from Maine is getting ready for war constantly. He ought to be in sympathy with the institution of agriculture, because if it were not for the institution of agriculture the Senator from Maine could not go to war. I read in the paper only a few days ago that it was proposed to construct another great battle ship, something superior in strength and importance to the *Dreadnought*, I think.

Mr. PERKINS. Two ships.

Mr. HANSBROUGH. Perhaps it was two; and I at once thought of the big task the Senator from Maine had on his hands, because I have been much interested in the efforts of the Senator to get ready for future conflicts as he brings in these great appropriation bills from year to year. So I simply desire to call attention to the fact that we ought to have the sympathy of the Senator from Maine in our efforts to do everything possible for the institution of agriculture.

Mr. HALE. Mr. President, the Senator from North Dakota [Mr. HANSBROUGH] is entirely behind the times. The criticism to which I have been subjected of late is not that I seek a swollen Navy, but that I am trying to keep it down. I have never committed myself to the programme of building now two enormous ships costing more money than any ever built before, larger than any nation has built; but I want to proceed slowly; and if I were sensitive to comment, I should be troubled, not by the criticism of the newspapers that I am seeking to unduly swell the Navy, but that I am keeping it down and am for reasonable appropriations. So I say in that regard the Senator has not kept up with the march of the times. I should be very glad to see some of the great appropriations that Congress grants for the military branches of the Government, the Army and the Navy, diverted to the Department of Agriculture.

I agree fully with the Senator, and one fault, one lamentable condition, to-day in Congress and elsewhere is that we are paying altogether too much attention to the military features and departments of the Government and are paying too little attention to the real needs of the people as represented in the non-military departments. I do not want to limit the appropriations in a proper way of the Department of Agriculture in any respect. I agree with the Senator entirely; and I think the money we put into needless and not called for great battle ships would be better employed if devoted to promoting the interests of peace and the people at home and the development of home industries, without being affrighted by this blight on public sentiment that tells us we have to keep on increasing military appropriations. I am entirely in favor of that policy which does more for the pacific departments and for the people of the country and all their interests rather than the military.

So I am not sensitive to the criticism of the Senator who, as I say, is behind the times upon that point. I want the Agricultural Department to be promoted, and everything that tends to add to the interests and to the development of agriculture should be appropriated for by the Government rather than to war expenses. My interest in this matter is not in any way hostile to the Department of Agriculture or the interests of agriculture or the interests of the people. I only want a proper relation of the offices of this Department of the Government; and with this explanation I am entirely willing to take the sense of the Senate on the question of increasing the salary of this bureau officer.

Mr. FULTON. Mr. President, I shall not attempt to take up the time of the Senate to any great extent in discussing this

question. I should have been fully content to let the amendment pass without saying a word about it were it not for the fact that the increase of this salary is based largely by the advocates of it upon the excellent service that the Forestry Bureau has rendered the Government and on the splendid organization which has been brought about in that Department. If the increase of the salary is to be the evidence of our appreciation of the excellent work they have performed and of the splendid organization they have built up, I should prefer to express my judgment in that matter by decreasing the salary.

I think it is the worst organized Department of the Government. I think the manner in which it is conducted is less creditable to those who have charge of it than any other Department. I am not going to take time to explain my views to the Senate, but I simply make this statement as an explanation of my vote. I shall vote against the proposed increase.

Mr. FLINT. Mr. President, I do not want a vote taken on the pending amendment with the understanding that all in the West subscribe to the doctrine that the Forest Reserve Service is not properly managed, and that the West is not in favor of the present management and control of forest reserves.

As far as the State of California is concerned, we believe in forest reserves. We believe in the Forestry Service as managed by Mr. Pinchot. We believe we have had a splendid business administration, and when it comes to increasing the salaries of the heads of bureaus in the Department of Agriculture there is no one more deserving of an increase from the standpoint of efficiency than Mr. Pinchot.

As far as concerns the table of money, as set forth by the Senator from Idaho [Mr. HEYBURN], I believe that a careful investigation of the disposition of money under Mr. Pinchot's management will show that we have had an economical, honest, and efficient administration of the affairs of that department. If it had not been for a management such as Mr. Pinchot is now giving us, and if these tracts of land in the West had not been included in forest reserves, we would have the same condition in the West that now exists in the East. Our streams would be dry in summer time, and we would have no water for irrigation or the generation of electricity.

Mr. PILES. Mr. President, I wish to say only a word. I desire to follow somewhat the line pursued by the Senator from California [Mr. FLINT]. In the State of Washington, as I presume elsewhere, mistakes have been made, no doubt, with respect to forest reserves, but I have found that that department has at all times been ready and willing to correct any serious mistake.

Mr. President, I have found upon consideration and investigation that this department is doing a real service to the people of this country, and while, as a matter of fact, injustices have crept in here and there, those injustices have in a large measure been corrected, and they will continue to be corrected. I believe that this officer is entitled to the salary which the committee has recommended for him, and that he is doing and his department is doing a very great service to the people of this country.

Mr. BEVERIDGE. Mr. President, I have already spoken, I am aware, twice, perhaps three times; it may be four times. It is a matter, however, where if I were not acquainted with the man, but only with his work, I should speak, if it would do any good, five or even ten times. This is a case which involves merely an act of justice.

This department—for it amounts to a department—has come in conflict once or twice here and there with the views of Senators in one or two of the Western States. This thing is true, and it ought to be the highest commendation that can be won by any public officer, that in no instance has the policy of this department or of its chief been swerved by the appeals or influence of any man, but only by considerations of the public good; and, as the Senator from Washington [Mr. PILES] said a moment ago, where any mistake has been made—and I suppose that even in the Senate sometimes we make mistakes; rare, unprecedented things, of course, for any of us to do—it has been immediately corrected, as a good, faithful officer should do.

I have just now had my attention called to the fact—I did not know it, and I am much surprised—that the salary of this officer, what might properly be said to be this great public officer (for he has earned the adjective "great") has been $3,500 a year, and it is that to-day. Mr. President, that is what it was when this Bureau was established before the admirable forestry service of the United States was developed. The American Forestry Service is now rising to an equality with some of the great European forestry services, which render to their governments a large part of their revenues. Yet the salary is the same to-day, after the notable achievement has been performed, as it was when the Bureau was established, although the work, the responsibility, the importance of the whole thing, and its benefits to the people have increased many fold.

With reference to the point made by the Senator from Idaho, his antagonism to this department we all thoroughly understand. He is very earnest and bold about it. The Senator and the Department have come into contact, and it seems that neither side has yielded, both doubtless being actuated by a sense of justice of his own position.

I have not the figures here. It is too bad that I have not. I did not know that any such thing as this would come up, because I would have been glad to have gone to a great deal of pains to get the figures. But the truth is that the administration of the forests of the United States under this department has made enormous quantities of money—not tens of thousands, but hundreds of thousands, and, I dare say, even millions of dollars. I suppose that in the whole service there is not a department that has actually earned so much money for the Government as this department.

Last year in the debate—quite a casual debate that came up concerning the revenues that came from the renting of the grazing lands—the Senator from Idaho and the Senator from Oregon, both of whom have signified their antagonism to this Department several times on this floor by reason of some conflict with it——

Mr. FULTON. I had not indicated any purpose to invite a debate with the Senator from Indiana. I do not know why he should admonish me.

Mr. BEVERIDGE. I saw in the Senator's face a look of eagerness and a defiant attitude.

Mr. FULTON. It was mere admiration of the Senator from Indiana.

Mr. BEVERIDGE. I did not know when the Senator from Maine raised his point that he was really in earnest. He was in one of those cheerful moods which charm us all, and I supposed we were having somewhat of a relief from the high tension under which we had all been this afternoon in the debate on immigration.

When I found that there was really an objection, perhaps beginning in good humor, but growing in determination as the debate proceeded, I could hardly believe that in view of the actual facts which every Senator here ought to be familiar with anybody was going to question the increase of this salary, which every Senator ought to remember was put on here as a matter of sheer justice by the committee itself, upon its own motion, and as a matter of plain justice in paying for the services of one of the most ideally faithful, hard-working men who belong to the public service in this Republic.

Should it be that the Senate will do what I hardly anticipate it may do, and vote this increase out, I give notice of my intention to move a reconsideration, when I can equip myself with the figures and the facts about this matter.

Mr. HALE. I hope, notwithstanding the menace of the Senator from Indiana, he will more fully equip himself in order to put back the action of the Senate, that on this simple question of raising salaries we may vote in an unrestrained way.

Mr. BEVERIDGE. The Senator from Maine must permit me to say that I am sure he is again dealing in humor when he says there was any threat on my part. There was nothing of the kind. It was a mere statement, such as any Senator makes here, and such as the Senator himself has made many times.

As a matter of fact I do not anticipate that the Senate is going to do anything of that kind. The only reason why I referred to it was by reason of some figures which the Senator from Idaho read here, because, as a matter of fact, as the Senator from California has said—and he ought to know, for he has a great part of the administration of this Department in his own State—from his personal knowledge there is not a Department which has rendered more faithful service, nor the head of a Department which has possibly more fully earned, as a matter of plain justice alone, an increase of salary. The Senator knows there is no menace in that.

Mr. HALE. If we can get a vote, of course it will dispose of this question; but I suggest to the veteran Senator from Vermont in charge of the bill that it is very late, and unless we can get a vote we had better adjourn.

Mr. BURKETT. I wish to occupy only two minutes.

Mr. HALE. It will probably be only a prolongation of the Senate's session to no purpose to continue the debate.

Mr. PROCTOR. I trust that in a very few moments we can get a vote. I yield to the Senator from Nebraska.

The VICE-PRESIDENT. The Senator from Nebraska was recognized by the Chair, and he is entitled to the floor.

Mr. HALE. I am entirely willing to take the judgment of the Senate on the question.

Mr. McCUMBER. Will the Senator from Nebraska yield to me for a moment?

Mr. BURKETT. Certainly.

Mr. McCUMBER. It is suggested that there may be a vote after the Senator from Nebraska has completed his remarks. I wish to state that there may be others who wish to discuss this same question of salaries. I suggest that it is late and that probably we would get through with it more quickly if we would have an adjournment now; that we would thus get a vote sooner than we would by prolonging the debate after the Senator from Nebraska has submitted his remarks.

Mr. PROCTOR. We will hear the Senator from Nebraska, anyway.

Mr. BURKETT. Mr. President, I was about to suggest that possibly a very little consideration of this matter would adjust it all. I notice that here are four or five heads of bureaus. The Chief of the Weather Bureau gets $5,000, and the chiefs of the next two have been getting $4,500, and the Chief of the Forestry Service, $3,500. The Senate is aware that those salaries have probably been raised from time to time on account of the particular individual who temporarily occupied the position. Why the Chief of the Weather Bureau gets $5,000 and the Chief of the Forestry Service, of more importance to more people, gets $3,500 it is not easy to see.

If this is to be voted down or up we ought to take into consideration what we have already done with the salaries of other chiefs of bureaus. We have raised one to $5,000, and it seems to me it would be an injustice, perhaps irreparable, if we would go to work and cut this one down, or leave it at $3,500. We find that $5,000 was proposed by the committee, and it seems to me we should not give one chief of bureau $5,000 and another one $3,500 who is certainly putting in more hours than the head of another bureau in this Department.

Mr. HALE. I should like to have it understood that this is no drive against the Bureau of Forestry. Whatever is done by the Senate upon this salary ought to be done with the other salaries. Already, without contention, we have passed increases in other bureaus, but certainly if the Senate does not agree to this increase we should go back and, so far as we can, put all these bureaus in proper correlation to the higher officers in the Department.

We have by solicitation and without much thought or consideration added to the salaries of some of these bureaus; but this is perhaps the first time the salaries of the subordinates, compared with higher officers in this and other Departments, have been brought to the attention of the Senate. If the Senate does not increase this salary, I shall certainly ask that the same rule shall apply to these other bureaus.

Mr. BURKETT. I think the Senator is perfectly right, and that is the only observation that I desired to make, that we ought to keep this on a level with the others. This place is just as important and this is just as good a man. I do not take any stock in the argument that is made that this increase should not be made because this particular man is rich. I should not want to have that principle applied to the members of this body. Perhaps none of us would wish to have it applied here or anywhere else.

I do not think a different rule should be made here, because just at present this particular Bureau is unpopular in certain sections. We do know that this man is rendering about all the hours there are day and night in service to the country in this Bureau. I think the salaries ought to be kept together. Whether it be done by leaving it as the committee has recommended or straightening it out by to-morrow, adjusting them all, the Weather Bureau and the others, by passing the matter over to-night for further consideration, of course can be determined; but certainly there ought not to be a difference of $1,500.

Mr. BEVERIDGE. I wish to call the attention of the Senator from Nebraska to this: Even if the suggestion of the Senator from Maine, that all these increases be cut down, should be adopted, nevertheless the point the Senator from Nebraska makes is not met at all, because it appears that the service of this officer, as everybody knows, is equally as important and equally as efficient, and yet his present salary is a thousand dollars below the salaries of all the other chiefs of bureaus.

So if the point that there should be no increase, as is provided by the amendment of the committee, is sustained it would do the very injustice the Senator from Nebraska so well points out, and leave this man $1,000 below the Chief of the Bureau, for instance, of Animal Industry, of the Weather Bureau, and so forth, because the original salary was that much lower.

Mr. HALE. I do not want to interfere with the Senator from Vermont. He is entitled to conduct the order of business, because he is in charge of the bill. However, I do not think anything will be gained by remaining here any longer.

Mr. PROCTOR. I am quite as willing as the Senator from Maine to take a vote. I see no occasion for any further discussion. If there are Senators who wish to discuss the matter further——

Mr. HALE. The Senator from North Dakota [Mr. McCUMBER] intimated that he desires to speak upon it.

Mr. PROCTOR. Will it be a speech in one installment or two or three?

Mr. HALE. I do not know. I have never been able to tell that.

Mr. McCUMBER. I will simply suggest that I stated when the Senator from Nebraska [Mr. BURKETT] got through we would not be quite ready to vote. I thought that was a gentle intimation that probably there would be some other remarks upon the question. I simply suggested that, so that if the Senator should desire to adjourn at that time we could do so.

Mr. PROCTOR. Do I understand that the Senator from North Dakota wishes himself to make a speech?

Mr. McCUMBER. That is about what it means.

Mr. PROCTOR. That is sufficient. If he does, I am decidedly in favor of an immediate adjournment. I move that the Senate do now adjourn.

The motion was agreed to; and (at 6 o'clock and 8 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 15, 1907, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 14, 1907.*

The House met at 12 o'clock noon.

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

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

EULOGIES.

Mr. JONES of Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the following order, which I send to the Clerk's desk.

The Clerk read as follows:

Ordered, That when the House shall adjourn on Sunday, February 24, it shall be to meet at 10 a. m. on Monday, February 25, and at the said session of Monday, the 25th, eulogies of the life, character, and public services of the Hon. JOHN F. RIXEY, late a Representative from Virginia, shall be in order until the hour of 12 m.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

RIGHT OF WAY THROUGH FORT WRIGHT MILITARY RESERVATION, WASH.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 8288, authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Portland and Seattle Railway Company, its successors and assigns, and put the bill on its passage, a similar House bill being on the Calendar.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and empowered to locate a right of way, not exceeding 100 feet in width, except that for bridges and other structures and approaches thereto he may, in his discretion, locate a right of way not exceeding 150 feet in width, through the lands of the Fort Wright Military Reservation, in the State of Washington, if in his judgment it can be done in such a manner as not to interfere with the uses of said reservation for military purposes by the United States; and when said right of way shall be so located it is hereby granted, during the pleasure of Congress, to the Portland and Seattle Railway Company, a corporation organized under the laws of the State of Washington, its successors and assigns, for the purpose of constructing a railroad and telegraph line thereon: *Provided*, That the said right of way and the width and location thereof through said lands, the compensation therefor, and the regulations for operating said railroad within the limits of the said military reservation so as to prevent all damage to public property or for public uses shall be prescribed by the Secretary of War prior to any entry upon said lands or the commencement of the construction of said works: *Provided also*, That whenever said right of way shall cease to be used for the purposes aforesaid the same shall revert to the United States.

SEC. 2. That Congress reserves the right to alter, amend, or repeal this act.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Reserving the right to object, I would like to inquire of the gentleman if this is the unanimous report of the committee?

Mr. JONES of Washington. This is the Senate bill, and a

similar House bill has been unanimously reported from the Committee on Military Affairs.

Mr. WILLIAMS. Is it a bill identical with this?

Mr. JONES of Washington. Yes; identical with this, and it is recommended by the War Department.

The SPEAKER. The Chair hears no objection.

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

On motion of Mr. JONES of Washington, a motion to reconsider the vote whereby the bill was passed was laid on the table.

A similar House bill (H. R. 25319) was laid on the table.

LEAVE TO PRINT.

Mr. McCALL. Mr. Speaker, I ask unanimous consent to print in the RECORD in connection with the debate on the naval appropriation bill some remarks I recently made in New York. They will not occupy much space in the RECORD, and some Members have desired that they be printed in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Remarks by S. W. McCall before the Republican Club in New York City February 12, 1907, on the importance of preserving the constitutional balance between the central Government and the States.

Lincoln might easily be pardoned if the consuming work to which he devoted his life had produced in his mind an undue regard for the national as against the State governments and a willingness to see the balance established by the Constitution destroyed. But while he was compelled to employ every power in the great conflict of arms, in the presence of which the Constitution and all other laws were silent, he was in the highest degree conservative of the State governments. His speeches before the war show his regard for the States, but it is more significantly proven by the policy he had determined upon near the end of his life, a policy which rejected the "conquered-province" theory of the status of the seceding States, and presented a plan so mild, so constitutional, and so opposed to the radicalism of the moment that his successor was overthrown for attempting to put it in force.

What, then, is the system of government that Lincoln stood for and that emerged victorious from the civil war? It is a dual system, under a Constitution which as distinctly reserved powers to the States and the people as it granted others to the National Government. It was thus presented by the Supreme Court after the war and in the light of the consequences of that struggle; "it may not be unreasonably said that the preservation of the States and the maintenance of their governments are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National Government. The Constitution in all its provisions looks to an indestructible union composed of indestructible States." Nullification by States of the action of the National Government would be entirely repugnant to this system, but no more repugnant than usurpation by the National Government of the powers reserved to the States. Either would be, in substance, precisely what South Carolina tried to do and would be destructive of our constitutional system. If the forces of disunion, the centrifugal forces, were permitted to have sway the States would fly from their orbits and cease to revolve about the central government. On the other hand, if the centripetal forces were given unchecked domination the powers of the States would be drawn by attraction of gravitation to the central authority, they would become the mere shadows of governments and a powerful central despotism would be the result. Whether you may favor the one system or the other it is enough to say that neither one is the balanced system established by the American Constitution.

Not long ago Mr. Secretary Root, of whom I speak with the highest respect, speaking in this city, declared that it was useless for the advocates of State rights to inveigh against the extension of national authority in the fields of necessary control where the States themselves failed in the performance of their duty, and that in such cases "constructions" of the Constitution would be "found" to vest the power in the National Government. I fancy it would be just as sound for States, providing they were strong enough to do so, to exercise the national functions in cases where they were not performed according to the standard of duty of those who at the time were running the State governments. But how are "constructions" to be "found?" Certainly the rules of constitutional construction would not of themselves change to meet difficulties which might stand in the way of gentlemen who may at some future moment of time be in control of the Government at Washington, and who may wish to do some particular thing. But courts change, and the method of applying the rules of construction may be made to change with them. Gentlemen running the Washington Government appoint judges. Can it be intimated that the court might be packed and "constructions" be "found" in that way? Or that that impressive organ of conservatism, whose inflexible justice lent weight to Webster's great argument for the Union, that that organ might be made to become the tool of usurpation and write things into the Constitution in order to carry out the designs of a usurper? If this is the way "constructions" are to be "found," a brutal, but constitutional, use of the patronage to force through Congress legislation containing material for "constructions" would be a mere incident.

In fairness it must be said that Mr. Root limited this extension of national power by "construction" to "fields of necessary control." But who is to decide in the first instance what are "fields of necessary control?" Obviously the gentlemen who wish to exercise the control. Some policy which should take possession of a President, backed up at the moment by a majority of the people, would undoubtedly seem to him necessary, however pestilential it might essentially be. The South American presidents who have "done things," who have sometimes even dispensed with elections, have doubtless believed their acts necessary to the good of the state. When was there ever a usurper since time began who could not justify his acts by the same plea? And a given field of "necessary control" having been taken possession of by the National Government, a construction will be found to keep it under control. This theory, it is needless to say, would erect usurpation into a constitutional system; and if it were to be established and, as a consequence, the limitations upon the central authority be swept away, not merely would the death knell of the American system have been sounded, but we should invite evils compared with which those resulting from the failure of a State here and there to perform its duty would be insignificant.

But putting aside entirely the binding character of the Constitution, what justification in fact is there for the proposed centralization of power? It seems to be assumed that whatever evils have been developed in our marvelous growth under State instrumentalities have been necessary incidents of State control, and that if the National Government had created and supervised the instrumentalities the evils would not have existed at all. We are only permitting our imaginations to evolve Utopias out of what might have been. This is apparent at the most cursory glance. Take at the outset the very head and front of the States' offending. Take the building and supervision of our railroads and the creation and regulation of other corporations. The railroads have been built almost entirely through State agencies. But one railroad, the Union Pacific, was constructed under national control, and the Credit Mobilier and other scandals associated with it almost shook the Government to its base.

This instance may illustrate the imagined perfection of what would have happened under national auspices. Regarding other corporations, there is one oasis among the desert of the States—the District of Columbia—where the National Government has every species of control, whether necessary or unnecessary. Here at least we should find a model code to aid in elevating State standards by the force of a perfect example. But the corporation laws of the District will not only not stand comparison with those of the advanced States of the Union, but they would make a New Jerseyman blush. Take the matter of insurance. One of the most notable and searching inquisitions ever conducted under government was carried on by a committee of the legislature of New York regarding insurance, and the most hidden recesses of that business were exposed to the gaze of the world. As a result of the awakening State laws are being strengthened, and yet we find in the District of Columbia a code scarcely worthy of the name. For instance, under this beneficent code there is an insurance company operating to-day which appropriates to its treasury or for expenses 90 per cent of all the premiums collected. And an effort is now being made, but thus far without success, to enact a system taken almost wholly from one of the States of the Union.

The individual action of the States has an educational influence upon the country and thus upon the National Government. Some of the great States have passed rigid laws requiring the publication of election expenses. A similar bill thus far has failed at Washington. But when the education shall have spread and a few more States have passed laws, there will be a national law upon the subject. Massachusetts took the lead upon labor legislation, and for years she has had a just and humane code. Her example has been followed by an increasing number of her sisters. The great industrial States of the Union have vastly bettered their condition in this regard, and there is a wave of labor legislation now sweeping across the coun-

try. There is far greater inertia in the working of the national than of State legislative machinery, for in order to set the national machine in motion a vast population needs to have its attention focused upon a given subject and to be educated upon it.

It is a slow process to develop a homogeneous public opinion in so populous and scattered a people. Diversity of interests will develop diversity of opinions in different groups of States. These diverse and conflicting interests will often bring into play forces that neutralize each other and prevent all national action. Or in cases where a uniform sentiment is aroused the impetus of so great a body of opinion is overwhelming, reason loses its force, and the most extreme course is liable to be taken. The failure of the effort to retire in times of peace the forced loan of the Government put out in war, and the many compromises regarding silver illustrate the balancing of forces, while reconstruction, which resulted from an unmistakable, widespread, and uncontrollable public opinion, illustrates unreasonable and extreme action. Reconstruction was pressed through by patriots and statesmen at Washington, acting in ignorance of local conditions, and it produced a condition of things which made it necessary for the people of the States affected to resort to violence and fraud in order to save civilization. Burke says repeal is more blessed than enactment; but when a law once finds its way upon our national statute books it requires almost a revolution to repeal it. Witness so necessary a measure as the silver repeal, which Cleveland was able to secure only through the disruption of his party.

I might multiply such instances. Do they prove the incapacity of the National Government? By no means; but they do disprove the assumption of the perfection of a new system so airily made, under which the great National Government would put the States out of business in much the same way as the great combinations have destroyed small ones; they do tend to prove the wisdom of the framers of the Constitution, and they illustrate the inherent difficulty of attempting to govern by a rigid code of municipal law enacted by a central government representing great populations scattered over vast stretches of the earth's surface.

You may understand better the philosophy of our system if you look across the sea to Europe and imagine that continent under a single government. It has an area substantially equal to our own. It possesses a not greatly different diversity of climate and soil. We can understand how beneficial a certain central authority might be to maintain internal peace, to protect the people against foreign war, and to conduct general imperial concerns. But it is impossible to imagine that it would be consistent with the happiness or the liberty of the people to have that vast region ruled autocratically from Vienna or Berlin, and to have the same code of municipal law enmesh the Frenchman and the Turk, those who dwell along the Ebro or upon the banks of the Volga and those who live on the shores of the Hellespont or upon the islands of the Hebrides. It is by no means a question of race alone. Differences of climate and soil will produce different interests, different habits, and different ambitions. That great area is too vast in this era of the development of mankind to be comprehended in a single community of thought. Laws that would be beneficial to one portion would be galling fetters upon another. Representative government in any true sense would be impossible. It would at the best upon most questions be a compromise between conflicting interests. The part of each citizen would be so infinitesimal that the sense of individual responsibility in government would be gone and you would have a system destructive of political liberty and repressive of the genius of the people.

Our National Government was established for our common security and to subserve certain great national purposes enumerated in the Constitution. For those purposes it has, as a rule, worked well, and certainly better than a system of divided authority, but the record signally fails to show any advantage likely to result from an invasion of the province of the States and from the usurpation of a detail and mass of jurisdiction beyond the possibility of close scrutiny by Congress, which would involve government by bureaus, a species of government which begins by being autocratic and ends by being corrupt.

When an enterprise of this kind is entered upon, where is it likely to stop? If an encroachment is begun upon the rights of the States, how long will it be before we shall have a president who will encroach upon the individual and meddle in concerns which are not at all governmental in their character?

The founders of our Government were jealous of power. They aimed to secure liberty—first, by protecting the individual against the encroachments of government, and second, by retaining the maximum of governmental powers in those governmental organs near to the people. They knew that mankind had suffered quite as greatly from too much as from too little government and that uncounted millions of men had groaned under its persecutions and exactions; that governments were very apt to be conducted for the benefit of those, or of the favorites of those, who wielded them, and that the creation of an enormous central engine of authority would be subversive of individual freedom. They knew that bad men, honest and fanatical men, had often secured control of governments and had made of them scourges more deadly than the earthquake or the pestilence. And their jealousy of unrestrained power was as justifiable as it was profound.

Francis Lieber has said that we do not enjoy liberty by grace of government, but by limitations upon its powers. This is precisely the theory upon which our Government was founded. Freedom inhered in the individual, and powers not granted were expressly reserved. And the proposition to take them away by "construction" in any supposed emergency is only a part of the unending conflict between autocracy and liberty.

The cautious grant of powers to the central Government, the express limitations imposed upon them, the reservation of other important powers to the subordinate governments with limitations again, made of our Constitution by far the most tolerant of liberty of any system ever established. The States are ideally constituted to deal with the great mass of questions relating to personal government. They do not possess the war power. They can have no foreign policies, and the most important cause of governmental infatuation and of dangerous ambition is thus taken away. They conduct their operations under the very eyes of the people, and there is far less temptation to theatric government than where actors are performing to very large and very distant galleries and in order to thrill them are compelled to make up too heavily to impose upon nearer spectators.

They deal especially with the humdrum but vital concerns of everyday life and, by an apportionment of their powers among towns and counties, the people not only have an opportunity of knowing how government is conducted, but they have an opportunity to engage in it. They feel a practical responsibility for it, see that its affairs are really their own, and instead of being like the political upholsterer of Addison, who was taken up with the concerns of the King of Sweden or some other distant monarch while he neglected his own, they acquire a practical and vital interest in it and deal with it through their senses and reason instead of their imagination. We thus see our system of government springing from a broad base and extending by a gradual and easy slope to the summit of power which rests as lightly as does the topmost point of a pyramid upon the mass beneath. How much better this than a jutting and overhanging mass of power at the very top, oppressing the people below with its intolerable weight until, in the providence of God, it topples over.

Mr. Root's speech was made upon an occasion in which the two great States of New York and Pennsylvania were associated. By the Constitution these two States are given only an equal vote in the Senate with the smaller States of the Union. This disparity was recognized as an evil at the time the Constitution was framed, but it grew out of a compelling necessity to establish the new Government. But in proportion as the National Government despoils the States of their powers in just that proportion this disparity is augmented. And Mr. Root's attitude is made impressive by the fact that the two States of which he spoke, having together a greater population than an aggregate of States electing a majority of the Federal Senate, would suffer still more from that undemocratic blemish upon our Constitution which accords their 15,000,000 people only the same measure of the great power of that body as is exercised by the 200,000 of Nevada and Wyoming.

The time is ripe for a warning, but a warning directed in an opposite direction. It should rather be aimed at the tendency to overthrow the balance of the Constitution and to regulate each and all of us from Washington. That there is such a tendency is too palpable to be denied. There is an attempt to exalt Federal instrumentalities and to bring State instrumentalities into contempt. The most common thing in interstate commerce promises soon to be the affidavit necessary for a citizen to move his goods from State to State. If a power clearly belongs to a State it is to be destroyed by the perversion of some national power, and under the pretense of doing one thing a different and prohibited purpose is accomplished. Between hypocritically purloining and boldly usurping power, the moral difference is in favor of the latter.

For my part I can see no reason for the highly centralized paternalism which is threatened and which will engender a

servile dependence upon Government and destroy the fiber of our citizenship. In the wise performance of their functions the States, in this generation at least, have been fully abreast of the National Government. And the individual citizen has not done badly. What reason is there for the deification of the Federal officeholder? Our contributions to astronomy have been made not by the magnificent Government instruments at Georgetown, but by the private and often humble institutions of the country. The effect of drugs upon the human system has been disclosed not by the chief of the poison squad of the Department of Agriculture, ostentatiously trumpeting information already known to every sophomore in medicine, but by research carried on in a hundred schools. Our marvelous inventions and all our other gifts to civilization have come from the splendid body of our private citizenship, containing uncounted men fitted to honor our highest offices. And as our chief source of greatness in the past has been in the cherishing freedom which has stimulated that citizenship, so will our hope for the future be in the continuance of that freedom. Our citizens may be trusted to learn how to spell and how to regulate their diets and their baths without too much governmental assistance from Washington.

The time may come when the muckraker shall sit in the seat of the publicist and the sensational demagogue take the place of the statesman, and when we shall be given over to the heralds of a statutory millennium who would make everybody equal and perfect by penal enactment. But I trust the Republican party will make it its first duty to resist the coming of that day, and while always ready to exercise when necessary any national power in its full vigor, that it will safeguard the autonomy of the States, so that those who dwell in America hereafter may continue to enjoy that rounded and symmetrical system of free government preserved and handed down to us under that greatest of Republican statesmen, whose career we to-day commemorate, and to the end, too, that in the words of the immortal message from Gettysburg, "government of the people, by the people, for the people shall not perish from the earth."

BRIDGE ACROSS PEARL RIVER, MISSISSIPPI.

Mr. BOWERS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25366) to authorize the New Orleans and Great Northern Railroad Company to construct a bridge across Pearl River in the State of Mississippi.

The Clerk read as follows:

Be it enacted, etc., That the New Orleans and Great Northern Railroad Company, a corporation organized under the laws of the State of Mississippi, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad drawbridge and approaches thereto across the Pearl River at or near Columbia, in Marion County, in the State of Mississippi, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I want to ask the gentleman if this bill contains the provision recommended by the War Department?

Mr. BOWERS. Yes.

Mr. WILLIAMS. And it is the unanimous report of the committee?

Mr. BOWERS. Yes.

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

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

RIGHT OF WAY THROUGH FORT COLUMBIA MILITARY RESERVATION, WASH.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of 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.

The SPEAKER. The gentleman from Washington asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the Senate bill and consider the same in the House as in committee. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., 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.

Mr. WILLIAMS. Mr. Speaker, I would like to have some explanation of this.

Mr. HUMPHREY of Washington. This is a grant of a right of way through a military reservation and also through a quarantine station, and it provides that it shall be entirely under the direction of the Secretary of War, as far as the military reservation is concerned——

Mr. PAYNE. Mr. Speaker, I wish the gentleman would speak up, so the rest of us can hear.

Mr. HUMPHREY of Washington. This is to permit a right of way through a military reservation and a quarantine station for a railway. In both cases—in one it is reserved to the Secretary of War and in the other to the Secretary of the Treasury——

Mr. PAYNE. It is a Senate bill, as I understand?

Mr. HUMPHREY of Washington. Yes.

Mr. PAYNE. Has a similar House bill been reported by any committee?

Mr. HUMPHREY of Washington. No; but this Senate bill has been reported by the committee.

Mr. YOUNG. I will say to the gentleman from Mississippi [Mr. WILLIAMS] that this bill has been unanimously reported from the Committee on Military Affairs.

Mr. WILLIAMS. Of the House?

Mr. YOUNG. Of the House.

Mr. WILLIAMS. Oh, I misunderstood the gentleman then. I thought him to say, in reply to the gentleman from New York [Mr. PAYNE], that it had not been.

Mr. YOUNG. The bill was drawn by the Judge-Advocate-General. It was submitted to the Secretary of the Treasury, so far as the quarantine station is concerned, and approved by him and approved unanimously by the Committee on Military Affairs.

Mr. WILLIAMS. Then I have no objection.

The SPEAKER. The Chair hears no objection. The question is on the third reading of the Senate bill.

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

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

COUNCIL CITY AND SOLOMON RIVER RAILROAD.

Mr. HIGGINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 23720) to aid the Council City and Solomon River Railroad Company, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the time of the Council City and Solomon River Railroad Company to comply with the provisions of sections 4 and 5 of chapter 299 of the laws of the United States, entitled "An act extending the homestead laws and providing for the right of way for railroads in the district of Alaska, and for other purposes," approved May 14, 1898, in acquiring and completing its railroad now under construction in Alaska, is hereby extended as follows:

First. That the time to file the map and profile of definite location of its railroad with the register of the land office in the district of Alaska, as provided in sections 4 and 5, after the filing of the map and profile of definite location of its first section of at least 20 miles has been filed with the said register, is hereby extended to and including the 31st day of December, 1909.

Second. That the time for completing its entire railroad is hereby extended to and including the 31st day of December, 1909.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman what this bill accomplishes in the way of an extension of time and what this road has already done.

Mr. HIGGINS. This line is 52 miles long. Two-thirds of the road has been completed. The road has been constructed under the general law, and this bill simply extends the time in which the road may make its permanent location of the right of way. It runs from Nome to Council City. There are no other roads within a great many miles of there.

Mr. MANN. If this road has been built so far under the general law, why does it require now a special act of Congress?

Mr. HIGGINS. This is not a special act of Congress; it simply extends the general law, and it is necessary, as has been done at four different times with this same law. The last Congress passed a similar law, and it has been necessary since this road was started to grant this extension, as I say, at four different times. The conditions up there are such that it is impossible for them to comply with the conditions enacted in the general law.

Mr. MANN. We have had a number of bills like this before Congress at different times, and every time the statement has been made that it is impossible for the road to comply with the general law. If that be the case, it seems to me desirable that the committee shall report a different general law rather than to report special favors to different railroads.

Mr. WILLIAMS. I would like to ask the gentleman if this is the same bill that he had up some time ago?

Mr. HIGGINS. No; it is not.

Mr. WILLIAMS. It is framed along the same line.

Mr. HIGGINS. No; that bill I think the gentleman refers to——

Mr. WILLIAMS. Is it the same railroad?

Mr. HIGGINS. No; an entirely different road. The bill I think the gentleman refers to is now in the Senate and on the Senate Calendar. It is an entirely different proposition from this. The road I think the gentleman has in mind was a special franchise and special aid was given, land grants, etc., which the general law does not give.

Mr. WILLIAMS. Was this bill reported unanimously?

Mr. HIGGINS. It was reported unanimously by the committee.

Mr. POWERS. Will the gentleman from Connecticut yield to me for a moment?

Mr. HIGGINS. Certainly.

Mr. POWERS. I wish to say to the gentleman from Mississippi and to the gentleman from Illinois that there are great difficulties in building railroads in Alaska. Many persons have organized under the general law and have done more or less work, but there are only a few months in the year in which you can work. Now they come and ask for an extension of time in which to do things.

Mr. WILLIAMS. Is there nothing in this bill except that?

Mr. HIGGINS. That is all.

Mr. MANN. Why does not the gentleman's committee bring in a general law in respect to that?

Mr. POWERS. I think the gentleman will find if he will refer to the legislation of the different States that it has always been a custom to give an extension of time.

Mr. MANN. I will say to the gentleman that in my State and, I think, in most of the other States for years it has been made impossible for the legislature to grant special privileges to a railroad company, and they must comply with the general law or else quit.

Mr. POWERS. Well, I know not what it may be in your State, but there is no special privilege in extending the time, and that is all these people ask to have done. Now, we are anxious to open up Alaska——

Mr. HIGGINS. Mr. Speaker, I yield now to the gentleman from Rhode Island [Mr. CAPRON].

Mr. CAPRON. Has the gentleman from Maine finished?

Mr. POWERS. I had about finished.

Mr. CAPRON. Mr. Speaker, I desire to state to the gentleman from Illinois that the conditions are such in Alaska, especially on this road leading to Nome, where not more than six or eight weeks of the year it is possible to continue their work, that they have found it is absolutely necessary for them in that remote region, in getting material forward and in making surveys, that this extension should be had. It may differ in each particular railroad case from what is demanded by the general law. This offers no special privileges whatever.

Mr. WILLIAMS. It is simply an extension of time.

Mr. CAPRON. Yes.

Mr. GARRETT. It does not give anything——

Mr. HIGGINS. I yield to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, I went over this road last summer a year ago. They then had somewhere from 13 to 16 miles of the railroad built, from Bering Sea in the direction of Council City. The land between this terminus reaching to East Fork is rough, tundra in part, mountainous in part, and an expensive line of road to build. I understood from friends there that they have now extended it, say, 15 or 20 miles more.

Mr. MANN. Built last summer?

Mr. LACEY. Since I went over the road.

Mr. MANN. So they are actually building the road?

Mr. LACEY. Yes, sir. It is a standard-gauge road and a very important road to Council City.

Mr. MANN. What is that part of the bill that refers to extending the time for filing maps and plats, etc.

Mr. LACEY. They have to file plats in sections for every 10 miles as the work is done, and in extending the time the right to file extended plats should be in this bill.

Mr. MANN. Well, I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

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

DAMS ACROSS THE MISSOURI RIVER.

Mr. DIXON of Montana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 7515) to authorize the Missouri River Improvement Company, a Montana corporation, to construct a dam or dams across the Missouri River.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of the Government is hereby given to the Missouri River Improvement Company, a Montana corporation, its successors or assigns, to construct across the Missouri River at some point or points to be approved by the Secretary of War, between sections 20 and 21, township 21 north, range 5 east, and the north line of township 24 north, range 8 east, Montana meridian, a dam or dams and canals and appurtenances thereof for water power and other purposes, and in connection therewith a foot bridge or bridges for public use, in accordance with the provisions of the act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby reserved.

The amendments recommended by the committee were read, as follows:

Page 1, line 10, after the word "dam," strike out the words "or dams."

In line 11, page 1, and line 1, page 2, after the word "purposes," strike out the words "and in connection therewith a foot bridge or bridges for public use."

In line 4, page 2, after the word "six," insert "and in connection therewith a foot bridge or bridges for public use, in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906."

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I would like to ask whether the Missouri River is navigable at this point?

Mr. DIXON of Montana. There are no steamboats within a thousand miles; the water is taken out for irrigation.

Mr. HUBBARD. Does this bill allow the construction of bridges anywhere along the Missouri River or does it fix it at a definite point?

Mr. DIXON of Montana. It is fixed at a definite point. There is a provision between two townships under the discretion of the Secretary of War.

Mr. HUBBARD. It is not intended to cover anything except——

Mr. DIXON of Montana. No; except this specific point.

The SPEAKER. The Chair hears no objection.

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

HOLDERS OF MEDALS OF HONOR.

Mr. FOSTER of Vermont. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 223, relating to the holders of medals of honor.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

Resolved, etc., That the holders of medals of honor under the act approved July 12, 1862, and section 6 of the act approved March 3, 1863, shall not be required to surrender such medals in case such medals are replaced, in pursuance of the provisions of the act of Congress approved April 23, 1904; and that wherever the holders of such medals of honor have surrendered them, in order to receive the medals provided for by said act approved April 23, 1904, such medals shall be returned to them: *Provided*, That no recipient of both medals shall wear both medals at the same time.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman how it would be possible to enforce a law providing a man should not wear two medals at the same time if he had them?

Mr. FOSTER of Vermont. So long as we have the present

Executive there will always be found a way to execute the law.

Mr. MANN. There will be many laws not executed under the present Executive, even if he does his best, and if we passed such a law as that it would seem to make it impossible even for Providence to execute the law.

Mr. FOSTER of Vermont. I believe there is no need of that provision, because none of these old soldiers care to wear both medals at once. The point is this: Many of the old soldiers who had the original medals for a long time became very much attached to them.

Mr. MANN. They are not required to surrender them?

Mr. FOSTER of Vermont. They are required——

Mr. MANN. They are not required to surrender them.

Mr. FOSTER of Vermont. The "gentleman from Vermont" knows that.

Mr. MANN. If they are attached to them, why do not they retain the medals?

Mr. FOSTER of Vermont. I am trying to explain to the gentleman, and if he will let me I will do so. On the other hand, on public occasions, when the new medal is being worn quite generally, the old soldier prefers to have it appear that he belongs to the medal-of-honor corps, and that he has one of the new medals, and for this reason he desires to have the new medal. Under the existing law in order to have the new medal he must surrender the old one. The old one is of no consequence to the Government, of no intrinsic value, is worth nothing except to the holder, and I can see no reason why the holder should not have it. This resolution is reported unanimously by the Committee on Military Affairs. It was submitted to the War Department and received its approval.

Mr. MANN. The tendency of the time is to make medals cheap. They are asking for enough medals from the War Department to furnish a medal to almost everybody in the country. If everybody had a medal, nobody would care for it.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, for the present I object.

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 further consideration of the bill H. R. 24925, the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill, with Mr. SHERMAN in the chair.

The Clerk read as follows:

In all, public works, Marine Corps, $377,000.

Mr. OLMSTED. Mr. Chairman, before we pass on to the next paragraph I would like to call attention to the paragraph on page 44, as follows:

For the purchase of ground adjoining the quartermasters' depot, Philadelphia, Pa., and erection thereon of an addition to said depot, not to exceed $200,000, $200,000.

This went out on a point of order made by the gentleman from New York [Mr. FITZGERALD] in the hurly-burly of last evening. There was no objection made and no explanation. I think the ruling might have been different had the facts been properly stated to the Chair. I would ask to go back to that paragraph and consider that point as open for discussion, if permissible.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. Is that the provision on page 44?

Mr. OLMSTED. Yes.

Mr. FITZGERALD. I understand the gentleman believes the ruling on the point of order was made under a misapprehension?

Mr. OLMSTED. Yes; for lack of proper explanation.

Mr. FITZGERALD. I have no objection.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. OLMSTED] refer to lines 11 to 14, inclusive, on page 44?

Mr. OLMSTED. Yes.

The CHAIRMAN. The Chair sustained the point of order on the theory that this was a provision providing for an additional building to enlarge the general depot.

Mr. OLMSTED. I desire to state, Mr. Chairman, that the depot is now one building and covers a lot 80 by 100 feet, that the ground proposed to be purchased is just adjoining it, and that the object is to extend the present building out on to that lot. It is situated on South Broad street, Philadelphia. The building is overcrowded, and the Government is now paying $4,000 rent for another one. This addition to that building is needed to provide the necessary space for that important depot.

The CHAIRMAN. The Chair desires to state to the gentleman from Pennsylvania [Mr. OLMSTED] that of course the rulings have always been that additional property could be purchased and not additional buildings erected, and the Chair supposed that this was an additional building. On the gentleman's statement that it is simply an addition to an existing building the Chair thinks the proposition would be in order.

Mr. FITZGERALD. Mr. Chairman, before the Chair rules I desire to call his attention to the fact that it appears from the hearings that this is for a new building, not an addition to the present building.

Mr. FOSS. Mr. Chairman, upon that I hope that I may be permitted to say a word. The language in the bill as recommended by the committee is as follows:

For the purchase of ground adjoining the quartermasters' depot, Philadelphia, Pa., and erection thereon of an addition to said depot, not to exceed $200,000, $200,000.

As I understand, this is the purchase of additional ground, adjoining the present ground now occupied by the quartermasters' depot, and the building is an addition to the building now known as the "quartermasters' depot."

Mr. MANN. May I ask my colleague a question?

Mr. FOSS. Certainly.

Mr. MANN. The depot is not the building. It does not say addition to the depot building. It is addition to the depot. Now does this contemplate additional buildings at the depot there, or addition to the present building at the depot?

Mr. FOSS. It is an addition to the depot.

Mr. OLMSTED. If there is any doubt about that, I will, if the gentleman from New York does not press his point of order, make an amendment to this paragraph which will make perfectly plain that it is an extension of the building.

Mr. FITZGERALD. Now, I will suggest to the gentleman we have now returned to it; the point of order has been sustained previously.

The CHAIRMAN. The point of order has been sustained on the provision, so that it went out. That stands in that condition. Now the gentleman suggests offering an amendment.

Mr. OLMSTED. In the place of that which went out I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Insert at page 44, at the end of line 14, the following:

"For the purchase of ground adjoining the quartermasters' depot building, now owned and used by the Government at Philadelphia, Pa., and extending thereon said depot building, at a cost not to exceed $200,000."

Mr. MANN. I reserve the point of order on that.

Mr. FITZGERALD. I reserve the point of order on that. It was difficult to hear the amendment reported.

The CHAIRMAN. The gentleman from New York reserves the point of order pending the discussion of the amendment.

Mr. MANN. I hope we may have the amendment reported again so that we may understand it.

The amendment was again reported.

Mr. OLMSTED. Mr. Chairman, I will endeavor to make plain that this ground to be purchased adjoins not only the ground but the building which is used for a depot. It is to purchase additional ground right adjoining it and extending this building over it. It is absolutely necessary for the purposes of that depot. The Government is now paying $4,000 rent for buildings owned by private parties. It is in a most desirable location on South Broad street, near the Pennsylvania Railroad freight station. The Navy Department has asked for it and, as stated by those who are familiar with the situation, the piece of ground is most desirable to be acquired.

Mr. MANN. Under the gentleman's amendment, would the extension of the building be limited in cost to $200,000, or the purchase of ground and the extension of the building, as was in the original proposition?

Mr. OLMSTED. The purchase of the ground and the building. I would say to the gentleman from Illinois that the ground is estimated to cost $53,000, and the ground and building $200,000.

Mr. MANN. I am not sure that the amendment under consideration means that—covers it all.

Mr. OLMSTED. I will make the paragraph clear. Mr. Chairman, I will amend the amendment, so that it will read "the cost of ground and building, $200,000."

Mr. MANN. I have no objection.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Add, after the word "cost," the words "of ground and building;" so as to read:

tending thereon the said depot building, at a cost of ground and building now owned and used by the Government at Philadelphia, Pa., and extending thereon the said depot building, at a cost of ground and building not to exceed $200,000, $200,000."

The CHAIRMAN. Now does the gentleman from New York insist upon his point of order?

Mr. FITZGERALD. I am not making the point of order, but I wish to make this suggestion to the gentleman from Pennsylvania: The hearings clearly show that the Department desires to obtain a separate building. So far as I am concerned, I would prefer to permit the Department to buy the ground and to have the building just as it should have it. If the provision were so framed that the limit of cost was applied to both, so as not to permit the ground and building to cost more than $200,000, I believe it would be better. It is not contemplated by the Department to extend the present building. The gentleman should frame the original proposition so as to contain that condition in this provision. So far as I am concerned, I would not press the point of order merely because it provided for the extension.

Mr. OLMSTED. Mr. Chairman, in order to meet certain suggestions, I will, if there be no objection, again amend my amendment so that it will read as it stood in the original paragraph, but inserting after the word "depot," in line 13, the words "at a cost of ground and building."

The CHAIRMAN. If there be no objection, the Clerk will report the amendment as now presented.

The Clerk read as follows:

For the purchase of ground adjoining the quartermasters' depot, Philadelphia, Pa., and erection thereon of an addition to said depot, at a cost of ground and building not to exceed $200,000, $200,000.

Mr. FITZGERALD. I shall not make the point of order against that.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CALDER. Mr. Chairman, I ask unanimous consent to withdraw the amendment submitted by me on page 23 on yesterday.

The CHAIRMAN. The gentleman from New York asks unanimous consent to return to page 23 and to withdraw the amendment that he offered yesterday, to which a point of order is pending. Is there objection?

There was no objection.

Mr. CALDER. Mr. Chairman, I desire to submit the following amendment.

The Clerk read as follows:

On page 33, line 4, after the word "dollars," insert:

"For sidewalks on Flushing avenue and Navy street, in front of the navy-yard, $10,800."

The amendment was agreed to.

Mr. TALBOTT. Mr. Chairman, I think the understanding was that immediately after going into Committee of the Whole the point of order against the amendment offered by the gentleman from Ohio [Mr. SOUTHARD] for the new gun factory at the navy-yard should be considered.

Mr. MUDD. I will say to my colleague that the gentleman from Ohio [Mr. SOUTHARD] does not want to call that up just now.

The CHAIRMAN. The Clerk will read.

The Clerk (proceeding with the reading of the bill) read as follows:

Dental surgeons for the Navy: That the President be, and he is hereby, authorized to appoint dental surgeons to serve the officers and enlisted men of the Navy and Marine Corps, not to exceed thirty in all. Said dental surgeons shall have the rank and compensation of acting assistant surgeons in the Navy; shall be graduates of standard dental colleges, trained in the several branches of dentistry; of good moral character and professional standing, and shall pass a physical and professional examination; and their appointment shall be for a term of years, and revocable at the pleasure of the President, and the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated for that purpose.

Mr. MACON. Mr. Chairman——

Mr. MANN. I want to reserve a point of order to that paragraph. I want to ask my colleague in charge of the bill what the idea was in saying that the appointment of the dental surgeons should be for a term of years and revocable at the pleasure of the President? Does not the gentleman believe that if we are to have dental surgeons as officers of the Navy they will have to go on the retired list and be appointed for life the same as all other officers? And if we are going to do that, ought we not to say so when we commence it?

Mr. FOSS. I wish to state to my colleague that the gentleman from Iowa [Mr. COUSINS] reported this provision as a separate bill and is more familiar with it than I am, and I will ask him to explain the provision.

Mr. MANN. Mr. Chairman, I did not ask in reference to the desirability of having dental surgeons in the Navy. Certainly some provision ought to be made for them; but I was asking in reference to the provision that the appointment should be for a term of years and revocable at the pleasure of the President. Does the Committee on Naval Affairs believe that it can create any commissioned officers in the Navy who will not be appointed for life and put upon the retired list within a very short time, by law?

Mr. COUSINS. It is not thought so in this case. This is the simplest of all the measures that have been presented on this subject. It was thought that no other could be got through. The great need for this provision is a humane one. This committee has passed upon it unanimously. The Department has recommended it twice, and the great need for it is testified by officers not only of the Navy and the Army, but our own sense of justice must show us that when this nation becomes practically the guardian of a lot of young men—more than 4,000 of whom are on our training and receiving ships—and takes them to places where the services of dental surgeons can not be had, it seems almost criminal neglect not to provide for their necessary care. I think the testimony that has been given of the usefulness of the dental service in the Army will be considered one of the best arguments in favor of this proposition. It does not create a dental corps; it simply hires a number of men, dentists of good standing, who shall have the rank of assistant surgeons, the right to discharge them at will being left to the President. I hope that no point of order will be made against this humane provision.

Mr. MANN. The gentleman refers to humane provisions, but what we are endeavoring to ascertain is why the committee in providing for dental surgeons discriminates against them. An assistant surgeon of the Navy must be appointed by the President and confirmed by the Senate. Now, you propose to give the same rank to a dental surgeon, but he is not confirmed by the Senate; he is appointed only for a term of years, no one knows whether it will be one year or fifty years, but at the pleasure of the President. Certainly if we are going to provide these surgeons in the Navy we ought to provide them upon the same basis exactly as the other assistant surgeons.

Mr. COUSINS. I will say to the gentleman that I would be very glad indeed if he could get such a measure through this House and the other necessary body and do exactly what he wants to do, but I am trying to get some means at once to provide for these young men in the Navy.

Mr. MANN. Why does not the gentleman endeavor to put them on the same plane?

Mr. COUSINS. Because I do not believe for a moment that it would get through without a point of order being made against it.

Mr. MANN. Perhaps we can ascertain by discussion whether such a point of order would be made.

Mr. HULL. May I ask the gentleman what is the pay of an assistant surgeon?

Mr. COUSINS. I think it is $1,700 on sea and $1,400 on land.

Mr. HULL. Have they not abolished the difference in pay between service at sea and on land?

Mr. COUSINS. Perhaps; but while this matter was under consideration the Department notified us that the effect of this would be that they would receive $1,700 on sea and $1,400 on land.

Mr. HULL. An assistant surgeon is a commissioned officer in the Navy I suppose?

Mr. COUSINS. Yes.

Mr. HULL. What relative rank would that be in the Army?

Mr. COUSINS. I should have to refer that to the gentleman from Iowa. Mr. Chairman, I wish to print a short report in connection with my remarks on this subject.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The report is as follows:

Mr. COUSINS, from the Committee on Naval Affairs, submitted the following report (to accompany H. R. 13851):

The Committee on Naval Affairs, having had under consideration the bill (H. R. 13851) authorizing the appointment of dental surgeons in the Navy, report the same without amendment and recommend its passage.

A bill substantially the same as this was recommended by the Navy Department in the following letter:

NAVY DEPARTMENT,
Washington, March 2, 1904.

SIR: Referring to the Department's letters of May 29, 1902, January 26, and February 8, 1904, reporting upon bills for the employment of dental surgeons in the Navy, and recommending the enactment of a measure authorizing the Secretary of the Navy to employ under contract not more than 15 such surgeons, I have the honor to state that after further consideration of the matter the Department withdraws its previous recommendations in the premises and recommends instead the passage of the measure of which a draft is inclosed. The main points of difference between the bill heretofore suggested and that now proposed are that the latter authorizes 30 instead of 15 dental surgeons, and provides that they shall have the rank and pay of acting assistant surgeons, instead of being employed under contract at not to exceed $1,800 per annum.

Acting assistant surgeons, of whom 25 were authorized by the act of May 4, 1898 (30 Stat., 380), to be appointed by the President for temporary service, have the rank of assistant surgeons and receive the pay provided for the latter by section 1556 of the Revised Statutes, namely: During the first five years after date of appointment, when at sea, $1,700; on shore duty, $1,400; on leave or waiting orders, $1,000; after five years from such date, when at sea, $1,900; on shore duty, $1,600; on leave or waiting orders, $1,200.

Very respectfully,

W. H. MOODY, *Secretary.*

Hon. EUGENE HALE,
Chairman Committee on Naval Affairs,
United States Senate.

At present there is no provision of law under which the Department can employ dental surgeons except one for service at the Naval Academy.

Surgeon-General Rixey informs this committee that the dental operations performed by the hospital stewards "are limited to simple procedures and urgent cases," that "this arrangement is a makeshift unsatisfactory to the Bureau," that "the necessity of the care of the teeth of the enlisted men existed and its importance to the health of the Navy is appreciated," and therefore this makeshift was resorted to "until legislation could be obtained giving advantages to the enlisted men of the Navy similar to those which the Army has had for several years."

To show the estimate of the importance and value of the service rendered by the dentists in the United States Army the Surgeon-General submitted copies of reports of Army officers, from which we quote the following:

[Extract from the report of the Surgeon-General United States Army.]

The energies and resources of the Dental Corps have been taxed to their fullest extent in caring for those officers and enlisted men who have sought their services for the relief of suffering, and this has made it necessary in some instances for the dental surgeons to operate daily from 8 a. m. to 5 or 6 p. m. The great amount of service that has been rendered by the dental surgeons could not have been accomplished but for these long hours of work and the assistance accorded them through the extra details of members of the Hospital Corps.

The tabulation of diseases and injuries of the mouth and jaws, of the teeth and gums, and of operations and treatment which follow shows that a large part of the time and skill of the dental surgeons was expended in giving relief from the suffering caused by dental caries, pulpitis, pericementitis, alveolar abscess, pyorrhea alveolaris, and gingivitis. The comparatively large number of teeth extracted is due to the great prevalence of dental caries of a severe type among the enlisted men who are serving or have served in Cuba, Porto Rico, or the Philippines.

The services of the dental surgeons have been highly appreciated by the officers and enlisted men of the Regular and Volunteer Armies, and have proved very satisfactory to the Medical Department, because they have been able to relieve a great amount of acute suffering and to conserve a large number of teeth and restore them to a healthy condition, thus almost immediately returning to duty many cases that were previously carried for several days upon the company's sick report. This has resulted in greatly reducing the loss of valuable time to the service.

[Extract from the Surgeon-General's indorsement of Senate bill 5420.]

The dental surgeons appointed in accordance with the act of February 2, 1901, are rendering excellent service and their services are highly appreciated by the officers and enlisted men of the Army, especially in the Philippines and at the large military posts in the United States. A larger number could be utilized to good advantage, and the permanent retention of dental surgeons as part of the military establishment will, in my opinion, be in interest of the service.

[Extract from the report of General Grant, Department of Texas.]

DENTAL SURGEONS.

* * * * * * *

In my opinion, after careful investigation, the principal needs of the service with respect to dental surgeons are: First, more dental surgeons; second, a suitable operating room at each post; third, some positive and practicable methods compelling enlisted men to give proper attention to personal care of the teeth. I believe that there should be three dental surgeons assigned to this department, if possible, but not less than two under any circumstances. It is well known that the Philippine climate has a deleterious effect upon teeth, and every regiment, before being sent to the Philippines, should have careful attention given to dental requirements, while those regiments returning should be no less carefully attended to in this regard.

[Extract from a letter from Col. Marion P. Maus, United States Army.]

HEADQUARTERS TWENTIETH U. S. INFANTRY,
Malate Barracks, Manila, P. I., May 20, 1904.

THE MILITARY SECRETARY,
War Department, Washington, D. C.
(Through military channels.)

SIR: I have the honor to invite attention to the importance of dentists in the Army, especially at remote stations, in order that officers and enlisted men may have proper treatment.

While in command at Camp Marahui, Mindanao, certain officers, including myself, and a number of enlisted men suffered very much from the want of such service. Later, however, a dentist was provided, and great relief and benefit were realized.

There are times when the services of a dentist are as necessary as that of an Army surgeon. From my experience in the service, including all parts of the United States and dependencies, I can testify to the importance of this branch of the service and to much suffering from the want of it.

It would, perhaps, be desirable to have dental surgeons assigned to certain regiments in the same way as chaplains. * * *

I have the honor to be, very respectfully, your obedient servant,

MARION P. MAUS,
Colonel Twentieth U. S. Infantry, Commanding.

There exists in the Navy as much, if not more, urgent need of the service of dental surgeons than exists in the Army, and quite as potent reasons, both humane and economic, for supplying the need. First, because of the early age at which a large percentage enter the naval service; second, because of the longer periods those at sea are inaccessible to competent dentists.

The apprentice boys in training schools and on ships, who, February 1, 1904, numbered 4,519, are taken in the service when the care of the dental surgeon is necessary to protect them from the effects of dental disorders, which, either immediately or later, in the absence of such care, affect for life their general health, comfort, longevity, and efficiency.

The Government assumes, in a sense, the guardianship of these boys when it receives them for life service in the Navy; therefore for humane reasons nothing so vitally affecting their health and comfort should be neglected.

The attention of this committee was called to charts made by a doctor of medicine and dental surgery employed as a hospital steward in the naval service, which show the condition of the mouths and teeth of fifty boys now or recently in training at the naval-training station at Newport. One apprentice, but 16 years of age, had lost every one of the teeth from his upper jaw; another, aged 18 years, exhibited cavities in his fourteen upper teeth; another, aged 16 years, had lost practically all of his molar teeth, and the few remaining teeth were imperfect; another, aged 17 years, had lost seven teeth, and another, aged 18 years, had lost seven molar teeth. Several others of the fifty cases from 16 to 18 years of age had lost from three to six teeth. It was said of these cases, in general, that they presented either ordinary cavities of decay, dead teeth, inflamed gums, chronic abscesses discharging pus in the mouth; pus-producing diseases of the teeth, gums, and underlying bone, or germ-laden foreign matter in contact with the gums and teeth. Such conditions cause gastric and intestinal disorders, impair vitality, and make one more susceptible to infectious diseases. Experts in dentistry inform us that under present conditions a large percentage of the cases exhibited from this one station must inevitably lose their teeth at an early age, which may render them pensionable under existing law.

There are no available statistics showing the conditions throughout the Navy, but the general condition is probably well illustrated by the reports from two vessels, covering in each instance a period of one year, which, summarized, are as follows:

[From the U. S. receiving ship *Wabash.*]

The hospital steward detailed to dental service:

Restored by filling, crowning, etc	teeth	990
Treatment for various diseases	do	502
Extracted	do	92
Simple, chronic, and ulcerated conditions of the gums treated, cases		227
Diseased nerves of teeth treated	cases	165
Dead teeth treated and filled	do	110

[United States hospital ship.]

* * * I was employed for twelve months by special agreement with the Navy Department to service as a dental surgeon for the officers and enlisted men of the U. S. S. *Yosemite,* and during that time more than 75 per cent of the officers and enlisted men required and received dental service at my hands. Many of the cases were of a more or less serious character and not a few of them had resulted from incompetent dental service rendered by men who were not educated to dentistry. No class of men are so helplessly in need of skilled dentistry as the men of the United States Navy. I did dental work both while the ship was at anchor in the harbor and while at sea.

ARTHUR R. BENNETT, D. D. S.

As dental conditions in the Navy probably differ from those in the Army only by reason of the earlier age at enlistment and the longer period of service in the former, we quote from three physicians experienced in Army medical service, as follows:

[Thomas S. Latimer, M. D.]

"There can be no doubt that many soldiers were as effectually disabled by toothache, facial neuralgia, and other ailments, oral and gastric, due to lack of proper treatment, as from any other form of sickness or from gunshot wounds.

"Precisely as the exhaustion, exposure, and unsuitability of food incident to an active campaign is the need of good masticatory organs. These being neglected or improperly treated scurvy, dyspepsia, dysentery, and diarrhea are prone to ensue.

"Nor is there any disability from any injury or sickness, even where not directly connected with imperfect mastication, that is not more protracted when mouth complications exist.

"I need scarcely say that no ailments occasion greater suffering than toothache and neuralgia arising from decayed teeth. Nor are any more susceptible of prompt and complete relief under proper management. I may add that the regimental surgeon is incompetent to render the service required."

[Thomas Opie, M. D.]

"That the health, strength, longevity, and courage of the soldier depend in large measure upon his powers of mastication can not be questioned. The dental specialist is best equipped for dealing with these lesions of the teeth, and surely the man who fights his country's battles has the right to claim the comfort and health which accrues from their being in perfect order."

[W. O. Owens, M. D.]

"For seven years I have been giving especial attention to the diseases of the mouth and teeth because of their influence on the general health. During the time in which I was in charge of Corregidor Hospital about 300 soldiers, more or less disabled by dental disorders, were under treatment. I recall one case in particular, a diarrheal trouble of several months' standing, which resisted treatment until placed under the care of a dentist, whose treatment, directed to the mouth alone, effected a cure and the restoration of the soldier to active duty in two weeks. There were fifteen or twenty similar cases, known as "pyorrhea of the sockets of the teeth," with pus bathing the teeth, mixing with food, and entering therewith the alimentary tract. Neglected, such cases cause a pensionable disability."

When men are kept at sea continuously for a considerable time or located at remote stations where dental surgeons are inaccessible, it seems to us an inexcusable hardship, and the neglect of proper treatment for the teeth may ultimately result in great expense through pensions, besides the inhumanity and suffering which necessarily occurs in the absence of prompt and scientific treatment of the teeth when needed. The charts or diagrams of some fifty or more particular cases represented to this committee from a single station at Newport, R. I., is ample proof of conditions which ought not to exist.

We therefore recommend that House bill 13851 be enacted.

Mr. MACON. Mr. Chairman, I wish to ascertain whether the gentleman from Illinois is going to insist on his point of order. I was on my feet to make one when the gentleman reserved the

point of order. If he is going to make it, I will withdraw, but if not, I wish to renew it.

Mr. MANN. Is the gentleman from Arkansas desirous of making the point of order?

Mr. MACON. Yes; if the gentleman from Illinois is not going to insist on it.

Mr. MANN. I do not think I shall insist on it, Mr. Chairman.

Mr. MACON. Then I will make the point of order.

Mr. HULL. I hope the gentleman will reserve it.

Mr. MACON. I will reserve it, Mr. Chairman.

Mr. HULL. Mr. Chairman, the proposition that is contained in the bill for dental surgeons in the Navy is a most admirable one, so far as providing dental surgeons is concerned. The Navy probably needs dental surgeons as much as the Army, and it has worked splendidly in the Army. But I do believe that it ought to be on the same basis as the dental surgeons in the Army. Personally I am in favor of commissioned rank both in the Army and Navy for dental surgeons. The Army has no commissioned dental surgeons; they are contract dental surgeons. The whole experience of the Army has been that no one thing has ever been done for the enlisted force of the Army, especially of such real benefit, as having a surgeon attached to the regiment. So that part of it I thoroughly indorse.

But, Mr. Chairman, this amendment proposes that they shall have the rank of assistant and acting assistant surgeons of the Navy. That takes them out of the category of contract assistant surgeons, revocable at the pleasure of the President. That changes the law and would get rid of an officer without a court-martial. The President, unless some charge was made against a man, would undoubtedly leave the assistant surgeon in until the time of retiring and retire him with rank and pay of assistant surgeon.

Now, I would have no objection to that if it applied to both arms of the service. I believe they ought to have the rank, and I shall not raise any point of order on it. I believe, however, that both arms of the service should be alike, so that we shall not be constantly hammered to raise one to the level of the other. I believe in the dental surgeons, I believe the Navy ought to have them, and I doubt if thirty is enough. It is the number provided for in the Army, but I doubt if that is enough. The Senate has increased the number in the Army to thirty-one, but the Navy Department is the best judge of the number demanded. I do hope that this will be adopted, so that there will be contract dental surgeons until the time comes when we can report a bill outside of an appropriation bill to deal with this question as it should be and put these men on the basis that they are entitled to have in accordance with the dignity of their profession.

Mr. FITZGERALD. Mr. Chairman, will the gentleman from Iowa yield for a question?

Mr. HULL. Certainly.

Mr. FITZGERALD. Can he state what the pay of an assistant surgeon in the Navy is?

Mr. HULL. I can not. The assistant dental surgeon of the Army gets a flat pay of $150 a month, without any rank.

Mr. CRUMPACKER. Let me ask the gentleman what he thinks of this provision giving the President of the United States unlimited and arbitrary power to remove these officers at his own pleasure?

Mr. HULL. If he is a contract dental surgeon, the Department would have the right to remove him without going to the President. The chief medical officer is the proper one, if they are to be removed for incompetency.

Mr. CRUMPACKER. I like the provision contained in this paragraph. I think the Government ought to provide for the needs of the Navy along this line, but I do not favor any provision that authorizes the President of the United States or any other officer arbitrarily to remove any officer at his pleasure. The tendency of that system is to make flunkeys and sycophants of every man in the service subject to that power.

Mr. HULL. Then the gentleman is not in favor of this provision?

Mr. CRUMPACKER. I am not in favor of that part of the provision. I am not in favor of the power vested in any public officer of removing another public officer at his pleasure, unless it be for cause. I do not believe in a system that will promote or give a premium upon flunkeyism and sycophancy, I do not care where the power is vested.

Mr. HULL. I will say that clearly the intention of this is to make them contract dental surgeons. The Army dental surgeon is a contract surgeon, but that provides how they shall be selected, the careful method of selection by which they pass examination. This makes no such provision.

Mr. CRUMPACKER. Does the contract run for any definite period?

Mr. HULL. No; it does not.

Mr. CRUMPACKER. It is just during the pleasure of the——

Mr. HULL. The Medical Department of the Army has charge of that.

Mr. CRUMPACKER. It would be better to put the power of removal in the Medical Department of the Navy.

Mr. HULL. That is where it ought to be.

Mr. CRUMPACKER. Then we neither of us favor this position.

Mr. HULL. I think if they will strike out the word "rank" and provide for the pay of an assistant surgeon in the Navy, and then make him subject to removal by the Surgeon-General of the Navy, they will have accomplished all that can be in this bill of putting the two arms of the service on exact equality.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COUSINS. Mr. Chairman, I ask unanimous consent for a couple of minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COUSINS. The gentleman from Iowa [Mr. HULL] must recognize that you could not secure competent dental surgeons to go away off in the seas and remain for a cruise of a number of years. I have no objection to the gentleman providing for the Army service dentists with this low rank, but it seems to me you would cripple the efficiency of this proposition if you made it impossible to get dental surgeons who could remain away for a term of years, which you could not do if you should merely make them contract surgeons.

Mr. HULL. If the gentleman will pardon me, the dental surgeon of the Army, when he makes the contract, surrenders his practice absolutely. He goes to Alaska, to the Philippine Islands, or to Cuba if his regiment is there.

Mr. COUSINS. What term of years is he employed for?

Mr. HULL. He is employed simply as a contract surgeon, without any term of years.

Mr. COUSINS. I am perfectly willing to strike out these three words.

Mr. HULL. And if he is competent he will stay there as long as he is able to do his work.

Mr. CRUMPACKER. What class of men are obtained in the Army—students, beginners?

Mr. HULL. No; we have an excellent class of men. But I will say to the gentleman that every one of them now asks for a commissioned rank.

Mr. CRUMPACKER. They ought to have it.

Mr. HULL. I think they ought to have it. I am in favor of it, but while that is true, I do not want to see one branch of the service get a commissioned rank and have thirty-odd men the other way in another branch of the service.

Mr. COUSINS. Well, the gentleman is chairman of his committee, and he can undoubtedly get that.

Mr. HULL. We have already reported a bill to give them a commissioned rank.

Mr. COUSINS. Now, Mr. Chairman, I am perfectly willing that the words "and revocable at the pleasure of the President" shall be eliminated in line 4, on page 47.

The CHAIRMAN. But the point of order is pending against the whole proposition.

Mr. COUSINS. In order to have this conform to the suggestion of the gentleman from Indiana, I am perfectly willing that those words should be eliminated.

The CHAIRMAN. But the gentleman from Arkansas has raised the point of order against the whole proposition.

Mr. COUSINS. Well, I hope the gentleman will not insist.

Mr. MACON. I do not want anybody to be shut off from having their say about it.

Mr. COUSINS. Does the gentleman from Arkansas insist upon his point of order?

Mr. MACON. Yes, sir; I do; that is what I made it for.

Mr. COUSINS. I regret very much, Mr. Chairman, the point should have been made against it.

The CHAIRMAN. Is there anything further to be said on the point of order? It is perfectly clear what the decision must be; the Chair sustains the point of order.

The Clerk read as follows:

* Hospital Corps: That the Hospital Corps of the United States Navy shall consist of chief pharmacists; pharmacists; chief pharmacists' mates; pharmacists' mates, first class; pharmacists' mates, second class, and hospital apprentices.

That the number of chief pharmacists and pharmacists on the active list shall not exceed fifty in all, the pharmacists to be appointed by the President and have the status of warrant officers, with the rank, pay, and allowances and privileges of such; that vacancies in the grade

of pharmacist shall be filled from men holding the rating of chief pharmacists' mate, subject to such examination as the Secretary of the Navy may prescribe; that pharmacists shall, after six years from date of warrant, be commissioned chief pharmacist, to rank with but after ensign, and shall, on promotion, have the same pay and allowances as are now allowed chief boatswains, chief gunners, chief carpenters, and chief sailmakers: *Provided*, That no pharmacist shall be so promoted until he shall have passed an examination as to his mental, moral, professional, and physical qualifications before a board of officers, in accordance with regulations prescribed by the Secretary of the Navy.

That the Secretary of the Navy is hereby empowered to enlist, or cause to be enlisted, as many chief pharmacists' mates; pharmacists' mates, first class; pharmacists' mates, second class, and hospital apprentices as in his judgment may be necessary, and to fix the number and to make such regulations as may be required for their enlistment and government. Enlisted men of the Navy and Marine Corps shall be eligible for transfer to the Hospital Corps.

That all necessary hospital and ambulance service at naval hospitals, naval stations, navy-yards, and marine barracks, and on vessels of the Navy and Fish Commission shall be performed by members of the Hospital Corps, and the said corps shall be permanently attached to the Medical Corps of the Navy and shall be included in the effective strength of the Navy, and shall be counted part of the enlisted force provided by law, and be subject to the laws and regulations for the government of the Navy.

That the pay of chief pharmacists' mates shall be $70 per month, except when serving under acting appointments, when it shall be $60 per month; of pharmacists' mates, first class, $50 per month; of pharmacists' mates, second class, $35 per month; and of hospital apprentices, $20 per month, with such increase on account of length of service as is now or may hereafter be allowed by or in pursuance of law to other enlisted men of the Navy; and that all benefits that are now or may hereafter be given by or in pursuance of law to other warrant officers or enlisted men of the Navy shall hereafter be allowed to warrant officers and enlisted men of the Hospital Corps.

That all acts or parts of acts so far as they conflict with the provisions of this act are hereby repealed.

During the reading of the above,

Mr. MACON. Mr. Chairman, I make the point of order against that paragraph (the first).

Mr. FOSS. Mr. Chairman, I would suggest the Clerk might read the whole provision.

Mr. MACON. Very well; if it is understood the point will lie against that provision.

The CHAIRMAN. The Clerk will finish reading that paragraph.

Mr. FITZGERALD. Do I understand the point of order need not be made to any particular paragraph, but the entire provision is to be read as one paragraph?

The CHAIRMAN. The entire provision is one paragraph relating to this particular subject.

Mr. MACON. If that is understood, Mr. Chairman.

The CHAIRMAN. Down to line 10, on page 49, it seems to be but one paragraph, and it will be so considered by the Chair, and the Clerk will continue the reading of that paragraph.

After the Clerk had concluded the reading of the provision,

The CHAIRMAN. The gentleman from Arkansas raises the point of order against the entire provision read.

Mr. MACON. Yes, sir; commencing line 5, on page 47, and——

Mr. ROBERTS. Will the gentleman reserve the point of order?

Mr. MACON. Of course.

Mr. ROBERTS. Mr. Chairman, I do not know whether I can say anything that will induce the gentleman from Arkansas to finally withdraw his point of order, but I will endeavor to do so. I want to point out to him and to the Members of this House that one of the most crying needs in the bureau of the Surgeon-General of the Navy to-day is a reorganization of the Hospital Corps. That corps was established by law in 1898, and it provided the pay that should be given to all of the men employed in it. That pay being fixed by statute, all of the stewards, all the hospital apprentices, and others employed in that corps have had no benefit whatever of the increased pay given to all other enlisted men in the service by Executive order since the passage of that act. That fact, coupled with the further fact that those men are very inadequately paid, has resulted in a crippling of the corps. They enlist hospital apprentices and after they have had the training given them as hospital apprentices, there being no inducement to these men to reenlist, nothing ahead of them in the way of adequate promotion, they leave the service. They go into private life and with the training they have received are able to get high wages as nurses. Now I will briefly give the condition of that corps from these causes. The total number of pharmacists existing, as established by the act of 1898, limited that number to twenty-eight. The others, hospital stewards and apprentices, first and second class, are not limited in number. There may be as many of those classes as the President may see fit to order, but their pay is fixed by the act. It can not be increased by Executive order.

Now, there are 243 stations that require hospital stewards and there are but 223 hospital stewards in the service, being a shortage of 30. There are 286 stations requiring hospital apprentices of the first class. There are but 260 enlisted, a shortage of 26. There are 428 stations requiring hospital apprentices and but 272 enlisted, a shortage of 156, showing the effect of this lack of promotion in this corps, showing its effect upon reenlistment of the men who come in and receive instructions and who would be much more valuable to the service by reason of the instruction if sufficient inducements were held out to them to reenlist. What is sought in this bill is to put the pharmacist and Hospital Corps upon the same footing exactly as the chief warrant officers in the Navy. As it stands to-day, a chief boatswain or a chief carpenter, any chief petty officer in the Navy, gets the assimilated rank of ensign. He is eligible to a commission, but to-day the chief petty officer in the Hospital Corps gets no higher than pharmacist, no higher rating, and no increase in pay. If the provisions of this bill are enacted into law, it means a total expense to the Government of $37,850 per year, and it puts this corps on the same footing with other naval enlisted men.

Now, further, Mr. Chairman, this measure has had the approval of three successive Secretaries of the Navy. It has twice received the approval of the Committee on Naval Affairs, it having been reported out in the last Congress and again in this Congress, the bill now being upon the Calendar, and it seems to me——

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBERTS. Mr. Chairman, I ask unanimous consent for a few minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

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

Mr. ROBERTS. Certainly.

Mr. MANN. When were these pharmacists as now constituted provided for by law?

Mr. ROBERTS. In 1898.

Mr. MANN. That was not very long ago, of course.

Mr. ROBERTS. No; and I am glad the gentleman called my attention to that point. When this Hospital Corps was organized there were 11,700 petty officers, enlisted seamen, and apprentices in the Navy. To-day there are 37,000.

Mr. MANN. We provided then for twenty-five pharmacists?

Mr. ROBERTS. Twenty-five pharmacists.

Mr. MANN. For the eleven thousand or twelve thousand?

Mr. ROBERTS. There were 11,700 enlisted men, petty officers, and apprentices.

Mr. MANN. Now it is proposed to provide fifty.

Mr. ROBERTS. A maximum of fifty—not exceeding that.

Mr. MANN. That is the pharmacists?

Mr. ROBERTS. That is the pharmacists. The men of the lower grade—I do not think that I recall the number—is not fixed here that would be established by Executive order as they are now.

Mr. MANN. They are not limited now?

Mr. ROBERTS. They are not limited now. The President can appoint as many as are needed of those below the grade of pharmacists.

Mr. MANN. In the original act of 1898 what was the reason they did not give these pharmacists the grade which it is now sought to give them?

Mr. ROBERTS. I will say to the gentleman that I was not a Member of Congress at that time, and have not had that question raised, and can give him no information on it. I do not know why that was done. I think, however—this is only an impression—that they were on the same footing at that time with the other warrant officers of the Navy, but since then you have by legislation lifted up the other officers, the chief warrant officers, and given them the benefit of a commission.

Mr. MANN. What act of 1898 is that? What is the date of that act?

Mr. ROBERTS. That was approved June 17. It is a separate bill. If the gentleman would like to see it, I have it here.

Mr. HULL. Will the gentleman yield?

Mr. ROBERTS. Certainly.

Mr. HULL. The bringing in of a very important provision of this character on an appropriation bill gives no opportunity to investigate, and I would like to ask the gentleman how much it increases the compensation of the pharmacists?

Mr. ROBERTS. The compensation of the pharmacists——

Mr. HULL. How much is it now?

Mr. ROBERTS. It is $60.

Mr. HULL. Now?

Mr. ROBERTS. Now; and this increases it to $65.

Mr. HULL. Does the present law provide that they shall all be chief pharmacists after six years?

Mr. ROBERTS. No; that is a new provision entirely, in order to put the chief pharmacists on the same footing as a

chief boatswain, chief master-at-arms, chief carpenter, and chief sailmaker.

Mr. HULL. Ordinarily in the Army and Navy has it not been considered that a pharmacist was about the head of the noncommissioned officers only?

Mr. ROBERTS. It may be so considered, but he has not been so treated by law in the Navy Department.

Mr. HULL. I know of no provision that gives an increase of pay to hospital stewards in the Army which corresponds to this. I am not raising any point of order. I want information on it.

Mr. ROBERTS. If the gentleman will pardon me, the trouble with the act creating this corps was that it fixed by law the pay that the men in each corps should receive.

Mr. HULL. Certainly.

Mr. ROBERTS. And limited promotion. Now, the other chief warrant officers were by the Executive order given the benefit of increased pay, and they also have the rank of ensign. But the Hospital Corps could not be included, and they did not get the benefit.

Mr. HULL. Any hospital steward or pharmacist who could pass the examination could be admitted as a commissioned officer to the Medical Corps of the Army. Why could not he do that in the same way in the Navy?

Mr. ROBERTS. That would take them out of the Hospital Corps.

Mr. HULL. Certainly it would. I would like to ask the gentleman if there has ever been a time in the history of the country when the Hospital Corps of either branch of the service had commissioned rank?

Mr. ROBERTS. I do not think there ever has.

Mr. HULL. Is there any reason why we should give commissioned rank to a Hospital Corps?

Mr. ROBERTS. I will say, in answer to the gentleman, that until recently there never was a time when a chief warrant officer had a commission until Congress so ordered in its wisdom.

Mr. HULL. After passing a certain examination.

Mr. ROBERTS. After passing a certain examination in their line.

Mr. HULL. But when a man who is a boatswain gets a commission in the Navy, he ceases to be a boatswain, and becomes a commissioned officer.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HULL. I ask unanimous consent that the gentleman may have more time.

There was no objection.

Mr. HULL. The proposition to give commissioned rank for a petty officer in the Navy is simply in line with what has always been in the Army. A man can enlist, pass an examination, and win his promotion. It is a splendid proposition, encouraging good and industrious young men, but there was never a proposition to extend commissions to the Hospital Corps as such; yet the Medical Department is open to every one of them if they can pass the examination. They become surgeons, and then they are commissioned in the Army. But you propose to do more than that. You are going to preserve the Hospital Corps and give them promotion to commissioned rank, something that has never been done, and I would like to know why.

Mr. ROBERTS. I would like to give the gentleman the reason why. It is because of the lack of promotion that the Hospital Corps is now hampered, and the Surgeon-General, with the approval of three different Secretaries of the Navy, wants to eliminate that feature and wants to make it attractive to people to go into that Corps and to stay there. To do that we have by this bill increased the pay of what are now known as "stewards" and "hospital apprentices," and a slight increase of pay to chief pharmacists, and give them this promotion. There is only a limited number, as the gentleman will see, who will become chief pharmacists.

Mr. HULL. They all get the pay and allowances of chief pharmacists after six years' service?

Mr. ROBERTS. Yes.

Mr. HULL. You give petty officers as high as $1,600 a year and with the allowances in the Navy, while with the allowances and bogey pay in the Army they serve for less than $800. And you want to go one step further. By the present statute the pharmacist of the Navy gets his pay as fixed by law; that is in line with all of what has been the case with pharmacists and other noncommissioned officers and enlisted men.

Mr. ROBERTS. But the gentleman probably realizes that the pay of other warrant officers and petty officers he speaks of has been fixed by Executive order.

Mr. HULL. I understand that thoroughly.

Mr. ROBERTS. And that there may be a discrepancy between the rate fixed by Executive order for the Navy and that fixed by law in the Army for hospital stewards.

Mr. HULL. I will not go into the merits of the case as to whether it is better for the country to fix the pay for men in the service of the Government by Executive order or by an act of Congress; we are precluded from that consideration at this time.

Mr. MANN. Will the gentleman from Iowa permit a question?

Mr. HULL. Certainly.

Mr. MANN. If we should provide that the pharmacists of the Navy should have the rank of chief pharmacist after six years' service, would it not be possible to secure the same provision for the Army after a time?

Mr. HULL. We have never had any promotion in the Hospital Corps in the Army to commissioned rank, and never in the Navy until now. It is a new departure that to my mind is exceedingly doubtful. It will result in all men finally becoming commissioned.

Mr. MANN. What is the pay of a steward?

Mr. HULL. Fifty-four dollars in the Army.

Mr. MANN. In the Hospital Corps?

Mr. HULL. Yes. And occasionally a bright young fellow takes the examination and gets a commission as surgeon in the Army, just as he could in the Navy. But he then ceases to belong to the Hospital Corps. There is a man now in the Army who has served fifty-two years as a hospital steward, and we now have a bill before the Military Committee asking that he be given commission as a second lieutenant and retired. The committee has refused to retire him on the ground that hospital stewards are not commissioned, and will not recognize their rights to retire except of the grade that they served in.

Mr. ROBERTS. Mr. Chairman, the Naval Committee thought that if there was to be anything done for the benefit of the Hospital Corps, they should be placed on the same plane of equality with other chief warrant officers. If that is not the sense of the Committee of the Whole, they of course will reject it; but it does seem to me, as a member of the Naval Committee, we should not make that discrimination. I can not see why a member of the Hospital Corps is not as much entitled to a commission as a chief boatswain.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBERTS. Mr. Chairman, I ask unanimous consent to print, as an appendix to my remarks, the statement which I send up.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The statement is as follows:

UNITED STATES NAVAL HOSPITAL CORPS.

A Hospital Corps of not less than a thousand men is now needed. To enlist and retain such a corps of the desired quality it is believed that greater inducements for continued service must be offered. Unless a good prospect of ultimate promotion with consequent increase in pay be held out as a reward for long and faithful service, the pecuniary advantages and comforts of civil life will continue to outweigh in the minds of ambitious hospital stewards contemplating reenlistment the attractions of the naval service, handicapped as it is with the privations and inconveniences of sea duty. The recommendations of the Bureau to increase the warrant grade of the Hospital Corps from twenty-five, now allowed by law, to fifty was approved by the Department and included in the provisions of Senate bill No. 2206 and House bill No. 12846 of the Fifty-ninth Congress, first session. The bill, however, failed to receive consideration, though approved by three Secretaries of the Navy and favorably reported by the House Naval Committee. This bill, No. 12846, is now on the Calendar before the House. The same bill, No. 2206, has been read before the Senate and referred to the Naval Committee. The increase in the warrant grade of the Hospital Corps proposed by this bill would encourage the most desirable hospital stewards to reenlist, and the authorization of the grade of chief pharmacist would give pharmacists the opportunity, now enjoyed by boatswains, gunners, carpenters, and warrant machinists, of promotion to the lowest commissioned grade. The Bureau is of the opinion that a Hospital Corps as nearly permanent in organization as can be obtained is needed for the proper care of the sick and injured of the Navy, and that the proposed increase in the warrant grade will favor the accomplishment of this desirable end, and therefore again recommends that the number of pharmacists be increased to fifty; that the grade of chief pharamcist be authorized, and that all laws now existent or hereafter to be enacted relating to warrant officers of the Navy be made applicable to them.

The Naval Hospital Corps, since its organization in 1898, has proved a great advance toward providing for the Navy a body of trained nurses and hospital stewards. A constant effort has been made to secure for the corps and retain in the service men of sobriety, intelligence, aptitude, and fair education. It is discouraging to note, however, that a large number of the Hospital Corps do not reenlist, and the Navy thus loses the services of many desirable men who have had four years' training and experience. New enlistments have not been sufficient to fill the vacancies thus created in the corps. While the demands for men of the Hospital Corps have increased, their number has decreased. In January, 1905, there were 246 hospital stewards, 255 hospital apprentices first class, and 271 hospital apprentices, a total of 772. In June, 1906, there were 213 hospital stewards, 260 hospital apprentices first class, and 233 hospital apprentices, a total of 706. This number

is too small to provide the medical departments of ships in commission with full complements and at the same time supply the needs of naval hospitals, dispensaries, navy-yards, marine detachments, and recruiting offices.

As present conditions do not attract men of the corps to reenlist, and, as the supply of recruits is not sufficient, it is therefore evident that without offering additional inducements in pay and in prospect of promotion it will be impossible to obtain for the corps the requisite number of recruits and retain in it experienced and trained men.

The monthly pay now allowed for hospital stewards is $60; for hospital apprentices first class, $30, and for hospital apprentices, $20. The pay of the Hospital Corps was fixed by the act of Congress which authorized the corps. Hospital stewards are thus deprived of the benefits of the Executive order of June 26, 1903, increasing the pay of all other chief petty officers of the Navy who qualify by examination for permanent appointment to $70 a month. For the same reason hospital stewards, hospital apprentices first class, and hospital apprentices do not receive 75 cents a month in addition to the pay of their rating, which is given to all other enlisted men of the Navy, except mates, for each good-conduct medal, pin, and bar. Furthermore, as the number of pharmacists is limited to twenty-five, the chances of promotion to warrant grade are very small. These disadvantages are naturally sources of dissatisfaction to the members of the Hospital Corps. Actual experience during the past eight years and careful study of the present and future needs of the service have convinced the Bureau that correction of these unsatisfactory provisions of the law and organization of the Hospital Corps are imperatively necessary to secure and maintain a competent and efficient body of men for the care and treatment of the sick of the Navy. The necessity for reorganizing and increasing the efficiency of the Hospital Corps has been fully set forth by the Bureau in three preceding annual reports. The Department has approved the recommendations of the Bureau concerning the corps and has urgently recommended favorable action thereon by Congress. The stationary or diminishing number of the Hospital Corps in relation to the actual and increasing strength of the Navy emphasizes the fact that such orginization is becoming daily more imperative, and the Bureau again earnestly recommends that request be made for prompt consideration by Congress of this matter, which is of vital importance to the medical establishment of the Navy.

An organization which will meet present needs, permit ready expansion in the event of war, and secure an efficient naval Hospital Corps is, in the opinion of the Bureau, provided for in Senate bill No. 2206 and House bill No. 12846, Fifty-ninth Congress, first session, which contains the following provisions: First, that the Hospital Corps of the Navy shall consist of chief pharmacists; pharmacists: chief pharmacists' mates; pharmacists' mates, first class; pharmacists' mates, second class, and hospital apprentices. Second, that the number of chief pharmacists and pharmacists on the active list shall not exceed fifty in all, the pharmacists to be appointed by the President and have the status of warrant officers, with the rank, pay, allowances, and privileges of such; that vacancies in the grade of pharmacist shall be filled from men holding the rating of chief pharmacists' mate, subject to such examination as the Secretary of the Navy may prescribe; that pharmacists shall, after six years from date of warrant, be commissioned chief pharmacist, to rank with but after ensign, and shall on promotion have the same pay and allowances as are now allowed chief boatswains, chief gunners, chief carpenters, and chief sailmakers, provided that no pharmacist shall be so promoted until he shall have passed an examination as to his mental, moral, professional, and physical qualifications before a board of officers, in accordance with regulations prescribed by the Secretary of the Navy. Third, that the Secretary of the Navy is hereby empower to enlist or cause to be enlisted as many chief pharmacists' mates; pharmacists' mates, first class; pharmacists' mates, second class, and hospital apprentices as in his judgment may be necessary, and to fix the number and to make such regulations as may be required for their enlistment and government. Enlisted men of the Navy and Marine Corps shall be eligible for transfer to the Hospital Corps. Fourth, that all necessary hospital and ambulance service at naval hospitals, naval stations, navy-yards, and marine barracks, and on vessels of the Navy and Fish Commission, shall be performed by members of the Hospital Corps, and the said Corps shall be permanently attached to the Medical Corps of the Navy and shall be included in the effective strength of the Navy, and shall be counted part of the enlisted force provided by law and be subject to the laws and regulations for the government of the Navy. Fifth, that the pay of chief pharmacists' mates shall be $70 per month, except when serving under acting appointments, when it shall be $60 per month; of pharmacists' mates, first class, $50 per month; of pharmacists' mates, second class, $35 per month, and of hospital apprentices, $20 per month, with such increase on account of length of service as is now or may hereafter be allowed by or in pursuance of law to other enlisted men of the Navy; and that all benefits that are now or may hereafter be given by or in pursuance of law to other warrant officers or enlisted men of the Navy shall hereafter be allowed to warrant officers and enlisted men of the Hospital Corps.

Present condition of the Hospital Corps.

Rate.	Regular stations.	Special stations.[a]	Total stations.	Enlistments.	Short.
Hospital stewards	229	24	253	223	30
Hospital apprentices, first class	270	16	286	260	26
Hospital apprentices	383	45	428	272	156

[a] Dental duty, torpedo boats, vessels of the Fish Commission, recruiting stations, and class of instruction.

No allowance is made for the commissioning of new ships, or exigencies such as now the case in Cuba, where twenty hospital corps men are stationed.

REASONS FOR PRESENT CONDITION.

1. The rating of apothecary (hospital steward) was established December 8, 1866, with pay at $60 per month; there has been no legislation increasing this pay since that date.

2. The pay is insufficient and the prospects of advancement, which should be held out as an inducement, is not adequate enough to attract and hold experienced and trained men.

3. The fact that the Hospital Corps is deprived of the benefits of Executive orders increasing the pay of all other enlisted men of the Navy. In this connection it is to be noted that the benefits of added compensation for trained men, provided for by the Executive orders of June 26, 1903, and just recently, November 28, 1906, are not shared by the members of the Hospital Corps. It is imperative that legislation be enacted to settle this question of pay in the Hospital Corps at once and for all, and give it a merited share in the benefit of Executive orders, which have, up to the present time, increased the pay of chief petty officers of the line one-fourth above that of the chief petty officers of the Hospital Corps.

Estimated increased cost should House bill No. 12846 become a law.

PHARMACISTS.		
(a) Present number with highest pay, total per year	$43,000	
(b) With increased number, according to bill, including chief pharmacists	75,180	
(c) Total increase per year		$32,180
HOSPITAL STEWARDS.		
(a) Present number with highest pay, total per year	$164,160	
(b) With total increased pay according to bill	166,400	
(c) Total increase per year		2,240
HOSPITAL APPRENTICES, FIRST CLASS.		
(a) Present number with pay, total per year	$7,260	
(b) With total increased pay per year	10,690	
(c) Total increase per year		3,430
Total increased expense for entire corps		37,850

NOTE.—This does not represent any increase over the other enlisted personnel, but merely places all on an equality of footing.

BENEFITS FROM PROPOSED REMEDY.

1. To the service—

(a) Allay serious dissatisfaction among the members of the Hospital Corps.

(b) Will stimulate reenlistments and offer inducements to a class of men (trained nurses) now impossible to induce to enter the service.

(c) Will insure an efficient nursing staff for the service and an intelligent, efficient organization for those important duties of assistant to the surgeon in operations and preventive medicine. The Hospital Corps must be relied upon for all the medical and surgical nursing aboard our battle ships and cruisers; they must be competent to assist in surgical operations and with the technique of antiseptic work whether aboard ship or on shore. As these men are trained, so will our success be in saving life in and after battle. Besides, in preventive medicine, especially in the Tropics, the trained men are invaluable in keeping the personnel in good condition.

Mr. MACON. Mr. Chairman, since I have been somewhat complained of for raising this point of order, I desire recognition for a few moments. I am not making captious objections to the provisions of this bill, and did not make a captious objection a moment ago when I objected to a provision that was stricken out on a point of order. I have made many other points of order against provisions of this character since I have been a Member of this House, where office-making legislation was sought to be had upon appropriation bills.

Sir, there are many interests in this country that are needing attention at the hands of Representatives upon this floor besides the Army and Navy office-creating interest, but they can not be heard on an appropriation bill. The rule strictly forbids any such proceeding, and hence other interests must bide their time, be that time until doomsday, and many of them will have to wait that long for a hearing, I am afraid. I am sure they will have to wait that long if they are really in the interests of the masses and the present party remains in power.

I am opposed, Mr. Chairman, to legislating in this way unless the rule can be so amended as to allow legislation for all classes and conditions of people upon appropriation bills. Unless that is done I will continue to raise points of order against special-interest legislation on appropriation bills. Upon nearly all of the appropriation bills presented in the House we find one provision after another creating offices. The proposition that went out on a point of order a moment ago proposed to create thirty new officers to go on the regular pay roll, to remain on it for all time, and perhaps for a part of eternity, for where a Government officer gets in it takes eternal ages to get him out. In the paragraph before me it is proposed to create fifty officers to go on the pay roll for the toiling masses of the country to be taxed to pay all the rest of their days. Then, sir, we turn over one page and we find another provision, which reads:

> That the Secretary of the Navy is hereby empowered to enlist, or cause to be enlisted, as many chief pharmacists' mates; pharmacists' mates, first class; pharmacists' mates, second class, and hospital apprentices as in his judgment may be necessary, and to fix the number and to make such regulations as may be required for their enlistment and government.

That paragraph proposes creating positions for persons without number, no limit to them at all. Enact that paragraph into law, and we would virtually say to the Secretary of the Navy: "You can appoint as many of your friends and your friends' friends to office as you want," and we know that importunity on the part of this friend or that friend, especially if he had a political "pull," would cause the Secretary of the Navy, or anyone else at the head of a Department, to yield here and there until he had overtaxed reason and everything else in the matter of making appointments under it. Secretaries of the Navy are human, as well as other folks. Mr. Chairman, know-

ing that if this horde of officers once get upon the pay roll of the Government they will be there for all time and that they will be paid with money much of which will be fairly wrung from the sweat of the toilers of this country, I can not consistently sit by as a Representative of the plain American people and see such things go on when my humble voice can prevent it. [Applause.]

Mr. ROBERTS. Will the gentleman permit an interruption for a moment?

Mr. MACON. Yes; with pleasure.

Mr. ROBERTS. I should like to call the gentleman's attention to this fact, that the act establishing the hospital in 1898 provides that the Secretary of the Navy is empowered to appoint twenty-five pharmacists, with the rank, pay, and privileges of warrant officers, removable in the discretion of the Secretary, and to enlist or cause to be enlisted as many hospital stewards, hospital apprentices, first class, and hospital apprentices as, in his judgment, may be necessary, the same provision exactly being in the existing law that the gentleman is criticising before the House.

Mr. MACON. My answer to that is that if I had been here at that time I would have raised the same objection to it that I am raising here; but I was not here then and did not have the opportunity. Mr. Chairman, I have a duty to perform as a Member of this House and I try to do it conscientiously, and hence when I believe any kind of legislation is being attempted here that is inconsistent with the rules of the House and not for the best interests of the country, it becomes my privilege and my duty to object, and I very respectfully do it. I now insist on the point of order.

The CHAIRMAN. The point of order is sustained.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BARCHFELD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 7163. An act to correct the naval record of Alfred Burgess;

S. 2400. An act to correct the naval record of Peter H. Brodie, alias Patrick Torbett;

S. 7188. An act to remove the charge of desertion from the military record of Martin All;

S. 5456. An act granting an increase of pension to Marcellus Cash;

S. 7862. An act granting an increase of pension to Elias Laughner;

S. 7871. An act granting a pension to Catharine Hayes;

S. 2729. An act granting an increase of pension to Robert J. Henry;

S. 7222. An act granting an increase of pension to Sylvester Byrne;

S. 4028. An act granting an increase of pension to Ann H. Barnes;

S. 5992. An act granting an increase of pension to Franklin Craig;

S. 3435. An act granting an increase of pension to Rowland Saunders;

S. 5423. An act granting an increase of pension to William M. Tinsley;

S. 6955. An act granting an increase of pension to Abram W. Vandel;

S. 7373. An act granting an increase of pension to Jeremiah Thomas;

S. 4562. An act granting an increase of pension to Henry Stegman;

S. 7606. An act granting an increase of pension to Samuel Reeves;

S. 7532. An act granting an increase of pension to Joseph Kiichli;

S. 8107. An act granting an increase of pension to Leonidas Obenshain;

S. 6609. An act granting an increase of pension to John Shank;

S. 7483. An act granting an increase of pension to Marinda B. Beery;

S. 7480. An act granting an increase of pension to John Bowen;

S. 7485. An act granting an increase of pension to Lester M. P. Griswold;

S. 4461. An act granting an increase of pension to Thomas S. Elsberry;

S. 7420. An act granting a pension to Eleanor N. Sherman;

S. 5361. An act granting an increase of pension to John H. Peters;

S. 7244. An act granting an increase of pension to Bessie Sharp Pettit;

S. 7341. An act granting an increase of pension to Menzo S. Bishop;

S. 7481. An act granting an increase of pension to Alanson W. Edwards;

S. 7305. An act granting an increase of pension to Robert K. Leech;

S. 7842. An act granting an increase of pension to Evarts C. Stevens;

S. 8024. An act granting a pension to Susan J. Rogers;

S. 7764. An act granting an increase of pension to Davis Gilborne;

S. 7763. An act granting an increase of pension to Jacob S. Hawkins;

S. 6610. An act granting an increase of pension to Isaac Johnson;

S. 8207. An act granting an increase of pension to Peter Wedeman;

S. 8120. An act granting an increase of pension to Benjamin T. Woods;

S. 7708. An act granting an increase of pension to Sue A. Brockway;

S. 2315. An act granting an increase of pension to William T. Graffan, alias William Rivers;

S. 6380. An act granting an increase of pension to Josiah B. Kinsman;

S. 7334. An act granting an increase of pension to Joshua T. Jellison;

S. 7831. An act granting an increase of pension to William H. Grandaw;

S. 913. An act granting an increase of pension to Charles E. Foster;

S. 6911. An act granting an increase of pension to George A. Boyle;

S. 7039. An act granting an increase of pension to Robert Hamilton;

S. 570. An act granting an increase of pension to John W. Crane;

S. 7912. An act granting an increase of pension to Eleanor P. Bigler;

S. 3852. An act granting an increase of pension to Levi W. Curtis;

S. 8215. An act granting an increase of pension to James W. Lendsay;

S. 7915. An act granting an increase of pension to Mary M. Howell;

S. 8237. An act granting an increase of pension to Lydia Irvine;

S. 7696. An act granting an increase of pension to Zadok K. Judd;

S. 7572. An act granting an increase of pension to Warren M. Fales;

S. 6702. An act granting an increase of pension to Charles E. Du Bois;

S. 8005. An act granting an increase of pension to Garrett F. Cowan;

S. 8021. An act granting an increase of pension to John F. Martine;

S. 7004. An act granting an increase of pension to Edward G. Burnet;

S. 7470. An act granting an increase of pension to William F. Burnett;

S. 7154. An act granting an increase of pension to Samuel A. Miller;

S. 3997. An act granting an increase of pension to Jacob Berry;

S. 7473. An act granting an increase of pension to John M. Gilliland;

S. 6531. An act granting an increase of pension to Francis A. Dory;

S. 8017. An act granting an increase of pension to Watson L. Corner;

S. 1520. An act granting an increase of pension to Laura M. Freeman;

S. 1515. An act granting an increase of pension to Elizabeth Strong;

S. 3672. An act granting an increase of pension to Daniel R. Emery;

S. 1136. An act granting an increase of pension to Warren W. Whipple;

S. 8105. An act granting an increase of pension to Anna Arnold;

S. 4762. An act granting a pension to Mary A. Brady;

S. 5813. An act granting an increase of pension to Marshall T. Kennan;

S. 7772. An act granting a pension to Ellen Dougherty;

S. 7722. An act granting an increase of pension to Henderson Stanley;
S. 7803. An act granting an increase of pension to William H. Long;
S. 7825. An act granting an increase of pension to Garret P. Rockwell;
S. 6910. An act granting an increase of pension to George F. Chamberlin;
S. 8225. An act granting an increase of pension to Elizabeth P. Hargrave;
S. 7877. An act granting an increase of pension to Thomas D. Marsh;
S. 7938. An act granting an increase of pension to John W. Messick;
S. 8034. An act granting an increase of pension to Jacob M. F. Roberts;
S. 7830. An act granting an increase of pension to Wilbur A. Stiles;
S. 7628. An act granting an increase of pension to John P. Wildman;
S. 7923. An act granting an increase of pension to William H. Brady;
S. 7553. An act granting an increase of pension to Adolphus P. Clark;
S. 2971. An act granting an increase of pension to Henry O. Bennum;
S. 7555. An act granting an increase of pension to James T. Piggott;
S. 6245. An act granting an increase of pension to Susan Mahany;
S. 7231. An act granting an increase of pension to Oscar F. Richards;
S. 8081. An act granting an increase of pension to William H. Cochran;
S. 8084. An act granting an increase of pension to John Hazen;
S. 8079. An act granting an increase of pension to Joseph Ickstadt;
S. 5578. An act granting an increase of pension to Sheffield L. Sherman, jr.;
S. 7872. An act granting an increase of pension to Gilbert H. Keck;
S. 7636. An act granting an increase of pension to Samuel M. Breckenridge;
S. 6103. An act granting an increase of pension to William P. Visgar;
S. 7786. An act granting an increase of pension to Chauncey M. Snow;
S. 7785. An act granting an increase of pension to Carlo J. Emerson;
S. 7168. An act granting an increase of pension to Edward B. Shepherd;
S. 7194. An act granting an increase of pension to Lawrence Over;
S. 5558. An act granting an increase of pension to George Payne;
S. 8235. An act granting a pension to James H. Huntington;
S. 5621. An act granting an increase of pension to Frederick Buehrle;
S. 4531. An act granting an increase of pension to Levi M. Stephenson;
S. 8259. An act granting an increase of pension to Henry B. Love;
S. 5756. An act granting an increase of pension to Charles A. Bell;
S. 3552. An act granting an increase of pension to Joseph P. Wilcox;
S. 1350. An act granting an increase of pension to Michael Cullen;
S. 6140. An act granting an increase of pension to Julia A. Birge;
S. 8195. An act granting an increase of pension to Asa E. Swasey;
S. 6672. An act granting an increase of pension to Hannah Peavey;
S. 7068. An act granting an increase of pension to Richard B. Hall;
S. 7138. An act granting an increase of pension to George H. Allen;
S. 7038. An act granting an increase of pension to William Curran;
S. 6093. An act granting a pension to Hester A. Coller;
S. 6319. An act granting an increase of pension to Angus Fraser;
S. 2109. An act granting an increase of pension to Elisha T. Arnold;
S. 4208. An act granting an increase of pension to Charles V. Nash;
S. 5752. An act granting an increase of pension to Ruth M. Hoag;
S. 6078. An act granting an increase of pension to Elijah B. Hudson;
S. 5718. An act granting an increase of pension to William D. Hoff;
S. 6774. An act granting an increase of pension to James B. Hackett;
S. 1980. An act granting an increase of pension to Mary O. Foster;
S. 8197. An act granting an increase of pension to Arabella J. Farrell;
S. 8104. An act granting an increase of pension to Henry Shelley;
S. 7698. An act granting a pension to Fannie S. Grant;
S. 2502. An act granting an increase of pension to Stephen M. Fitzwater;
S. 1935. An act granting an increase of pension to Charles Church;
S. 7129. An act granting a pension to Susan J. Chandler;
S. 6952. An act granting an increase of pension to Martin A. Rubert;
S. 161. An act granting an increase of pension to Ruth E. Rogers;
S. 8056. An act granting an increase of pension to William H. Fountain;
S. 6768. An act granting an increase of pension to John E. Hayes;
S. 7476. An act granting an increase of pension to Oliver S. Boggs;
S. 7616. An act granting an increase of pension to Ezekiel C. Ford;
S. 883. An act granting an increase of pension to Thomas A. Willson;
S. 2336. An act granting an increase of pension to Annie E. Smith;
S. 6724. An act granting a pension to Mary W. Granniss;
S. 435. An act granting an increase of pension to Luther H. Canfield;
S. 496. An act granting an increase of pension to Lewis Young;
S. 8278. An act granting an increase of pension to Calvin Herring;
S. 7968. An act granting an increase of pension to James Slater;
S. 7878. An act granting an increase of pension to Richard J. Gibbs;
S. 6281. An act granting an increase of pension to Joseph C. Bowker;
S. 7947. An act granting an increase of pension to Charles G. Sweet;
S. 8302. An act granting a pension to Ella B. Morrow;
S. 8201. An act granting an increase of pension to Clara A. Keeting;
S. 3197. An act granting an increase of pension to Hiram Focht;
S. 8397. An act granting an increase of pension to Martin Peacock;
S. 8147. An act granting an increase of pension to Ann E. Macy;
S. 7429. An act granting a pension to Caroline A. Gilmore;
S. 8196. An act granting an increase of pension to Michael J. Geary;
S. 7670. An act granting a pension to Sarah E. Lungren;
S. 8212. An act granting a pension to Azelia Mittag;
S. 8144. An act granting an increase of pension to Elizabeth A. Bonner;
S. 7622. An act granting an increase of pension to George K. Taylor;
S. 7936. An act granting an increase of pension to Liberty W. Foskett;
S. 2387. An act granting an increase of pension to Harvey Smith;
S. 8378. An act granting an increase of pension to Eli B. Woodard;
S. 7478. An act granting an increase of pension to William H. Brown;
S. 4008. An act granting an increase of pension to Charles B. Saunders;
S. 8023. An act granting an increase of pension to Harvey N. Medbury;

S. 2285. An act granting an increase of pension to William W. Herrick;
S. 8049. An act granting an increase of pension to Daniel C. Swartz;
S. 5144. An act granting an increase of pension to Morgan H. Weeks;
S. 7655. An act granting an increase of pension to Francis G. Brown;
S. 8407. An act granting an increase of pension to Reuben C. Webb;
S. 8258. An act granting a pension to Mary B. Yerington;
S. 7838. An act granting an increase of pension to Ole Gunderson;
S. 8390. An act granting an increase of pension to Joseph H. Kinsman;
S. 2181. An act granting an increase of pension to Mary G. Potter;
S. 7930. An act granting an increase of pension to Joseph Hare, jr.;
S. 7657. An act granting an increase of pension to Harman Grass;
S. 7890. An act granting an increase of pension to Henry Zacher, alias Charles Stein;
S. 8379. An act granting an increase of pension to Bertha Maria Johnson;
S. 8345. An act granting an increase of pension to Frank Holderby, alias Frank Giles;
S. 6518. An act granting an increase of pension to William H. Stiles;
S. 3432. An act granting an increase of pension to Samuel Ellis;
S. 5420. An act granting an increase of pension to Thomas W. Gilpatrick;
S. 6616. An act granting an increase of pension to Jacob P. Crooker;
S. 8263. An act granting an increase of pension to Martha L. Bohannan;
S. 7344. An act granting an increase of pension to Clara P. Coleman;
S. 3495. An act granting a pension to Joseph H. Boucher;
S. 7679. An act granting an increase of pension to George M. Shaffer;
S. 6177. An act granting an increase of pension to Louisa Anne Morton;
S. 8125. An act granting an increase of pension to Mary O. Cherry;
S. 3691. An act granting a pension to Rollin S. Belknap;
S. 8006. An act granting an increase of pension to Epaminondas P. Thurston;
S. 4580. An act granting an increase of pension to William Hale;
S. 8153. An act granting an increase of pension to Henry B. Johnson;
S. 1896. An act granting a pension to Smith Bledsoe;
S. 5724. An act granting an increase of pension to George C. Saul;
S. 990. An act granting an increase of pension to Relf Bledsoe;
S. 3652. An act granting an increase of pension to Sallie Noble;
S. 2792. An act granting an increase of pension to John W. Ogan;
S. 8064. An act granting an increase of pension to Carloss Trowbridge;
S. 8161. An act in relation to salaries of district attorney and assistant district attorneys for the northern district of Illinois;
S. 8347. An act granting an increase of pension to Ervin F. Mann;
S. 8090. An act granting an increase of pension to Inger A. Steensrud;
S. 8089. An act granting an increase of pension to Mary E. Jacobs;
S. 8349. An act granting a pension to Mary Ellen Van Amringe;
S. 8348. An act granting an increase of pension to Cornelius E. Bliss;
S. 6818. An act granting an increase of pension to John E. Anthony;
S. 6277. An act granting an increase of pension to Marie J. Blaisdell;
S. 8435. An act granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs; and
S. 7512. An act to provide for an additional land district in the State of Montana, to be known as the Glasgow land district.

The message also announced that the Senate had passed with amendment bills of the following titles; in which the concurrence of the House of Representatives was requested:
H. R. 20605. An act granting a pension to Mary E. P. Barr;
H. R. 21529. An act granting an increase of pension to Charlotte Game;
H. R. 21808. An act granting an increase of pension to Levi Mitchell;
H. R. 22264. An act granting an increase of pension to Sibby Barnhill;
H. R. 17334. An act granting an increase of pension to Henry Power;
H. R. 23870. An act granting an increase of pension to America J. Austin;
H. R. 24323. An act granting an increase of pension to Talcott M. Brown;
H. R. 21175. An act granting a pension to Martin J. Flagstad;
H. R. 22101. An act granting a pension to Mack Rittenberry;
H. R. 22282. An act granting an increase of pension to Edward H. Lunn;
H. R. 15434. An act to regulate appeals in criminal prosecutions;
H. R. 25013. An act granting to the regents of the University of Oklahoma section No. 36, in township No. 9 north, of range No. 3 west of the Indian meridian, in Cleveland County, Okla.;
H. R. 4678. An act granting an increase of pension to John F. Casper; and
H. R. 22443. An act granting an increase of pension to Lyman S. Strickland.

The message also announced that the Senate had passed without amendment bills of the following titles:
H. R. 16886. An act granting an increase of pension to Elizabeth A. Murrey;
H. R. 16506. An act granting an increase of pension to Kate S. Church;
H. R. 16487. An act granting an increase of pension to Martha Lavender;
H. R. 16340. An act granting an increase of pension to William M. Harris;
H. R. 16283. An act granting an increase of pension to Archibald H. R. Calvin;
H. R. 16181. An act granting an increase of pension to Ann Rafferty;
H. R. 15965. An act granting an increase of pension to Stephen Gangwer;
H. R. 17634. An act granting an increase of pension to John S. Cochran;
H. R. 17620. An act granting an increase of pension to Michael Pendergast, alias Michael Blake;
H. R. 17581. An act granting an increase of pension to Aquilla Williams;
H. R. 17483. An act granting an increase of pension to William H. Loyd;
H. R. 17369. An act granting an increase of pension to Minor B. Monaghan;
H. R. 17335. An act granting an increase of pension to Lewis F. Belden;
H. R. 17331. An act granting an increase of pension to Douglas V. Donnelly;
H. R. 17330. An act granting an increase of pension to William Tuders;
H. R. 17204. An act granting a pension to Sarah E. Robey;
H. R. 17058. An act granting an increase of pension to James H. O'Brien;
H. R. 16813. An act granting an increase of pension to Charles Brumm;
H. R. 16698. An act granting an increase of pension to Henry H. Davis;
H. R. 16458. An act granting an increase of pension to Daniel W. Gillam;
H. R. 18681. An act granting an increase of pension to William E. Gray;
H. R. 18383. An act granting an increase of pension to Frederick Shinaman;
H. R. 18323. An act granting an increase of pension to Richard B. Rankin;
H. R. 18322. An act granting an increase of pension to Hezekiah James;
H. R. 18042. An act granting an increase of pension to James H. Sinclair;
H. R. 18014. An act granting an increase of pension to Elbridge P. Boyden;
H. R. 17817. An act granting an increase of pension to John Grimm;

H. R. 17712. An act granting an increase of pension to Frank J. Biederman;
H. R. 17642. An act granting an increase of pension to Roland M. Johnson;
H. R. 20973. An act granting an increase of pension to Henry Lufft;
H. R. 20862. An act granting an increase of pension to August Weber;
H. R. 20731. An act granting an increase of pension to Peter Buchmann;
H. R. 20730. An act granting an increase of pension to John Carpenter;
H. R. 20729. An act granting an increase of pension to Benjamin Lyons;
H. R. 20728. An act granting an increase of pension to Ira D. Hill;
H. R. 20967. An act granting an increase of pension to Samuel W. Hines;
H. R. 20966. An act granting an increase of pension to Thomas Jones;
H. R. 20960. An act granting an increase of pension to Sarah M. Bickford;
H. R. 20931. An act granting an increase of pension to John N. Shear;
H. R. 20930. An act granting an increase of pension to Joseph Rouge;
H. R. 20929. An act granting an increase of pension to Thomas D. King;
H. R. 20887. An act granting an increase of pension to Emma Walters;
H. R. 20882. An act granting an increase of pension to Luther W. Harris;
H. R. 20860. An act granting an increase of pension to Charles T. Chapman;
H. R. 20859. An act granting an increase of pension to Henry C. Hughes;
H. R. 20856. An act granting an increase of pension to Catharine A. Greene;
H. R. 20855. An act granting an increase of pension to George Hierl, alias George Hill;
H. R. 20854. An act granting an increase of pension to Thomas Welch;
H. R. 20842. An act granting an increase of pension to Henry Joyce;
H. R. 20834. An act granting an increase of pension to Franklin Comstock;
H. R. 20831. An act granting an increase of pension to James R. Dunlap;
H. R. 20822. An act granting an increase of pension to Milton L. Howard;
H. R. 20821. An act granting an increase of pension to John L. Newman;
H. R. 20737. An act granting an increase of pension to William G. Whitney;
H. R. 20881. An act granting an increase of pension to Martha J. Weaverling;
H. R. 20861. An act granting an increase of pension to Catharine Weigert;
H. R. 20719. An act granting an increase of pension to James C. Price;
H. R. 20689. An act granting an increase of pension to Francis Doughty;
H. R. 20686. An act granting an increase of pension to Joshua S. Jayne;
H. R. 20685. An act granting an increase of pension to Joseph R. Benham;
H. R. 20654. An act granting an increase of pension to William A. Nichols;
H. R. 20647. An act granting an increase of pension to Dominick Garvey;
H. R. 20618. An act granting an increase of pension to George W. Brinton;
H. R. 20568. An act granting an increase of pension to Chester R. Pitt;
H. R. 20558. An act granting an increase of pension to Mark W. Terrill;
H. R. 20557. An act granting an increase of pension to Webster Miller;
H. R. 20356. An act granting an increase of pension to Mary T. Mathis;
H. R. 20291. An act granting an increase of pension to Emma F. Buchanan;
H. R. 20734. An act granting an increase of pension to Amos Kellner;
H. R. 20733. An act granting an increase of pension to Oscar Andrews;
H. R. 20970. An act granting an increase of pension to Edgar Weaver;
H. R. 20244. An act granting an increase of pension to Alfred Hayward;
H. R. 20236. An act granting an increase of pension to William E. Richards;
H. R. 20224. An act granting an increase of pension to Philip Hamman;
H. R. 20212. An act granting an increase of pension to George W. Green;
H. R. 20201. An act granting an increase of pension to Charles W. Airey;
H. R. 20189. An act granting an increase of pension to Thomas W. Daniels;
H. R. 20188. An act granting an increase of pension to John H. McCain, alias John Croft;
H. R. 20091. An act granting an increase of pension to John A. Smith;
H. R. 20079. An act granting an increase of pension to Richard F. Barret;
H. R. 20036. An act granting an increase of pension to Oliver T. Westmoreland;
H. R. 20000. An act granting an increase of pension to Thomas R. Elliott;
H. R. 19994. An act granting a pension to Ritty M. Lane;
H. R. 19976. An act granting a pension to Nelson Isbill;
H. R. 19969. An act granting an increase of pension to Henry K. Burger;
H. R. 19943. An act granting an increase of pension to Edward La Coste;
H. R. 19869. An act granting an increase of pension to John E. Bowles;
H. R. 19863. An act granting an increase of pension to Walter B. Swain;
H. R. 19832. An act granting an increase of pension to George W. Smith;
H. R. 19770. An act granting an increase of pension to James G. Van Dewalker;
H. R. 19706. An act granting an increase of pension to Almon Wood;
H. R. 19628. An act granting an increase of pension to Elizabeth Mooney;
H. R. 19526. An act granting an increase of pension to Judson H. Holcomb;
H. R. 19401. An act granting an increase of pension to Campbell Cowan;
H. R. 19400. An act granting an increase of pension to Washington M. Brown;
H. R. 19384. An act granting an increase of pension to Susan E. Hernandez;
H. R. 19294. An act granting an increase of pension to Francis M. Hatten;
H. R. 19263. An act granting an increase of pension to John Ingram;
H. R. 19133. An act granting an increase of pension to Fergus P. McMillan;
H. R. 18969. An act granting an increase of pension to Herman Hagemiller;
H. R. 18881. An act granting an increase of pension to Alexander B. Mott;
H. R. 18723. An act granting an increase of pension to William E. Hanigan;
H. R. 20215. An act granting an increase of pension to Riley J. Berkley;
H. R. 21612. An act granting an increase of pension to James S. Hart;
H. R. 21606. An act granting an increase of pension to Felix G. Morrison;
H. R. 21603. An act granting an increase of pension to Calvin S. Mullins;
H. R. 21564. An act granting an increase of pension to Daniel French;
H. R. 21551. An act granting an increase of pension to Alfred E. Lucas;
H. R. 21542. An act granting an increase of pension to Erastus A. Thomas;
H. R. 21535. An act granting an increase of pension to William E. Feeley;
H. R. 21534. An act granting an increase of pension to Henry Reed;
H. R. 21532. An act granting an increase of pension to William Dobson;

H. R. 21347. An act granting an increase of pension to Jeannette M. Guiney;
H. R. 21497. An act granting an increase of pension to Mary E. Hobbs;
H. R. 21483. An act granting an increase of pension to George S. Woods;
H. R. 21481. An act granting an increase of pension to Lucy Cole;
H. R. 21472. An act granting an increase of pension to Wiley H. Jackson;
H. R. 21471. An act granting an increase of pension to Adaline H. Malone;
H. R. 21448. An act granting an increase of pension to Jesse Jackman;
H. R. 21446. An act granting an increase of pension to William A. Crum;
H. R. 21432. An act granting an increase of pension to Benjamin Bragg;
H. R. 21428. An act granting an increase of pension to Cornelius H. Lawrence;
H. R. 21427. An act granting an increase of pension to Thomas L. Moody;
H. R. 21376. An act granting an increase of pension to John W. Stichter;
H. R. 21375. An act granting an increase of pension to John S. Cornwell;
H. R. 21355. An act granting an increase of pension to John Cooper;
H. R. 21543. An act granting an increase of pension to Addison Thompson;
H. R. 21524. An act granting an increase of pension to Elison Gatewood;
H. R. 21499. An act granting an increase of pension to Henry A. Weiand;
H. R. 21496. An act granting an increase of pension to Samuel B. Davis;
H. R. 21470. An act granting an increase of pension to Mary Rebecca Carroll;
H. R. 21354. An act granting a pension to Mary Shutler;
H. R. 21343. An act granting an increase of pension to James C. Murray;
H. R. 21335. An act granting an increase of pension to Harvey S. Nettleton;
H. R. 21332. An act granting an increase of pension to John R. Smith;
H. R. 21331. An act granting an increase of pension to Robert O. Bradley;
H. R. 21325. An act granting an increase of pension to George O. Tibbitts;
H. R. 21322. An act granting an increase of pension to Elizabeth Wilson;
H. R. 21320. An act granting an increase of pension to Malinda H. Hitchcock;
H. R. 21122. An act granting an increase of pension to Nathan Small;
H. R. 21113. An act granting an increase of pension to Emma M. Chamberlin;
H. R. 21079. An act granting an increase of pension to Patrick Kinney;
H. R. 21078. An act granting an increase of pension to Henry C. Davis;
H. R. 21077. An act granting an increase of pension to Andrew M. Dunn;
H. R. 21061. An act granting an increase of pension to James Collins;
H. R. 21060. An act granting an increase of pension to Gottlieb Kirchner;
H. R. 21047. An act granting an increase of pension to Jesse J. Melton;
H. R. 21046. An act granting a pension to Jesse Harral;
H. R. 21002. An act granting an increase of pension to William Wiggins;
H. R. 21000. An act granting an increase of pension to Mary Evans;
H. R. 21277. An act granting an increase of pension to Robert Martin;
H. R. 21274. An act granting an increase of pension to Jeremiah Buffington;
H. R. 21270. An act granting an increase of pension to Ellen Sullivan;
H. R. 21264. An act granting an increase of pension to David J. Wise;
H. R. 21258. An act granting an increase of pension to James Dopp;
H. R. 21256. An act granting an increase of pension to William Foster;
H. R. 21255. An act granting an increase of pension to Thomas McDowell;
H. R. 21227. An act granting an increase of pension to Parthena Lasley;
H. R. 21161. An act granting an increase of pension to Henry J. Rhodes;
H. R. 21157. An act granting an increase of pension to George C. Peak;
H. R. 21123. An act granting an increase of pension to Lawrence McHugh;
H. R. 21303. An act granting an increase of pension to James Edward Bristol;
H. R. 21283. An act granting an increase of pension to Frederick De Planque;
H. R. 21281. An act granting an increase of pension to Catharine Ludwig;
H. R. 21280. An act granting an increase of pension to Isaac Cain;
H. R. 21279. An act granting an increase of pension to Martin Heiler;
H. R. 21906. An act granting an increase of pension to John M. Bruder;
H. R. 21896. An act granting an increase of pension to George H. Field;
H. R. 21888. An act granting an increase of pension to Andrew Canova;
H. R. 21887. An act granting an increase of pension to James H. Hayman;
H. R. 21886. An act granting an increase of pension to John Bryant;
H. R. 21882. An act granting an increase of pension to Frank Breazeale;
H. R. 21852. An act granting an increase of pension to James M. Eaman;
H. R. 21843. An act granting an increase of pension to Robert H. Delaney;
H. R. 21836. An act granting an increase of pension to Mary C. Hall;
H. R. 21837. An act granting an increase of pension to James W. Kasson;
H. R. 21819. An act granting an increase of pension to Joseph Peach;
H. R. 21761. An act granting an increase of pension to John Tims;
H. R. 21724. An act granting an increase of pension to John D. Martin;
H. R. 21667. An act granting an increase of pension to John W. Towle;
H. R. 21651. An act granting an increase of pension to Jacob B. Butts;
H. R. 21648. An act granting an increase of pension to Michael Gaus;
H. R. 21644. An act granting an increase of pension to Sheldon Hess;
H. R. 21636. An act granting an increase of pension to Elias Miller;
H. R. 21634. An act granting an increase of pension to Emma Sickler;
H. R. 21881. An act granting an increase of pension to Mahala M. Jones;
H. R. 21856. An act granting an increase of pension to John G. Viall;
H. R. 21848. An act granting an increase of pension to Charles W. Arthur;
H. R. 21798. An act granting an increase of pension to Andrew Spencer;
H. R. 21767. An act granting an increase of pension to George Young;
H. R. 21630. An act granting an increase of pension to John F. Yeargin;
H. R. 21626. An act granting an increase of pension to Calvin Barker;
H. R. 21624. An act granting an increase of pension to William H. Willey;
H. R. 21617. An act granting an increase of pension to William Miller;
H. R. 21615. An act granting an increase of pension to David Yoder;
H. R. 20727. An act granting an increase of pension to William Conwell;
H. R. 23051. An act granting an increase of pension to Volna S. Topping;

H. R. 22827. An act granting an increase of pension to Mary Kirk;
H. R. 22771. An act granting an increase of pension to William J. Courter;
H. R. 22766. An act granting an increase of pension to Soren V. Kalsem;
H. R. 22941. An act granting an increase of pension to Lucinda Davidson;
H. R. 22881. An act granting an increase of pension to Thomas L. Williams;
H. R. 22858. An act granting an increase of pension to John A. Henry;
H. R. 22829. An act granting an increase of pension to George Spalding;
H. R. 22015. An act granting an increase of pension to William Reese;
H. R. 23122. An act granting an increase of pension to Melissa D. Whitman;
H. R. 23133. An act granting an increase of pension to John Cowan;
H. R. 23166. An act granting an increase of pension to William S. Voris;
H. R. 23171. An act granting an increase of pension to Harmon Veatch;
H. R. 23263. An act granting an increase of pension to Michael Downs;
H. R. 18433. An act granting an increase of pension to William Wentz;
H. R. 19385. An act granting an increase of pension to Agnes E. Calvert;
H. R. 22757. An act granting an increase of pension to Joshua E. Hyatt;
H. R. 22926. An act granting a pension to Louisa Bartlett;
H. R. 22976. An act granting an increase of pension to Milton Stevens;
H. R. 22993. An act granting an increase of pension to Emily Hibernia Trabue;
H. R. 22994. An act granting an increase of pension to Lucinda C. Musgrove;
H. R. 22995. An act granting an increase of pension to Nathaniel Y. Buck;
H. R. 23036. An act granting an increase of pension to John C. Mitchell;
H. R. 22092. An act granting an increase of pension to Simon McAteer;
H. R. 22088. An act granting an increase of pension to Gottlieb Schweizer;
H. R. 22085. An act granting an increase of pension to Randolph Wesson;
H. R. 22073. An act granting an increase of pension to Eliza M. Scott;
H. R. 22065. An act granting an increase of pension to Henry Utter;
H. R. 21960. An act granting an increase of pension to Sarah Betts;
H. R. 21915. An act granting an increase of pension to John A. Smith;
H. R. 21909. An act granting an increase of pension to George W. W. Tanner;
H. R. 21913. An act granting an increase of pension to Henry Pieper;
H. R. 22243. An act granting an increase of pension to James W. Campbell;
H. R. 22241. An act granting an increase of pension to Stephen Robinson;
H. R. 22238. An act granting an increase of pension to James Stinson;
H. R. 22237. An act granting an increase of pension to Nathan Lawson;
H. R. 22217. An act granting an increase of pension to George W. Boughner;
H. R. 22214. An act granting an increase of pension to Thomas J. Prouty;
H. R. 22203. An act granting an increase of pension to Oliver J. Burns;
H. R. 22155. An act granting an increase of pension to Andrew J. Armstrong;
H. R. 22103. An act granting an increase of pension to Warren P. Hubbs;
H. R. 22102. An act granting an increase of pension to Barre Peterson;
H. R. 22094. An act granting an increase of pension to Albert J. Hamre;
H. R. 22090. An act granting an increase of pension to Severt Larson;

H. R. 22069. An act granting an increase of pension to Caroline W. Congdon;
H. R. 22067. An act granting an increase of pension to Levi E. Miller;
H. R. 22048. An act granting an increase of pension to Orrin Freeman;
H. R. 22047. An act granting an increase of pension to George Tinkham;
H. R. 22039. An act granting a pension to Alethia White;
H. R. 22024. An act granting an increase of pension to Eldridge Underwood;
H. R. 22003. An act granting an increase of pension to Alexander Matchett;
H. R. 21991. An act granting an increase of pension to Redmond Roche;
H. R. 21961. An act granting an increase of pension to Harvey F. Wood;
H. R. 21643. An act granting an increase of pension to Edward Ford;
H. R. 20187. An act granting an increase of pension to John J. Duff;
H. R. 19067. An act granting an increase of pension to Thomas J. Smith;
H. R. 22500. An act granting an increase of pension to Minor Cleavenger;
H. R. 22452. An act granting an increase of pension to William A. Narrin;
H. R. 22451. An act granting an increase of pension to John McCaslin;
H. R. 22448. An act granting a pension to F. Medora Johnson;
H. R. 22447. An act granting an increase of pension to Frank Schadler;
H. R. 22266. An act granting an increase of pension to Delphie Thorne;
H. R. 22270. An act granting an increase of pension to Michael Hogan;
H. R. 22272. An act granting an increase of pension to George W. Rodefer;
H. R. 22288. An act granting an increase of pension to Samuel L. Davis;
H. R. 22306. An act granting an increase of pension to Louisa Duncan;
H. R. 22310. An act granting an increase of pension to Mary A. Kerr;
H. R. 22376. An act granting an increase of pension to William M. Colby;
H. R. 22409. An act granting an increase of pension to Margaret A. McAdoo;
H. R. 22420. An act granting an increase of pension to Edward Wesley Ward;
H. R. 22422. An act granting an increase of pension to William J. Johnson;
H. R. 22431. An act granting an increase of pension to Alden Youngman;
H. R. 22442. An act granting an increase of pension to John Clark;
H. R. 22444. An act granting an increase of pension to William Oliver Anderson;
H. R. 22756. An act granting an increase of pension to Levi E. Curtis;
H. R. 22749. An act granting an increase of pension to Della S. Easton;
H. R. 22748. An act granting an increase of pension to Willard P. Fisher;
H. R. 22734. An act granting an increase of pension to Michael Maier;
H. R. 22718. An act granting an increase of pension to William Dean;
H. R. 22711. An act granting an increase of pension to Jacob Kures;
H. R. 22710. An act granting an increase of pension to Nelson Cornell;
H. R. 22706. An act granting an increase of pension to William Smoker;
H. R. 22651. An act granting an increase of pension to Sarah E. Cadmus;
H. R. 22624. An act granting an increase of pension to Louisa M. Carothers;
H. R. 22605. An act granting an increase of pension to John R. Hargrave;
H. R. 22602. An act granting an increase of pension to John H. Passon;
H. R. 22551. An act granting an increase of pension to Wilson Siddell;

H. R. 22528. An act granting an increase of pension to Daniel Fulier;
H. R. 22506. An act granting an increase of pension to James F. Smith;
H. R. 22502. An act granting an increase of pension to Oren D. Haskell;
H. R. 22501. An act granting an increase of pension to Austin B. Truman;
H. R. 17618. An act granting an increase of pension to Anna F. Burlingame;
H. R. 19537. An act granting an increase of pension to Edward S. E. Newbury;
H. R. 19499. An act granting an increase of pension to Thomas Milson;
H. R. 19498. An act granting an increase of pension to Sarah Neely;
H. R. 19450. An act granting an increase of pension to Henry C. Eastep;
H. R. 19369. An act granting an increase of pension to John F. G. Cliborne;
H. R. 19175. An act granting an increase of pension to Josiah B. Arnott;
H. R. 19131. An act granting an increase of pension to Edward K. Mull;
H. R. 19042. An act granting a pension to Georgetta K. Collum;
H. R. 18968. An act granting a pension to Vance Perkins;
H. R. 18602. An act granting an increase of pension to James E. Netser;
H. R. 18450. An act granting an increase of pension to Eliza Howell;
H. R. 18344. An act granting an increase of pension to William Todd;
H. R. 18245. An act granting an increase of pension to Samuel D. McCurdy;
H. R. 18213. An act granting an increase of pension to William Ingram;
H. R. 17831. An act granting an increase of pension to James Bowman;
H. R. 17783. An act granting an increase of pension to James West;
H. R. 17750. An act granting an increase of pension to John Gustus;
H. R. 17061. An act granting an increase of pension to Iva O. Shepardson;
H. R. 16978. An act granting an increase of pension to Max Mueller;
H. R. 16907. An act granting an increase of pension to Clarke S. Cole;
H. R. 16855. An act granting an increase of pension to Milton Peden;
H. R. 16391. An act granting an increase of pension to William Jackson;
H. R. 16046. An act granting an increase of pension to David Province;
H. R. 16322. An act granting an increase of pension to George C. Limpert;
H. R. 16020. An act granting an increase of pension to Andrew Brink;
H. R. 25550. An act confirming entries and applications under section 2306 of the Revised Statutes of the United States for lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington;
H. R. 15353. An act granting an increase of pension to Abbie J. Bryant;
H. R. 15189. An act granting an increase of pension to Sidney S. Skinner;
H. R. 15136. An act granting an increase of pension to George H. Justin;
H. R. 15012. An act granting an increase of pension to Oliver Curry;
H. R. 14777. An act granting a pension to Mary A. Clark;
H. R. 13960. An act granting an increase of pension to Thomas B. Manning;
H. R. 13920. An act granting an increase of pension to Oren D. Curtis;
H. R. 13835. An act granting an increase of pension to William Crane;
H. R. 13769. An act granting an increase of pension to David Angel;
H. R. 3204. An act granting an increase of pension to Charles H. Anthony;
H. R. 3002. An act granting an increase of pension to David C. Johnston;
H. R. 2878. An act granting an increase of pension to John M. Cheevers;
H. R. 2781. An act granting an increase of pension to Martin V. B. Wyman;
H. R. 21832. An act granting an increase of pension to John W. Wilkinson;
H. R. 21026. An act granting a pension to Delia S. Humphrey;
H. R. 2777. An act granting an increase of pension to Albert F. Durgin;
H. R. 2246. An act granting an increase of pension to Henry Damm;
H. R. 2049. An act granting an increase of pension to Henry Arey;
H. R. 1778. An act granting a pension to Jefferson L. Jennings;
H. R. 1373. An act granting an increase of pension to Florence Bacon;
H. R. 1233. An act granting an increase of pension to Lucretia Davis;
H. R. 1019. An act granting an increase of pension to Daniel B. Bayless;
H. R. 830. An act granting an increase of pension to Hezekiah Dezarn;
H. R. 529. An act granting an increase of pension to Francis L. Arnold;
H. R. 8718. An act granting an increase of pension to William T. Rowe;
H. R. 8673. An act granting an increase of pension to Marcena C. S. Gray;
H. R. 8586. An act granting an increase of pension to Milton J. Timmons;
H. R. 8164. An act granting an increase of pension to Jackson Mays;
H. R. 7918. An act granting an increase of pension to John M. Buxton;
H. R. 7538. An act granting an increase of pension to Thompson H. Hudson;
H. R. 7416. An act granting an increase of pension to Joseph R. Boger;
H. R. 7415. An act granting an increase of pension to George W. Brawner;
H. R. 6943. An act granting an increase of pension to Linas Van Steenburg;
H. R. 6887. An act granting an increase of pension to James E. Taylor;
H. R. 6880. An act granting an increase of pension to Marine D. Tackett;
H. R. 6589. An act granting an increase of pension to Manoah W. Dunkin;
H. R. 6575. An act granting an increase of pension to Rawleigh M. Monin;
H. R. 6491. An act granting an increase of pension to Albert Riley;
H. R. 6161. An act granting an increase of pension to Horatio Ernest;
H. R. 5856. An act granting an increase of pension to Martin Offinger;
H. R. 5854. An act granting an increase of pension to Jonas Gurnee;
H. R. 3977. An act granting an increase of pension to John Vorous;
H. R. 3352. An act granting an increase of pension to George R. Roraback;
H. R. 5709. An act granting an increase of pension to Mary H. Patterson;
H. R. 12496. An act granting an increase of pension to Hurlbutt L. Farnsworth;
H. R. 12458. An act granting an increase of pension to Thomas J. Saylor;
H. R. 12355. An act granting an increase of pension to Thomas B. Thompson;
H. R. 12250. An act granting an increase of pension to Samuel Naus;
H. R. 19578. An act granting an increase of pension to Mary A. Rogers;
H. R. 12154. An act granting an increase of pension to Henry E. Collins;
H. R. 12095. An act granting an increase of pension to Atticus Lewis;
H. R. 12033. An act granting an increase of pension to George W. Irwin;
H. R. 11994. An act granting an increase of pension to Martha W. Wright;
H. R. 11980. An act granting an increase of pension to William H. Boulton;

H. R. 11754. An act granting an increase of pension to Charles W. Helvey;
H. R. 11740. An act granting an increase of pension to Robert R. Dill;
H. R. 11693. An act granting an increase of pension to James H. Davison;
H. R. 11535. An act granting an increase of pension to Margarette R. Bacon;
H. R. 11523. An act granting an increase of pension to Robert L. Hamill;
H. R. 11098. An act granting an increase of pension to Joseph A. Robinson;
H. R. 10874. An act granting an increase of pension to Frederick Pfahl;
H. R. 10598. An act granting an increase of pension to Robert W. Mills;
H. R. 10188. An act granting an increase of pension to James L. Conn;
H. R. 9655. An act granting an increase of pension to William Crooks;
H. R. 9576. An act granting an increase of pension to Henry Wagner;
H. R. 9450. An act granting an increase of pension to Alexander Brown;
H. R. 9073. An act granting an increase of pension to Melissa McCracken;
H. R. 20616. An act granting an increase of pension to Isaac Fornwalt;
H. R. 19592. An act granting an increase of pension to William B. Corley;
H. R. 19613. An act granting an increase of pension to James A. Pryce;
H. R. 19775. An act granting an increase of pension to Greenup Meece;
H. R. 20008. An act granting an increase of pension to Caroline A. Smith;
H. R. 20125. An act granting an increase of pension to Mary Küchler;
H. R. 20126. An act granting an increase of pension to Margaret Pint;
H. R. 20243. An act granting an increase of pension to Anton Heinzen;
H. R. 20261. An act granting an increase of pension to Burris Subers;
H. R. 20283. An act granting an increase of pension to Henry D. Bole;
H. R. 20413. An act granting a pension to Eva Louise Eberlin;
H. R. 20446. An act granting an increase of pension to Andrew H. Groves;
H. R. 20455. An act granting an increase of pension to Harvey McCallin;
H. R. 20493. An act granting an increase of pension to Charles F. Connery;
H. R. 20577. An act granting a pension to Mary Kaisted;
H. R. 22079. An act granting an increase of pension to James D. Grayson;
H. R. 21740. An act granting an increase of pension to Maria R. Klindt;
H. R. 21764. An act granting an increase of pension to Ment Stannah;
H. R. 22367. An act for the relief of Patrick Conlin;
H. R. 21769. An act granting a pension to Emma C. Aiken;
H. R. 21782. An act granting an increase of pension to Anderson Graham;
H. R. 21787. An act granting an increase of pension to Alexander Porter;
H. R. 21838. An act granting an increase of pension to Fannie J. Terry;
H. R. 21853. An act granting an increase of pension to William A. Whitaker;
H. R. 21894. An act granting an increase of pension to Jacob W. Pierce;
H. R. 21923. An act granting an increase of pension to Sebastian Fuchs;
H. R. 21962. An act granting an increase of pension to Henry Osterheld;
H. R. 21988. An act granting a pension to Philip Dieter;
H. R. 22002. An act granting an increase of pension to John W. Hall;
H. R. 22007. An act granting an increase of pension to Sanford D. Paine;
H. R. 22017. An act granting an increase of pension to Adolphus Cooley;
H. R. 22018. An act granting an increase of pension to Charles Sells;
H. R. 22020. An act granting an increase of pension to Samuel Keller;
H. R. 22025. An act granting an increase of pension to Thomas H. Cook;
H. R. 22034. An act granting an increase of pension to James A. Wonder;
H. R. 22035. An act granting an increase of pension to Benjamin Swayze;
H. R. 22050. An act granting an increase of pension to John W. Frost;
H. R. 22068. An act granting an increase of pension to John P. Macy;
H. R. 22297. An act granting an increase of pension to Hugh L. Dicus;
H. R. 22285. An act granting an increase of pension to Dennis Remington, alias John Baker;
H. R. 22284. An act granting an increase of pension to George Ruhle;
H. R. 22279. An act granting an increase of pension to Thomas M. Griffith;
H. R. 22276. An act granting an increase of pension to Warren A. Sherwood;
H. R. 22269. An act granting an increase of pension to John L. Rosencrans;
H. R. 22262. An act granting a pension to Elizabeth S. Osborne;
H. R. 22252. An act granting an increase of pension to William W. Tyson;
H. R. 22240. An act granting a pension to James M. Ping;
H. R. 22239. An act granting an increase of pension to Elizabeth T Hays;
H. R. 22223. An act granting an increase of pension to Uriah Kitchen;
H. R. 22222. An act granting an increase of pension to John W. Booth;
H. R. 22215. An act granting an increase of pension to Eliza A. Hughes;
H. R. 22187. An act granting a pension to Hiram C. Jett;
H. R. 22153. An act granting a pension to Antonio Archuleta;
H. R. 22099. An act granting an increase of pension to Libbie D. Lowry;
H. R. 22089. An act granting an increase of pension to Adaline G. Bailey;
H. R. 21506. An act granting an increase of pension to Jacob Howe;
H. R. 21508. An act granting an increase of pension to Samuel Barber;
H. R. 21515. An act granting an increase of pension to Joseph Wheeler;
H. R. 21516. An act granting an increase of pension to James Murtha;
H. R. 21540. An act granting an increase of pension to John L. Wilson;
H. R. 21563. An act granting an increase of pension to Merritt M. Smart;
H. R. 21588. An act granting an increase of pension to Robert Medworth;
H. R. 21604. An act granting an increase of pension to William Girdler;
H. R. 21618. An act granting an increase of pension to Leonidas W. Reavis;
H. R. 21621. An act granting an increase of pension to Minerva A. Mayes;
H. R. 21718. An act granting an increase of pension to Franz Z. F. W. Jensen;
H. R. 21268. An act granting a pension to Rollin S. Belknap;
H. R. 21276. An act granting an increase of pension to Christian Roessier;
H. R. 21289. An act granting an increase of pension to Jesse Lewis;
H. R. 21298. An act granting an increase of pension to John A. Pence;
H. R. 21301. An act granting an increase of pension to John R. Goodier;
H. R. 21312. An act granting an increase of pension to Ernst Boger;
H. R. 21316. An act granting an increase of pension to Samuel Rhodes;
H. R. 21356. An act granting an increase of pension to Edward C. Miller;
H. R. 21374. An act granting an increase of pension to Charles H. Homan;
H. R. 21410. An act granting an increase of pension to Blanche M. Kell;

H. R. 21423. An act granting an increase of pension to Martha E. Wood;
H. R. 21425. An act granting an increase of pension to Jasper N. Brown;
H. R. 21426. An act granting an increase of pension to John J. Ross;
H. R. 21433. An act granting an increase of pension to George W. Lasley;
H. R. 21461. An act granting an increase of pension to Henry Huff;
H. R. 21462. An act granting an increase of pension to William H. Wickham;
H. R. 21473. An act granting an increase of pension to James B. Wood;
H. R. 22642. An act granting an increase of pension to John Gregory;
H. R. 22635. An act granting an increase of pension to Catharine Williams;
H. R. 22634. An act granting an increase of pension to Helon Wilson;
H. R. 22623. An act granting an increase of pension to George W. Willison;
H. R. 22620. An act granting an increase of pension to Charles S. Abbott;
H. R. 22609. An act granting an increase of pension to Thomas Bayley;
H. R. 22601. An act granting an increase of pension to John J. Clark;
H. R. 22550. An act granting an increase of pension to Jonathan B. Reber;
H. R. 22542. An act granting an increase of pension to Charlotte S. O'Neall;
H. R. 22522. An act granting an increase of pension to Susan Harroun;
H. R. 22462. An act granting an increase of pension to Aaron Chamberlain;
H. R. 22440. An act granting an increase of pension to Daniel Mose;
H. R. 22434. An act granting an increase of pension to Peter McCormick;
H. R. 22428. An act granting an increase of pension to Dora T. Bristol;
H. R. 22425. An act granting an increase of pension to Thomas Sires;
H. R. 22408. An act granting an increase of pension to Aaron Preston;
H. R. 22388. An act granting an increase of pension to Daniel A. Peabody;
H. R. 22359. An act granting an increase of pension to Louisa L. Wood;
H. R. 22322. An act granting an increase of pension to Maria Cross;
H. R. 22318. An act granting an increase of pension to James D. Cox;
H. R. 20688. An act granting an increase of pension to Joseph M. Storey;
H. R. 20732. An act granting an increase of pension to Le Roy Benson;
H. R. 20738. An act granting a pension to Sarah A. Hawkes;
H. R. 20740. An act granting an increase of pension to Guthridge L. Phillips;
H. R. 20823. An act granting an increase of pension to William H. Webb;
H. R. 20858. An act granting an increase of pension to William C. Thompson;
H. R. 20953. An act granting an increase of pension to James D. Walker;
H. R. 20957. An act granting an increase of pension to William Chagnon;
H. R. 21121. An act granting an increase of pension to Marcus Wood;
H. R. 21133. An act granting an increase of pension to James W. Cosgrove;
H. R. 21022. An act granting an increase of pension to Thomas N. Gootee.
H. R. 21025. An act granting an increase of pension to Enoch May;
H. R. 21039. An act granting an increase of pension to Nelson J. Weller;
H. R. 21087. An act granting an increase of pension to Albert Manice;
H. R. 21097. An act granting an increase of pension to Henry W. Martin;
H. R. 21103. An act granting an increase of pension to Jacob Palmer;
H. R. 21111. An act granting an increase of pension to Arthur Graham;
H. R. 21115. An act granting an increase of pension to Sylvester Bickford;
H. R. 21118. An act granting an increase of pension to Jacob Hartman;
H. R. 21120. An act granting an increase of pension to John Lynch;
H. R. 21249. An act granting a pension to Minnie Scheele;
H. R. 21238. An act granting an increase of pension to John W. Gahan;
H. R. 21134. An act granting an increase of pension to Frederick Kriner;
H. R. 20687. An act granting an increase of pension to John M. Dixon;
H. R. 20684. An act granting an increase of pension to William M. Neal;
H. R. 20713. An act granting an increase of pension to Timothy Quinn;
H. R. 21257. An act granting an increase of pension to Thomas Morris;
H. R. 23686. An act granting an increase of pension to William H. Kehlbeck;
H. R. 23684. An act granting an increase of pension to Harry C. Cadwell;
H. R. 23683. An act granting an increase of pension to Thomas Phillips;
H. R. 23656. An act granting an increase of pension to John Kilpatrick;
H. R. 23653. An act granting an increase of pension to Dewitt C. Chapman;
H. R. 23652. An act granting an increase of pension to William H. Zimmerman;
H. R. 23651. An act granting an increase of pension to John W. Wilson;
H. R. 23645. An act granting an increase of pension to Isaac L. Griswold;
H. R. 23644. An act granting an increase of pension to Charles J. Schreiner;
H. R. 23624. An act granting an increase of pension to Albina M. Williams;
H. R. 23622. An act granting an increase of pension to Benjamin Maple;
H. R. 23608. An act granting an increase of pension to John Manley;
H. R. 23599. An act granting an increase of pension to Alfred B. Stansil;
H. R. 23593. An act granting an increase of pension to Charles M. Buck;
H. R. 23550. An act granting an increase of pension to Elizabeth C. Smith;
H. R. 23549. An act granting an increase of pension to Isaiah Carter;
H. R. 23528. An act granting an increase of pension to John M. Smith;
H. R. 23527. An act granting an increase of pension to Joseph E. Knighten;
H. R. 23526. An act granting an increase of pension to Stephen D. Jordan;
H. R. 23522. An act granting an increase of pension to George W. Shacklett;
H. R. 23495. An act granting an increase of pension to Adam Sliger;
H. R. 23481. An act granting an increase of pension to John G. Price;
H. R. 23477. An act granting an increase of pension to Caroline Vick;
H. R. 23475. An act granting an increase of pension to Thomas J. Green;
H. R. 23468. An act granting an increase of pension to Martin Becker;
H. R. 23458. An act granting an increase of pension to Edgar D. Ellis;
H. R. 23423. An act granting an increase of pension to Elbridge Simpson;
H. R. 23371. An act granting an increase of pension to Clark Crecelius;
H. R. 23365. An act granting an increase of pension to William Seitz;
H. R. 23357. An act granting an increase of pension to James M. Houston;
H. R. 20107. An act granting an increase of pension to William A. Brown;
H. R. 24017. An act granting an increase of pension to Timothy Hanlon;

H. R. 23984. An act granting an increase of pension to Jacob Miller;
H. R. 23981. An act granting an increase of pension to Sarah Elizabeth Fuller;
H. R. 23973. An act granting an increase of pension to Henry Loor Reger;
H. R. 23969. An act granting an increase of pension to William Morson;
H. R. 23958. An act granting an increase of pension to Thomas W. Parsons;
H. R. 23957. An act granting an increase of pension to John Heinrichs;
H. R. 23915. An act granting a pension to William Stegal;
H. R. 23899. An act granting an increase of pension to James P. Hanna;
H. R. 19650. An act granting an increase of pension to Alexander W. Taylor;
H. R. 20615. An act granting an increase of pension to Julia T. Baldwin;
H. R. 22853. An act granting an increase of pension to Burden H. Barrett;
H. R. 21294. An act granting an increase of pension to Lissie D. Allen;
H. R. 23339. An act granting an increase of pension to Martha L. Burnham;
H. R. 16389. An act granting a pension to Jefferson Wilcox;
H. R. 23281. An act granting an increase of pension to William T. Fisher;
H. R. 23279. An act granting an increase of pension to David H. Moore;
H. R. 23278. An act granting an increase of pension to James M. Morris;
H. R. 23265. An act granting an increase of pension to Henry Helton;
H. R. 23250. An act granting a pension to George A. Mercer;
H. R. 23234. An act granting an increase of pension to James W. Walsh, alias James Powers;
H. R. 23195. An act granting an increase of pension to Aurora Garwood Ellis;
H. R. 23182. An act granting an increase of pension to Martha Ella Wrenn;
H. R. 22842. An act granting an increase of pension to William C. Hodges;
H. R. 22838. An act granting an increase of pension to W. Ira Templeton;
H. R. 22820. An act granting an increase of pension to George S. Schmutz;
H. R. 22772. An act granting an increase of pension to Mary S. Sanders;
H. R. 22764. An act granting an increase of pension to Samuel V. Carr;
H. R. 22762. An act granting an increase of pension to John M. Gilbert;
H. R. 22750. An act granting an increase of pension to William Jenkins;
H. R. 22747. An act granting a pension to Celestia E. Outlaw;
H. R. 22746. An act granting an increase of pension to Felix G. Cobb;
H. R. 22715. An act granting an increase of pension to Terrance Doyle;
H. R. 23327. An act granting an increase of pension to Paul Sheets;
H. R. 23299. An act granting an increase of pension to Henry Goodlander;
H. R. 23247. An act granting an increase of pension to George I. Stults;
H. R. 23241. An act granting an increase of pension to Mary Loomis;
H. R. 23197. An act granting an increase of pension to Agnes E. Brown;
H. R. 23187. An act granting a pension to Jennie E. Luckenbach;
H. R. 23153. An act granting an increase of pension to George Quien;
H. R. 23143. An act granting an increase of pension to John H. Robbins;
H. R. 23136. An act granting an increase of pension to Sylvanus Sloat;
H. R. 23121. An act granting an increase of pension to Frank Vroman;
H. R. 23096. An act granting an increase of pension to James L. Colding;
H. R. 23057. An act granting an increase of pension to James M. Davidson;
H. R. 22990. An act granting an increase of pension to Francis A. Lander;
H. R. 22985. An act granting an increase of pension to Henry Bauerlin;
H. R. 22978. An act granting an increase of pension to Thomas Adams;
H. R. 22951. An act granting an increase of pension to Alice E. Ragan;
H. R. 22929. An act granting an increase of pension to John O. McNabb;
H. R. 22927. An act granting an increase of pension to William A. Leach;
H. R. 22846. An act granting an increase of pension to Martin Holmes, alias George Langin;
H. R. 3720. An act granting an increase of pension to Joseph McNulty;
H. R. 13706. An act granting an increase of pension to Albert C. Roach;
H. R. 8816. An act granting a pension to Mary Schoske;
H. R. 22022. An act granting an increase of pension to Josiah H. Shaver;
H. R. 22036. An act granting a pension to Emma A. Hawkes;
H. R. 23877. An act granting an increase of pension to Mary A. Edwards;
H. R. 23874. An act granting an increase of pension to William R. Horn;
H. R. 23872. An act granting an increase of pension to Charles Blacker;
H. R. 23858. An act granting an increase of pension to Hugh M. Cox;
H. R. 23846. An act granting an increase of pension to Sarah Ann Kendig;
H. R. 23845. An act granting an increase of pension to George W. Cassle;
H. R. 23812. An act granting an increase of pension to Joseph Dewhurst;
H. R. 23811. An act granting an increase of pension to Theron Cross;
H. R. 23810. An act granting an increase of pension to Ira J. Everson;
H. R. 23805. An act granting an increase of pension to Thomas Hamilton;
H. R. 23804. An act granting an increase of pension to Phoebe E. Sparkman;
H. R. 23803. An act granting an increase of pension to David C. Jones;
H. R. 23795. An act granting an increase of pension to Patrick McMahon;
H. R. 23792. An act granting an increase of pension to Zeurial McCullock;
H. R. 23783. An act granting an increase of pension to George W. Buzzell;
H. R. 23781. An act granting an increase of pension to Honora Higgins;
H. R. 23778. An act granting an increase of pension to Henry Clapper;
H. R. 23777. An act granting an increase of pension to James Marshall;
H. R. 23774. An act granting an increase of pension to James Kelley;
H. R. 23772. An act granting an increase of pension to Temperance Davis;
H. R. 23770. An act granting an increase of pension to Henry D. Combs;
H. R. 23764. An act granting an increase of pension to Joseph C. Fisher;
H. R. 23762. An act granting an increase of pension to Adeliade Wagner;
H. R. 23739. An act granting an increase of pension to Elizabeth Pillow;
H. R. 23705. An act granting an increase of pension to Frederick P. Gaudineer;
H. R. 23703. An act granting an increase of pension to Clarendon Kelly;
H. R. 23699. An act granting an increase of pension to Joseph Countryman;
H. R. 23687. An act granting a pension to Blanche C. Polk;
H. R. 23135. An act granting a pension to Roseanna King;
H. R. 21373. An act granting an increase of pension to Carrie E. Cosgrove;
H. R. 1887. An act granting a pension to Joseph Brooks;
H. R. 19581. An act granting an increase of pension to Mary E. Bookhammer;

H. R. 22776. An act granting an increase of pension to James E. Converse;

H. R. 21246. An act granting a pension to Margaret Guilroy;

H. R. 21139. An act granting an increase of pension to Willa Fyffe;

H. R. 21793. An act granting an increase of pension to Charles H. Pratt;

H. R. 17251. An act granting an increase of pension to John J. Higgins;

H. R. 24671. An act granting an increase of pension to Augustine Sorrell;

H. R. 21660. An act granting an increase of pension to Emma Fehr;

H. R. 5913. An act granting a pension to Helen Goll;

H. R. 19271. An act granting an increase of pension to Joseph J. Branyan;

H. R. 24513. An act granting an increase of pension to Bowman H. Buck;

H. R. 24418. An act granting an increase of pension to Kate Flowers;

H. R. 24415. An act granting an increase of pension to Laura G. Hight;

H. R. 24383. An act granting an increase of pension to Shadrack H. J. Alley;

H. R. 24380. An act granting an increase of pension to Charles Woodruff Woolley;

H. R. 24360. An act granting an increase of pension to Jeremiah F. Pittman;

H. R. 24268. An act granting an increase of pension to Louisa Olin;

H. R. 24231. An act granting an increase of pension to Absalom Sivley;

H. R. 24214. An act granting an increase of pension to Elizabeth Hodge;

H. R. 24208. An act granting an increase of pension to Albert Sunderland;

H. R. 24192. An act granting an increase of pension to Charles Lee;

H. R. 24188. An act granting an increase of pension to Samuel Moore;

H. R. 24187. An act granting an increase of pension to Nancy G. Reid;

H. R. 24185. An act granting an increase of pension to William S. Weller;

H. R. 24620. An act granting an increase of pension to Elizabeth Balew;

H. R. 24616. An act granting an increase of pension to Mathias Shirk;

H. R. 24479. An act granting an increase of pension to Simeon D. Pope;

H. R. 24321. An act granting an increase of pension to Belah H. Wilcox;

H. R. 24303. An act granting an increase of pension to Gillam M. Ezell;

H. R. 24259. An act granting an increase of pension to Hannibal A. Johnson;

H. R. 24182. An act granting an increase of pension to John Delaney;

H. R. 24155. An act granting an increase of pension to Richard N. Porter;

H. R. 24099. An act granting an increase of pension to Benjamin J. Puckett;

H. R. 24096. An act granting an increase of pension to Oscar F. Peacock;

H. R. 24078. An act granting an increase of pension to Warren J. Sevey;

H. R. 24064. An act granting a pension to Mary Murray;

H. R. 24056. An act granting an increase of pension to Reuben Copher;

H. R. 24023. An act granting an increase of pension to Joseph H. Clark;

H. R. 24019. An act granting an increase of pension to John Brown;

H. R. 24018. An act granting an increase of pension to John Adams Miller; and

H. R. 24103. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1908, and for other purposes.

A further message from the Senate, by Mr. PARKINSON, announced that the Senate had passed bill, of the following title: in which the concurrence of the House of Representatives was requested:

S. 2011. An act granting an increase of pension to Lucinda L. McCorkle.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 3002) granting an increase of pension to David C. Johnston.

Also:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 5854) granting an increase of pension to John W. McWilliams, the beneficiary being dead.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 7163. An act to correct the naval record of Alfred Burgess—to the Committee on Naval Affairs.

S. 2400. An act to correct the naval record of Peter H. Brodie, alias Patrick Torbett—to the Committee on Naval Affairs.

S. 5456. An act granting an increase of pension to Marcellus Cash—to the Committee on Invalid Pensions.

S. 7862. An act granting an increase of pension to Elias Laughner—to the Committee on Invalid Pensions.

S. 7871. An act granting a pension to Catharine Hayes—to the Committee on Invalid Pensions.

S. 2729. An act granting an increase of pension to Robert J. Henry—to the Committee on Invalid Pensions.

S. 7222. An act granting an increase of pension to Sylvester Byrne—to the Committee on Invalid Pensions.

S. 7188. An act to remove the charge of desertion from the military record of Martin All—to the Committee on Military Affairs.

S. 5992. An act granting an increase of pension to Franklin Craig—to the Committee on Invalid Pensions.

S. 3435. An act granting an increase of pension to Rowland Saunders—to the Committee on Invalid Pensions.

S. 5423. An act granting an increase of pension to William M. Tinsley—to the Committee on Invalid Pensions.

S. 6955. An act granting an increase of pension to Abram W. Vandel—to the Committee on Invalid Pensions.

S. 7373. An act granting an increase of pension to Jeremiah Thomas—to the Committee on Invalid Pensions.

S. 4562. An act granting an increase of pension to Henry Stegman—to the Committee on Invalid Pensions.

S. 7606. An act granting an increase of pension to Samuel Reeves—to the Committee on Invalid Pensions.

S. 7532. An act granting an increase of pension to Joseph Kiichli—to the Committee on Invalid Pensions.

S. 8107. An act granting an increase of pension to Leonidas Obenshain—to the Committee on Invalid Pensions.

S. 6609. An act granting an increase of pension to John Shank—to the Committee on Invalid Pensions.

S. 7483. An act granting an increase of pension to Marinda B. Beery—to the Committee on Invalid Pensions.

S. 7480. An act granting an increase of pension to John Bowen—to the Committee on Invalid Pensions.

S. 7485. An act granting an increase of pension to Lester M. P. Griswold—to the Committee on Invalid Pensions.

S. 4461. An act granting an increase of pension to Thomas S. Elsberry—to the Committee on Invalid Pensions.

S. 7420. An act granting a pension to Eleanor N. Sherman—to the Committee on Invalid Pensions.

S. 5361. An act granting an increase of pension to John H. Peters—to the Committee on Invalid Pensions.

S. 7244. An act granting an increase of pension to Bessie Sharp Pettit—to the Committee on Pensions.

S. 7341. An act granting an increase of pension to Menzo S. Bishop—to the Committee on Invalid Pensions.

S. 7481. An act granting an increase of pension to Alanson W. Edwards—to the Committee on Invalid Pensions.

S. 7305. An act granting an increase of pension to Robert K. Leech—to the Committee on Invalid Pensions.

S. 7842. An act granting an increase of pension to Evarts C. Stevens—to the Committee on Invalid Pensions.

S. 8024. An act granting a pension to Susan J. Rogers—to the Committee on Invalid Pensions.

S. 7764. An act granting an increase of pension to Davis Gilborne—to the Committee on Invalid Pensions.

S. 7763. An act granting an increase of pension to Jacob S. Hawkins—to the Committee on Invalid Pensions.

S. 6610. An act granting an increase of pension to Isaac Johnson—to the Committee on Invalid Pensions.

S. 8207. An act granting an increase of pension to Peter Wedeman—to the Committee on Invalid Pensions.

S. 8120. An act granting an increase of pension to Benjamin T. Woods—to the Committee on Invalid Pensions.

S. 7708. An act granting an increase of pension to Sue A. Brockway—to the Committee on Invalid Pensions.

S. 2315. An act granting an increase of pension to William T. Graffan, alias William Rivers—to the Committee on Invalid Pensions.

S. 6380. An act granting an increase of pension to Josiah B. Kinsman—to the Committee on Invalid Pensions.

S. 7334. An act granting an increase of pension to Joshua T. Jellison—to the Committee on Invalid Pensions.

S. 7831. An act granting an increase of pension to William H. Grandaw—to the Committee on Invalid Pensions.

S. 913. An act granting an increase of pension to Charles E. Foster—to the Committee on Invalid Pensions.

S. 6911. An act granting an increase of pension to George A. Boyle—to the Committee on Invalid Pensions.

S. 7039. An act granting an increase of pension to Robert Hamilton—to the Committee on Invalid Pensions.

S. 570. An act granting an increase of pension to John W. Crane—to the Committee on Invalid Pensions.

S. 7912. An act granting an increase of pension to Eleanor P. Bigler—to the Committee on Pensions.

S. 3852. An act granting an increase of pension to Levi W. Curtis—to the Committee on Invalid Pensions.

S. 8215. An act granting an increase of pension to James W. Lendsay—to the Committee on Invalid Pensions.

S. 7915. An act granting an increase of pension to Mary M. Howell—to the Committee on Invalid Pensions.

S. 8237. An act granting an increase of pension to Lydia Irvine—to the Committee on Pensions.

S. 7696. An act granting an increase of pension to Zadok K. Judd—to the Committee on Pensions.

S. 7572. An act granting an increase of pension to Warren M. Fales—to the Committee on Invalid Pensions.

S. 6702. An act granting an increase of pension to Charles E. Du Bois—to the Committee on Invalid Pensions.

S. 8005. An act granting an increase of pension to Garrett F. Cowan—to the Committee on Invalid Pensions.

S. 8021. An act granting an increase of pension to John F. Martine—to the Committee on Invalid Pensions.

S. 7004. An act granting an increase of pension to Edward G. Burnet—to the Committee on Invalid Pensions.

S. 7470. An act granting an increase of pension to William F. Burnett—to the Committee on Invalid Pensions.

S. 7154. An act granting an increase of pension to Samuel A. Miller—to the Committee on Invalid Pensions.

S. 3997. An act granting an increase of pension to Jacob Berry—to the Committee on Invalid Pensions.

S. 7473. An act granting an increase of pension to John M. Gilliland—to the Committee on Invalid Pensions.

S. 6531. An act granting an increase of pension to Francis A. Dory—to the Committee on Invalid Pensions.

S. 8017. An act granting an increase of pension to Watson L. Corner—to the Committee on Invalid Pensions.

S. 1520. An act granting an increase of pension to Laura M. Freeman—to the Committee on Invalid Pensions.

S. 1515. An act granting an increase of pension to Elizabeth Strong—to the Committee on Invalid Pensions.

S. 3672. An act granting an increase of pension to Daniel R. Emery—to the Committee on Invalid Pensions.

S. 1136. An act granting an increase of pension to Warren W. Whipple—to the Committee on Invalid Pensions.

S. 8105. An act granting an increase of pension to Anna Arnold—to the Committee on Invalid Pensions.

S. 4762. An act granting a pension to Mary A. Brady—to the Committee on Pensions.

S. 5813. An act granting an increase of pension to Marshall T. Kennan—to the Committee on Invalid Pensions.

S. 7772. An act granting a pension to Ellen Dougherty—to the Committee on Invalid Pensions.

S. 7722. An act granting an increase of pension to Henderson Stanley—to the Committee on Pensions.

S. 7803. An act granting an increase of pension to William H. Long—to the Committee on Pensions.

S. 7825. An act granting an increase of pension to Garret P. Rockwell—to the Committee on Invalid Pensions.

S. 6910. An act granting an increase of pension to George F. Chamberlin—to the Committee on Invalid Pensions.

S. 8225. An act granting an increase of pension to Elizabeth P. Hargrave—to the Committee on Pensions.

S. 7877. An act granting an increase of pension to Thomas D. Marsh—to the Committee on Invalid Pensions.

S. 7938. An act granting an increase of pension to John W. Messick—to the Committee on Invalid Pensions.

S. 8034. An act granting an increase of pension to Jacob M. F. Roberts—to the Committee on Invalid Pensions.

S. 7830. An act granting an increase of pension to Wilbur A. Stiles—to the Committee on Invalid Pensions.

S. 7628. An act granting an increase of pension to John P. Wildman—to the Committee on Invalid Pensions.

S. 7923. An act granting an increase of pension to William H. Brady—to the Committee on Invalid Pensions.

S. 7553. An act granting an increase of pension to Adolphus P. Clark—to the Committee on Invalid Pensions.

S. 2971. An act granting an increase of pension to Henry O. Bennum—to the Committee on Invalid Pensions.

S. 7555. An act granting an increase of pension to James T. Piggott—to the Committee on Invalid Pensions.

S. 6245. An act granting an increase of pension to Susan Mahany—to the Committee on Invalid Pensions.

S. 7231. An act granting an increase of pension to Oscar F. Richards—to the Committee on Invalid Pensions.

S. 8081. An act granting an increase of pension to William H. Cochran—to the Committee on Invalid Pensions.

S. 8084. An act granting an increase of pension to John Hazen—to the Committee on Invalid Pensions.

S. 8079. An act granting an increase of pension to Joseph Ickstadt—to the Committee on Invalid Pensions.

S. 5578. An act granting an increase of pension to Sheffield L. Sherman, jr.—to the Committee on Invalid Pensions.

S. 7872. An act granting an increase of pension to Gilbert H. Keck—to the Committee on Invalid Pensions.

S. 7636. An act granting an increase of pension to Samuel M. Breckenridge—to the Committee on Invalid Pensions.

S. 6103. An act granting an increase of pension to William P. Visgar—to the Committee on Invalid Pensions.

S. 7786. An act granting an increase of pension to Chauncey M. Snow—to the Committee on Invalid Pensions.

S. 7785. An act granting an increase of pension to Carlo J. Emerson—to the Committee on Invalid Pensions.

S. 7168. An act granting an increase of pension to Edward B. Shepherd—to the Committee on Invalid Pensions.

S. 7194. An act granting an increase of pension to Lawrence Over—to the Committee on Invalid Pensions.

S. 5558. An act granting an increase of pension to George Payne—to the Committee on Invalid Pensions.

S. 8235. An act granting a pension to James H. Huntington—to the Committee on Invalid Pensions.

S. 5621. An act granting an increase of pension to Frederick Buehrle—to the Committee on Invalid Pensions.

S. 4531. An act granting an increase of pension to Levi M. Stephenson—to the Committee on Invalid Pensions.

S. 8259. An act granting an increase of pension to Henry B. Love—to the Committee on Invalid Pensions.

S. 5756. An act granting an increase of pension to Charles A. Bell—to the Committee on Invalid Pensions.

S. 3552. An act granting an increase of pension to Joseph P. Wilcox—to the Committee on Invalid Pensions.

S. 1350. An act granting an increase of pension to Michael Cullen—to the Committee on Invalid Pensions.

S. 6140. An act granting an increase of pension to Julia A. Birge—to the Committee on Invalid Pensions.

S. 8195. An act granting an increase of pension to Asa E. Swasey—to the Committee on Invalid Pensions.

S. 6672. An act granting an increase of pension to Hannah Peavey—to the Committee on Invalid Pensions.

S. 7068. An act granting an increase of pension to Richard B. Hall—to the Committee on Invalid Pensions.

S. 7138. An act granting an increase of pension to George H. Allen—to the Committee on Invalid Pensions.

S. 7038. An act granting an increase of pension to William Curran—to the Committee on Invalid Pensions.

S. 6093. An act granting a pension to Hester A. Coller—to the Committee on Invalid Pensions.

S. 6319. An act granting an increase of pension to Angus Fraser—to the Committee on Invalid Pensions.

S. 2109. An act granting an increase of pension to Elisha T. Arnold—to the Committee on Pensions.

S. 4208. An act granting an increase of pension to Charles V. Nash—to the Committee on Invalid Pensions.

S. 5752. An act granting an increase of pension to Ruth M. Hoag—to the Committee on Invalid Pensions.

S. 6078. An act granting an increase of pension to Elijah B. Hudson—to the Committee on Invalid Pensions.

S. 5718. An act granting an increase of pension to William D. Hoff—to the Committee on Invalid Pensions.

S. 6774. An act granting an increase of pension to James B. Hackett—to the Committee on Invalid Pensions.

S. 1980. An act granting an increase of pension to Mary O. Foster—to the Committee on Pensions.

S. 8197. An act granting an increase of pension to Arabella J. Farrell—to the Committee on Pensions.

S. 8104. An act granting an increase of pension to Henry Shelley—to the Committee on Invalid Pensions.

S. 7698. An act granting a pension to Fannie S. Grant—to the Committee on Invalid Pensions.

S. 2502. An act granting an increase of pension to Stephen M. Fitzwater—to the Committee on Invalid Pensions.

S. 1935. An act granting an increase of pension to Charles Church—to the Committee on Invalid Pensions.

S. 7129. An act granting a pension to Susan J. Chandler—to the Committee on Invalid Pensions.

S. 6952. An act granting an increase of pension to Martin A. Rubert—to the Committee on Invalid Pensions.

S. 161. An act granting an increase of pension to Ruth E. Rogers—to the Committee on Invalid Pensions.

S. 8056. An act granting an increase of pension to William H. Fountain—to the Committee on Invalid Pensions.

S. 6768. An act granting an increase of pension to John E. Hayes—to the Committee on Invalid Pensions.

S. 7476. An act granting an increase of pension to Oliver S. Boggs—to the Committee on Invalid Pensions.

S. 7616. An act granting an increase of pension to Ezekiel C. Ford—to the Committee on Invalid Pensions.

S. 883. An act granting an increase of pension to Thomas A. Willson—to the Committee on Invalid Pensions.

S. 2336. An act granting an increase of pension to Annie E. Smith—to the Committee on Invalid Pensions.

S. 6724. An act granting a pension to Mary W. Granniss—to the Committee on Invalid Pensions.

S. 435. An act granting a pension to Luther H. Canfield—to the Committee on Invalid Pensions.

S. 496. An act granting an increase of pension to Lewis Young—to the Committee on Invalid Pensions.

S. 8278. An act granting an increase of pension to Calvin Herring—to the Committee on Invalid Pensions.

S. 7968. An act granting an increase of pension to James Slater—to the Committee on Invalid Pensions.

S. 7878. An act granting an increase of pension to Richard J. Gibbs—to the Committee on Invalid Pensions.

S. 6281. An act granting an increase of pension to Joseph C. Bowker—to the Committee on Invalid Pensions.

S. 7947. An act granting an increase of pension to Charles G. Sweet—to the Committee on Invalid Pensions.

S. 8302. An act granting a pension to Ella B. Morrow—to the Committee on Invalid Pensions.

S. 8201. An act granting an increase of pension to Clara A. Keeting—to the Committee on Invalid Pensions.

S. 3197. An act granting an increase of pension to Hiram Focht—to the Committee on Invalid Pensions.

S. 8397. An act granting an increase of pension to Martin Peacock—to the Committee on Invalid Pensions.

S. 8147. An act granting an increase of pension to Ann E. Macy—to the Committee on Pensions.

S. 7429. An act granting a pension to Caroline A. Gilmore—to the Committee on Invalid Pensions.

S. 8196. An act granting an increase of pension to Michael J. Geary—to the Committee on Invalid Pensions.

S. 7670. An act granting a pension to Sarah E. Lungren—to the Committee on Invalid Pensions.

S. 8212. An act granting a pension to Azelia Mittag—to the Committee on Pensions.

S. 8144. An act granting an increase of pension to Elizabeth A. Bonner—to the Committee on Pensions.

S. 7622. An act granting an increase of pension to George K. Taylor—to the Committee on Invalid Pensions.

S. 7936. An act granting an increase of pension to Liberty W. Foskett—to the Committee on Invalid Pensions.

S. 2387. An act granting an increase of pension to Harvey Smith—to the Committee on Invalid Pensions.

S. 8378. An act granting an increase of pension to Eli B. Woodard—to the Committee on Invalid Pensions.

S. 7478. An act granting an increase of pension to William H. Brown—to the Committee on Invalid Pensions.

S. 4008. An act granting an increase of pension to Charles B. Saunders—to the Committee on Invalid Pensions.

S. 8023. An act granting an increase of pension to Harvey N. Medbury—to the Committee on Invalid Pensions.

S. 2285. An act granting an increase of pension to William W. Herrick—to the Committee on Invalid Pensions.

S. 8049. An act granting an increase of pension to Daniel C. Swartz—to the Committee on Invalid Pensions.

S. 5144. An act granting an increase of pension to Morgan H. Weeks—to the Committee on Invalid Pensions.

S. 7655. An act granting an increase of pension to Francis G. Brown—to the Committee on Invalid Pensions.

S. 8407. An act granting an increase of pension to Reuben C. Webb—to the Committee on Invalid Pensions.

S. 8258. An act granting a pension to Mary B. Yerington—to the Committee on Invalid Pensions.

S. 7838. An act granting an increase of pension to Ole Gunderson—to the Committee on Invalid Pensions.

S. 8390. An act granting an increase of pension to Joseph H. Kinsman—to the Committee on Invalid Pensions.

S. 2181. An act granting an increase of pension to Mary G. Potter—to the Committee on Invalid Pensions.

S. 7930. An act granting an increase of pension to Joseph Hare, jr.—to the Committee on Invalid Pensions.

S. 7657. An act granting an increase of pension to Harman Grass—to the Committee on Invalid Pensions.

S. 7890. An act granting an increase of pension to Henry Zacher, alias Charles Stein—to the Committee on Invalid Pensions.

S. 8379. An act granting an increase of pension to Bertha Maria Johnson—to the Committee on Invalid Pensions.

S. 8345. An act granting an increase of pension to Frank Holderby, alias Frank Giles—to the Committee on Invalid Pensions.

S. 6518. An act granting an increase of pension to William H. Stiles—to the Committee on Invalid Pensions.

S. 3432. An act granting an increase of pension to Samuel Ellis—to the Committee on Pensions.

S. 5420. An act granting an increase of pension to Thomas W. Gilpatrick—to the Committee on Invalid Pensions.

S. 6616. An act granting an increase of pension to Jacob P. Crooker—to the Committee on Invalid Pensions.

S. 8263. An act granting an increase of pension to Martha L. Bohannan—to the Committee on Pensions.

S. 7344. An act granting an increase of pension to Clara P. Coleman—to the Committee on Invalid Pensions.

S. 3495. An act granting a pension to Joseph H. Boucher—to the Committee on Invalid Pensions.

S. 7679. An act granting an increase of pension to George M. Shaffer—to the Committee on Invalid Pensions.

S. 6177. An act granting an increase of pension to Louisa Anne Morton—to the Committee on Pensions.

S. 8125. An act granting an increase of pension to Mary O. Cherry—to the Committee on Invalid Pensions.

S. 3691. An act granting a pension to Rollin S. Belknap—to the Committee on Pensions.

S. 8006. An act granting an increase of pension to Epaminondas P. Thurston—to the Committee on Invalid Pensions.

S. 4580. An act granting an increase of pension to William Hale—to the Committee on Invalid Pensions.

S. 8153. An act granting an increase of pension to Henry B. Johnson—to the Committee on Invalid Pensions.

S. 1896. An act granting a pension to Smith Bledsoe—to the Committee on Pensions.

S. 5724. An act granting an increase of pension to George C. Saul—to the Committee on Invalid Pensions.

S. 990. An act granting an increase of pension to Relf Bledsoe—to the Committee on Pensions.

S. 3652. An act granting an increase of pension to Sallie Noble—to the Committee on Invalid Pensions.

S. 2792. An act granting an increase of pension to John W. Ogan—to the Committee on Invalid Pensions.

S. 8064. An act granting an increase of pension to Carloss Trowbridge—to the Committee on Invalid Pensions.

S. 8161. An act in relation to salaries of district attorney and assistant district attorneys for the northern district of Illinois—to the Committee on the Judiciary.

S. 8347. An act granting an increase of pension to Ervin F. Mann—to the Committee on Invalid Pensions.

S. 8090. An act granting an increase of pension to Inger A. Steensrud—to the Committee on Invalid Pensions.

S. 8089. An act granting an increase of pension to Mary E. Jacobs—to the Committee on Invalid Pensions.

S. 8349. An act granting a pension to Mary Ellen Van Amringe—to the Committee on Invalid Pensions.

S. 8348. An act granting an increase of pension to Cornelius E. Bliss—to the Committee on Invalid Pensions.

S. 6818. An act granting an increase of pension to John E. Anthony—to the Committee on Invalid Pensions.

S. 6277. An act granting an increase of pension to Marie J. Blaisdell—to the Committee on Invalid Pensions.

S. 8435. An act granting to the city of Durango, in the State

of Colorado, certain lands therein described for water reservoirs—to the Committee on the Public Lands.

S. 7512. An act to provide for an additional land district in the State of Montana, to be known as the Glasgow land district—to the Committee on the Public Lands.

S. 6704. An act to amend an act entitled "An act for the relief of certain homestead settlers in the State of Alabama," approved February 24, 1905—to the Committee on the Public Lands.

S. 4028. An act granting an increase of pension to Ann H. Barnes—to the Committee on Pensions.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Transportation of remains: To enable the Secretary of the Navy, in his discretion, to cause to be transferred to their homes the remains of officers and enlisted men of the Navy and Marine Corps who die or are killed in action ashore or afloat, and also to enable the Secretary of the Navy, in his discretion, to cause to be transported to their homes the remains of civilian employees who die outside of the continental limits of the United States, $10,000: *Provided*, That the sum herein appropriated shall be available for payment for transportation of the remains of officers and men who have died while on duty at any time since April 21, 1898, and shall be available until used, and applicable to past as well as future obligations.

Mr. MANN. Mr. Chairman, I make the point of order on lines 22 and 23, unless the chairman of the committee wishes me to reserve it.

Mr. FOSS. I will say to the gentleman that this proviso is always in the appropriation bill every year. What is the gentleman's objection?

Mr. MANN. Mr. Chairman, I will reserve the point of order. You have carried the same item each year, and you say each time that it shall remain available until used. Now, I do not see the necessity of putting a lot of items in the Treasury Department which are available until used, and then make the same appropriations every year. It is easy to calculate what it will be, and under this method you very much discommode the bookkeeping of the Treasury Department of the Government. Can the gentleman tell us what the unexpended balance is of prior appropriations?

Mr. FOSS. I do not know what the unexpended balance is. The Chief of the Bureau said that this appropriation was necessary for this year. We tried to reduce it, but he advised us not to do so because it was running very close.

Mr. MANN. If that is the case then it does not need to be made available until used, because it will hold over for two years.

Mr. FOSS. But it takes some time to get these matters back. I think the gentleman had better leave it as it is.

Mr. MANN. I insist on the point of order.

The CHAIRMAN (Mr. PERKINS). The point of order is sustained.

The Clerk read as follows:

BUREAU OF SUPPLIES AND ACCOUNTS.

Provisions, Navy: For provisions and commuted rations for the seamen and marines, which commuted rations may be paid to caterers of messes, in case of death or desertion, upon orders of the commanding officers, commuted rations for officers on sea duty (other than commissioned officers of the line, Medical and Pay Corps, and chief boatswains, chief gunners, chief sailmakers, chief carpenters), and midshipmen, and commuted rations stopped on account of sick in hospital and credited to the naval hospital fund; subsistence of officers and men unavoidably detained or absent from vessels to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given); labor in general storehouses and paymasters' offices in navy-yards, including naval stations maintained in island possessions under the control of the United States, and expenses in handling stores purchased under the naval-supply fund; one chemist, at $2,500 per annum, and two chemists, at $2,000 each per annum, 100,000 United States Army emergency rations, $5,542,000: *Provided*, That pay department stores may be sold to civilian employees at naval stations beyond the continental limits of the United States and in Alaska, under such regulations as the Secretary of the Navy may prescribe: *Provided further*, That section 1581 of the Revised Statutes, as amended by act of June 20, 1906, be, and it is hereby, further amended by adding thereto a paragraph as follows:

"Any article comprised in the Navy ration may be issued in excess of the authorized quantity, provided there be an underissue of the same value in some other article or articles."

Mr. MANN. Mr. Chairman, I reserve a point of order. I want to refer to this provision: "Any article comprised in the Navy ration may be issued in excess of the authorized quantity, provided there be an underissue of the same value of some other article or articles."

Mr. FOSS. That contemplates simply a change in the component parts of the rations, and may be necessary when our men or officers are over in the Philippines, or something of that kind. It provides that the value shall not be any more than heretofore.

Mr. MANN. I can see what it contemplates, and what it contemplates is for the good of the service. What the effect of it will be is a different proposition. It would authorize the Department, in the Philippines or some other place, to issue a smaller portion of that which is prescribed by issuing an excess of other articles. That might be done in many cases. I simply call this to the attention of the committee.

Mr. FOSS. I have a letter from the Department, which I will put into the RECORD. They want to give them more meat in the high latitudes.

Mr. MANN. It might have the effect of giving them less.

Mr. FOSS. Oh, no; there is no disposition on the part of the Department to cut down the rations of the men.

Mr. MANN. I have heard a good many men who served in the Navy tell me there was a disposition to give them bad food, notwithstanding the regulations.

Mr. FOSS. The testimony I have heard is that the United States Navy has the best rations of any navy in the world.

Mr. MANN. I have never served in any of them, and so I can not say, but the gentleman can find plenty of testimony from boys and men who have served in the Navy that the Navy ration is far from satisfactory food. In many cases, and I have no doubt on most ships, it is good.

Mr. FITZGERALD. Mr. Chairman, I desire to ask the gentleman a question. The Revised Statutes provide that certain food shall be issued as rations to the men. Does this contemplate a discretion on the part of the senior officer present as to whether a less amount of certain articles of food shall be issued than is required by law?

Mr. FOSS. In higher latitudes they desire to give the men more meat, whereas in lower latitudes they give them more fresh vegetables. This contemplates allowing them a little discretion in making up the menu, so to speak.

Mr. FITZGERALD. Will this not permit somebody—probably the senior officer present, because that is what section 1581 provides—will this not permit him practically to determine what the rations shall be? The statute is so framed that there must be a certain amount of certain articles of food issued to the men, and that is provided by statute in order that they shall get the necessary quantity of different kinds of food. Will not this permit the senior officer present to determine just what the rations shall be?

Mr. MANN. Would the gentleman be willing to accept an amendment providing that after the word "may," in line 13, the words shall be inserted "on request of the officers or men" or whatever the proper term is?

Mr. FOSS. I have no objection to that.

Mr. MANN. Would that cover the case? Are rations issued to officers at all?

Mr. FOSS. The only trouble is that the men might not altogether know what is best for them. For instance, they would have to consult the surgeon or the doctor.

Mr. MANN. This is "may;" it is not "shall."

Mr. FOSS. I have no objection, only that this provision is similar to the Army provision, and so we put it in in this form. It was sent to us in this form.

Mr. FITZGERALD. If the gentleman from Illinois will add that part of section 1581 that applies to the other—"*Provided*, That the same shall be satisfactory to the men"——

Mr. FOSS. I have no objection to that.

Mr. MANN. Then I withdraw the point of order.

Mr. FITZGERALD. I offer the amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 16, page 51, after the word "articles," insert:
"*Provided*, That the same shall be acceptable to the men."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. VREELAND. Mr. Chairman, is it too late to renew the point of order?

The CHAIRMAN. The Chair thinks it is too late.

Mr. VREELAND. I desire to renew it if it is not too late. I would rather have it go out than see it go in in this form.

The CHAIRMAN. The Chair thinks it is too late after the amendment has been offered and discussed. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 7, noes 32.

So the amendment was rejected.

Mr. FOSS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 51, line 16, insert after the word "articles:"
"*And provided further*, That the unexpended balances under appropriations 'Provisions, Navy, for the fiscal year ending June 30, 1905, and 1906,' are hereby reapportioned for 'Provisions, Navy, for fiscal year ending June 30, 1908.'"

Mr. FITZGERALD. Mr. Chairman, I make the point of order that that is a deficiency appropriation.

Mr. FOSS. Mr. Chairman, I want to say to the gentleman from New York that on account of the rise in price of food they are unable to supply these rations with the amount mentioned in this appropriation.

Mr. FITZGERALD. But this is clearly a deficiency appropriation and belongs on the deficiency bill and should go there.

Mr. FOSS. That may or may not be true, but we have unexpended appropriations for the last two years which we did not use by reason of the fact that we were unable to secure the enlisted men for the Navy to the number provided in the quota, and by allowing this reappropriation the Chief of the Bureau of Supplies and Accounts will be able to supply this ration at its increased amount.

Mr. FITZGERALD. The Department can get every dollar it needs by going to the proper committee. That is a deficiency appropriation, and the gentleman's committee has no jurisdiction of it.

Mr. LOUDENSLAGER. But this is not a deficiency.

Mr. FITZGERALD. It is a reappropriation.

Mr. LOUDENSLAGER. It is a reappropriation for the next fiscal year on this item, instead of raising the amount in this bill to an increased amount. It simply reappropriates the amount that has not been expended. There is no deficiency.

Mr. FITZGERALD. How much is the unexpended balance?

Mr. LOUDENSLAGER. About $500,000.

Mr. FITZGERALD. That will revert to the Treasury.

Mr. LOUDENSLAGER. But it is not a deficiency and, in my judgment, is not subject to the point of order.

Mr. FOSS. Mr. Chairman, I would like a ruling on the point of order. This, it seems to me, is not subject to the point of order. These appropriations were made last year and the year before, and for the very same objects mentioned in this provision, and all that this amendment seeks to do is simply to reappropriate those moneys. There will be no question as to the right to increase the appropriation.

Mr. FITZGERALD. Mr. Chairman, it clearly changes existing law. The money was appropriated for a specific purpose.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from New York?

Mr. FOSS. Certainly.

Mr. FITZGERALD. I thought the gentleman had finished. This amendment proposes to appropriate money which under the existing law has been appropriated for a specific purpose for a specific year. This is a change of law under which the appropriation is made, and therefore is a violation of the rule.

The CHAIRMAN (Mr. PERKINS). The Chair would like to ask the gentleman from Illinois one question in reference to this amendment. The amendment proposes to reappropriate certain unexpended balances which have been made for the purposes of the Navy. Does the Chair understand that these appropriations were made for objects which had been authorized by law when they were made?

Mr. FOSS. I do not hear the Chair.

The CHAIRMAN. The Chair asks whether these appropriations were made for objects which had been authorized by law?

Mr. FOSS. Yes; they have.

Mr. FITZGERALD. Mr. Chairman, I wish to call the attention of the Chair to the language of the law itself. These appropriations were made for provisions and commuted rations of men for the fiscal years named in the respective appropriation bills as stated in the amendment. The money was appropriated to purchase provisions in those specific years. The law requires that it be expended in those years, and under the statute if it be not expended within a definite time it reverts back into the Treasury. This endeavors to take these appropriations outside of the general statute which makes them revert into the Treasury if unexpended at the expiration of two years. It is a change of the law. These appropriations are made and can only be made, under the Constitution, for the support of the Navy for two years. This is a reappropriation of an amount which would be unavailable at a specified time.

The CHAIRMAN. The Chair is of opinion that the question that has been raised has been covered by previous decisions of those occupying the chair, and in a moment the Chair will call the attention of the gentleman from New York to two decisions which he finds. In one of these decisions it was held:

> That a reappropriation of an unexpended balance for an object authorized by law may be made on an appropriation bill.

Now, in answer to the position stated by the gentleman from New York a moment ago, a second decision held—

> That a reappropriation of a sum required by law to be covered into the Treasury was not a change of law.

It seems to the Chair that these two decisions precisely cover the questions presented. Money has been appropriated for an object authorized by law and is now reappropriated for a similar object. That is the decision made by predecessors in the chair, and it has been held not to be a change of law and a thing that could properly be done upon an appropriation bill, and the Chair therefore overrules the point of order.

Mr. FOSS. I call for a vote, Mr. Chairman.

The CHAIRMAN. The question is on the adoption of the amendment.

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

The Clerk read as follows:

> Contingent, Bureau of Supplies and Accounts: For expressage, fuel, books and blanks, stationery, advertising, furniture and interior fittings for general storehouses and pay offices in navy-yards; coffee mills and repairs thereto; expenses of naval clothing factory and machinery for same, postage, telegrams, telephones, tolls, ferriages, yeoman's stores, safes, newspapers, ice, and other incidental expenses, $165,000: *Provided*, That the sum of $10,000 from the unexpended balance under appropriation "Contingent, Bureau of Supplies and Accounts," for the fiscal year ending June 30, 1907, is hereby reappropriated for "Contingent, Bureau of Supplies and Accounts," for the fiscal year ending June 30, 1908: *Provided further*, That hereafter the purchase of supplies and the procurement of services for all branches of the naval service may be made in open market in the manner common among business men, without formal contract or bond, when the aggregate of the amount required does not exceed $500, and when, in the opinion of the proper administrative officers, equally or more advantageous terms can thereby be secured.

Mr. MANN. Mr. Chairman, I reserve the point of order upon the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves the point of order.

Mr. FOSS. Mr. Chairman, I desire to offer an amendment. In line 3 I move to strike out the word "seven" and insert in lieu thereof the word "six;" so it will read "1906."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Page 52, line 3, strike out the word "seven" and insert "six."

Mr. MANN. Of course, Mr. Chairman, that amendment can not be offered at this moment——

The CHAIRMAN. The amendment can not be considered until the point of order is disposed of.

Mr. MANN. I have no objection to the gentleman asking unanimous consent to perfect the paragraph without affecting the right of the point of order.

Mr. FOSS. I did not expect the gentleman would raise the point of order upon the first proviso, because the Chair has just expressly ruled that a reappropriation is in order, and this only applies to the first proviso.

Mr. MANN. I am not making a point of order to that part of the paragraph, but still he might withhold the amendment until the point of order is disposed of.

The CHAIRMAN. To what portion of the section does the gentleman make the point of order?

Mr. MANN. I made the point of order upon the whole paragraph. Of course the part to which I have special reference is the part commencing in line 5, but the point of order is reserved on the whole paragraph. What is the reason, may I ask my colleague, for this, and what will be the effect?

Mr. FOSS. This allows the Department to purchase supplies, when the aggregate amount does not exceed $500, without formal contract or bond. This provision is similar to the Army provision which I have here. In the Army they are allowed to purchase to an extent of $500 without formal contract or bond. The Chief of the Bureau of Supplies and Accounts has not permission to purchase a single dollar's worth, and the other day he brought me a list of papers that high [indicating] relating to the purchase of an article costing $117, and he said there was so much red tape in connection with these small purchases that he thought it would mean a great deal toward the economical administration of his department if he could be placed in the same position as the Army is in relation to this matter.

Mr. FITZGERALD. Is he not in that position now?

Mr. FOSS. No; he is not. He can not purchase a dollar's worth.

Mr. FITZGERALD. Section 3709 of the Revised Statutes provides:

> All purchases and contracts for supplies or services in any of the Departments of the Government, except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same, when the public exigencies do not require the immediate delivery of the articles or performance of the service. When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract, at the places and in the manner in which such articles are usually bought and sold or such services engaged between individuals.

Under that provision, which applies to all of the Departments, can he not obtain anything that is required in an emergency?

Mr. MANN. I may say to my colleague [Mr. Foss] that I am in sympathy with the purpose of the proposition, so far as that is concerned, if it can be done without throwing open the public service to grave danger of fraud. I am told that last year there were over 13,000 cases that will be covered by this provision in the Navy Department. Now, it is perfectly manifest, I take it, that in the ordinary purchase of a lead pencil or a case of screws or nails, or something of that sort, it seems not desirable to require a form of contract and bond to be entered into, as is now required, unless the naval officers certify that they have to have the goods within five days' time.

Mr. FOSS. They have to certify to an emergency, which they will not certify to. As it is now, you can not buy 50 cents' worth of stuff without going through a whole lot of red tape which will cost the Government ten times the value of the article purchased.

Mr. MANN. My understanding is that you can not purchase anything, not even a lead pencil?

Mr. FOSS. You can not do anything.

Mr. MANN. Without making a contract and bond, unless it is certified that it is a case of emergency?

Mr. FOSS. That is it.

Mr. MANN. And the Department has decided that it takes five days to make a contract and bond, that being the average experience?

Mr. FOSS. The gentleman is right.

Mr. MANN. And the Comptroller holds that unless the goods are needed within five days' time as an emergency they must enter into a contract and bond. Now, that is that side of the case. On the other hand, there are, as I know, a number of cases in the country where under a provision of this kind the officer immediately proceeds to advertise for fifty different bids on the same thing precisely, each for $499. What is to prevent him from doing that under this provision? Suppose an officer over here determines to purchase $25,000 worth of stuff, and he buys it in $499 lots—what is to prevent it as a matter of law?

Mr. FOSS. Oh, I presume he might do it if he wanted to get around the law.

Mr. MANN. Well, the gentleman and I come from the same city, where——

Mr. FOSS. If he wants to take his chance; but where the thing was plain that he was trying to break the law, I do not think he would do it.

Mr. MANN. The gentleman and I come from the same city, where the law provides that the officers of the city can enter into no contract exceeding $500 without publishing advertisements and bids, and yet it is the common practice in that city to pave streets, to lay sidewalks, and, I may say to my friend from Michigan [Mr. LOUD], it is a practice not confined to Chicago to let different contracts, each for less than $500, because the law does not govern that and cover the whole amount, amounting to thousands of dollars, by disobeying the spirit of the law, although obeying the letter of the law.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MANN] has expired.

Mr. FOSS. I call for a vote, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Illinois insist upon his point of order?

Mr. MANN. Mr. Chairman, if there is any way of modifying this, I am extremely anxious to give the Navy Department proper regulations.

The CHAIRMAN. All the Chair desires to know is if the gentleman insists on the point of order?

Mr. MANN. At present I wanted to reserve the point of order, if I might, and get the assistance of the Committee on Naval Affairs in perfecting the paragraph.

Mr. FOSS. I would say to the gentleman from Illinois that this provision is similar to the Army provision, and if it does not suit him I suggest that he insist upon his point of order. It is recommended by the Department, and the language, almost word for word, is that used in the Army provision.

Mr. FITZGERALD. Mr. Chairman, may I ask the gentleman from Illinois [Mr. Foss] a question?

Would it not be proper if this condition exists to so amend this provision of the Revised Statutes that all of the Departments would be relieved of this embarrassment, so that every committee would not come in with patchwork amendments of the Revised Statutes?

Mr. FOSS. I should think the best way to fix any amendment would be by including all the Departments in a separate bill. But this provision relates to the Navy, and all we ask is that we should be put on the same basis as the Army.

Mr. MANN. This is a very different provision, the gentleman from Illinois knows, from the Army provision.

Mr. FOSS. Substantially the same.

Mr. MANN. I should say substantially very different.

The CHAIRMAN (Mr. PERKINS). Does the gentleman from Illinois insist upon the point of order? The Chair understands the point of order is made against the whole paragraph.

Mr. MANN. I made the point of order against that part of the paragraph beginning with "*Provided further*," on line 5, and going to the end of the paragraph.

The CHAIRMAN. The point of order is sustained, beginning with the words "*Provided further*," in line 5, down to and including line 13. The question is on the amendment offered by the gentleman from Illinois.

Mr. FOSS. Mr. Chairman, I offered an amendment in line 3.

The CHAIRMAN. Precisely.

Mr. FOSS. Striking out "seven" and inserting "six."

The CHAIRMAN. The question is on that amendment.

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

The Clerk read as follows:

Navy-yard, Mare Island, Cal.: In general storehouse: Two bookkeepers, at $1,200 each; two assistant bookkeepers, at $720 each; one receiving clerk, at $1,000; one shipping clerk, at $1,000; one bill clerk, at $1,000; one clerk, at $1,000; one assistant clerk, at $1,000. In yard pay office: One writer, at $1,017.25; in all, $9,857.25.

Mr. KNOWLAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amend, on page 55, by striking out all of paragraph, beginning with line 14, and insert in lieu thereof:

"Navy-yard, Mare Island, Cal.: In general storehouse: Two bookkeepers, at $1,400 each; two assistant bookkeepers, at $900 each; one receiving clerk, at $1,200; one shipping clerk, at $1,200; one bill clerk, at $1,200; one clerk, at $1,200; one assistant clerk, at $1,200. In yard pay office, one writer, at $1,200; in all, $11,800."

Mr. FOSS. Mr. Chairman, I make the point of order against that amendment. I will reserve the point of order if the gentleman desires to say anything about it.

Mr. KNOWLAND. Mr. Chairman, in offering this amendment which if adopted would make an annual increase of $2,000 to be distributed among ten employees in the general storehouse at Mare Island, Cal., I do so as a matter of common justice and in view of certain facts affecting these particular clerks.

Let me explain that there are two classes of clerks employed at navy-yards—per diem clerks, whose salaries are fixed by the Secretary of the Navy, and those coming under "civil establishment," who are paid per annum salaries, and whose pay is fixed by Congress. The Secretary of the Navy has very properly, in view of the abnormal conditions existing in California at the present time, raised the salaries of the per diem clerks in the offices of the general storekeeper and paymaster of the yard. The result is that clerks working side by side, with duties that are practically identical, are in some instances favored because they happen to be per diem employees, while others who are obliged to come to Congress are denied justice. This is a condition that should not exist. Some of these men receive but $720 per annum, and this Government should not expect any man to support a family upon such a pittance. Conditions in California at the present time are unusual. Since the great fire the price of labor has advanced in all lines. Many private individuals and corporations have been obliged to meet these conditions. The cost of living has increased to an extent alarming to the man with a small salary.

Within the past eighteen months twenty clerks in the office of the general storekeeper have either resigned or been transferred to other departments because they could not exist upon the meager salary. It is impossible to obtain competent men at the salaries paid, and unless conditions are remedied the efficiency of the force will be greatly impaired. The volume of business done by the general storekeeper and the paymaster of the yard is approximately nine millions a year. The expense of the office and laboring forces of these two departments is only about one-tenth of 1 per cent of that amount.

In view of all these facts, and in justice to these men, I hope the chairman of the Naval Committee will not insist upon his point of order.

Mr. FOSS. Mr. Chairman, I want to say just one word, and that is this: I believe that when we increase the salaries of clerks we can increase them for all the navy-yards instead of the navy-yards on the Pacific coast. Therefore I insist upon the point of order.

Mr. KNOWLAND. Will the chairman of the committee yield for a question?

Mr. FOSS. Certainly.

Mr. KNOWLAND. Is it not a fact that the Secretary of the Navy has made the increases mentioned?

Mr. FOSS. I do not know that to be the fact; but it has never come to the Naval Committee.

Mr. KNOWLAND. I know it to be the fact.

The CHAIRMAN. Does the gentleman from California desire to be heard on the point of order? If not, the point of order is sustained.

The Clerk read as follows:

Construction and repair of vessels: For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, pneumatic steerers, steam capstans, steam windlasses, and all other auxiliaries; labor in navy-yards and on foreign stations; purchase of machinery and tools for use in shops; carrying on work of experimental model tank; designing naval vessels; construction and repair of yard craft, lighters, and barges; wear, tear, and repair of vessels afloat; general care, increase, and protection of the Navy in the line of construction and repair; incidental expenses for vessels and navy-yards, inspectors' offices, such as advertising, foreign postage, telegrams, telephone service, photographing, books, professional magazines, plans, stationery, and instruments for drafting room, $7,900,000: *Provided*, That no part of this sum shall be applied to the repair of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 10 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material: *Provided further*, That no part of this sum shall be applied to the repair of any other ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 20 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material.

Mr. FOSS. Mr. Chairman, I desire to offer an amendment in line 1, page 58, after the word "dollars." Instead of those two provisos I offer this amendment, which has been prepared by the Secretary of the Navy. It is substantially the same as the provisos in the bill on page 58.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert in lieu of the provisos appearing in lines 1 to 12, inclusive, on page 58:

"*Provided*, That no part of this sum shall be applied to the repair of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 10 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material.

"That hereafter, except by special authorization of Congress, repairs or alterations to iron or steel ships will not be undertaken when the estimated cost of such repairs or alterations, to be appraised by a competent board of naval officers, shall exceed 20 per cent of the estimated cost appraised in like manner, of a new ship of the same size and like material.

"*Provided*, That nothing herein contained shall deprive the Secretary of the Navy of the authority to order repairs of ships damaged in foreign waters or on the high seas so far as may be necessary to bring them home."

Mr. MANN. I reserve the point of order.

Mr. FOSS. Mr. Chairman, the only difference between the provision as recommended here in this bill and the provision as sent to us by the Secretary of the Navy in his letter, which I have just offered, is that the second proviso is made permanent law, the word "hereafter" is inserted, and also the proviso at the end of the paragraph, providing that for vessels damaged in foreign waters or on the high seas there shall be no limitation on the amount of repairs necessary for the purpose of bringing our vessels back home.

Mr. CRUMPACKER. I want to know about the policy of limiting the using of the appropriation in the repair of wooden ships—for instance, repairs that cost to exceed 10 per cent of the value of a new ship. Suppose a wooden ship that is practically new is damaged to such an extent that the repairs will cost more than 10 per cent. What provision is there in the law for the repair of that kind of a ship? Is there any?

Mr. FOSS. Where it would exceed 10 per cent there is no provision of law.

Mr. CRUMPACKER. What is the policy of the Government in disposing of hulks or ships where it might cost, perhaps, 15 per cent of the value of a new ship to make the repairs? Does the Government abandon that class of ships?

Mr. FOSS. We have practically abandoned wooden ships. They are obsolete in all navies. We have a few old hulks left.

Mr. CRUMPACKER. Take the iron ships, where the repairs are of such a nature that they will cost more than 20 per cent of the cost of a new vessel. A ship may be in substantially good condition, but may meet with some accident which will take 25 per cent of the cost of a new vessel to put it in repair. Have you any policy now of reclaiming or repairing that kind of an iron ship?

Mr. FOSS. If the repairs exceed 20 per cent, the Department must submit the matter to Congress under this proposed amendment, and let Congress decide whether the repairs shall be made.

Mr. CRUMPACKER. So that it is not the policy of the Government to abandon iron or steel vessels that have been disabled?

Mr. FOSS. Oh, no; simply if the repairs exceed 20 per cent of the cost of a new vessel that the estimate must be submitted to Congress for its approval.

Mr. CRUMPACKER. Now, this amendment which the gentleman offers makes this permanent law?

Mr. FOSS. This will make it permanent law.

Mr. CRUMPACKER. This provision has been carried in the bill for many years.

Mr. FOSS. Yes; for wooden ships, but not for iron or steel ships.

Mr. CRUMPACKER. Have not naval appropriation bills heretofore carried the same provision?

Mr. FOSS. Yes; as to wooden ships, but not the second proviso.

Mr. TAWNEY. Will the gentleman allow me to make a suggestion?

Mr. FOSS. Yes.

Mr. TAWNEY. I will state to the gentleman from Indiana that when the naval bill was under consideration in the last session of Congress, I offered an amendment limiting the amount to be expended in the making of repairs to 10 per cent of the cost of the vessel, which amendment was resisted by the gentleman in charge of the bill and finally after discussion was voted down, and no provision was put in at all. The naval appropriation bill has never carried any provision limiting the amount to be expended to repair a ship.

Mr. LOUDENSLAGER. I beg the gentleman's pardon, but it has in wooden ships.

Mr. TAWNEY. I mean steel and iron vessels. Under the policy and under the practice it has got to this point where the Navy Department has reconstructed vessels out of general appropriations, as was demonstrated in the last session, by expending as much as a million dollars under the head of "repairs," and, in fact, reconstructing everything except the hull. Now, 20 per cent is, in my judgment, altogether too large. In the first place, the Secretary of the Navy determines the necessity for the expenditure and makes the expenditure and reports to nobody.

The amount to be expended should be limited to repairs and not to reconstruction. On a battle ship, costing $5,000,000, there can be expended under this provision a million dollars under the head of "repairs," whereas that would involve new armament and new machinery. They could reconstruct a whole vessel.

Mr. MANN. Suppose we should be so unfortunate as to have a war and one of our battle ships should be injured, would the gentleman say it should not be the policy of the Government to repair the damaged vessel? Or suppose what happens every few days, a naval vessels runs on a rock?

Mr. ROBERTS. Oh, I object; it doesn't happen every few days.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. CRUMPACKER. I move, Mr. Chairman, to strike out the last word.

Mr. MANN. That amendment is not in order; I have a point of order pending.

The CHAIRMAN. The amendment of the gentleman from Indiana is not in order.

Mr. CRUMPACKER. If the point of order is pending, I do not understand that the five-minute rule applies.

Mr. MANN. Discussion is proceeding by unanimous consent.

The CHAIRMAN. All of this debate is by unanimous consent.

Mr. TAWNEY. I ask, Mr. Chairman, that I may have the floor for five minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent for five minutes. Is there objection?

There was no objection.

Mr. MANN. Does the gentleman from Minnesota think that if an accident happens and damages result to a vessel of the Navy, it should not be repaired?

Mr. TAWNEY. Not at all; but I do say that the present policy of the Navy Department should be limited. That policy is that under the head of repairs they are practically reconstructing naval vessels.

Mr. MANN. I quite agree with the gentleman from Minnesota, but here is a proposition of the Navy itself to get rid of repairing old vessels so that they can have all new vessels.

Mr. TAWNEY. Oh, I do not think there is any intention of that kind at all. This matter was first brought to the attention of the Navy Department and to the attention of Congress at the last session, when it was proposed to limit the amount that could be expended to 10 per cent, and the discussion developed the fact that the present policy is to increase or practically make these expenditures without regard to whether they were repairs or new construction. That is what they are doing. For example, if an admiral is ordered to take a squadron out on a cruise and he wants a battle ship in the navy-yard, he can make any repairs he wants to, provided he can get the approval of the Secretary of the Navy.

Mr. MANN. And provided the appropriation made for the purpose warrants it.

Mr. TAWNEY. Notwithstanding the appropriation made during the last session of Congress, there was a deficit of $2,000,000 as the result of the present policy.

Mr. MANN. If the gentleman's committee had refused to appropriate that deficiency——

Mr. TAWNEY. Which the committee did——

Mr. MANN. Which the committee did—that policy would stop to that extent.

Mr. FITZGERALD. I beg the pardon of the gentleman from Minnesota, but I think the deficiency was only $1,000,000.

Mr. TAWNEY. My recollection is that it was two million, but possibly it was only one million. I think this limitation on the power of the Secretary to authorize the expenditure of money under the head of repairs is a good one, but I think the limitation is too large—that is, the percentage is too large, because on a $13,000,000 battle-ship, such as we propose now, he could spend as much as a new battle ship cost some years ago.

Mr. MANN. Does the gentleman think we ought to apply the same kind of limitation to vessels in the Light-House Service and the Revenue-Cutter Service?

Mr. TAWNEY. No; I do not think there has been any attempt in that direction. I think it would be good policy if the same conditions existed in the Light-House Service and the Revenue-Cutter Service, because I do not believe it tends to good administration to give to any one man the power to determine the necessity of the expenditure of one or two million dollars, and then make the expenditure and report to nobody.

Mr. MANN. Well—"report to nobody"—they report to Congress.

Mr. TAWNEY. No; they do not.

Mr. MANN. All the expenditures. I say to the gentleman that, in my judgment, if the rule was applied to the light-house service we would have to appropriate for practically more than one-half of the present light-house service within the next two or three years.

Mr. TAWNEY. Not at all; it would not increase the appropriation. The amount to be appropriated for new vessels is always in the discretion of Congress.

Mr. MANN. It would put out of service a large number of the present large light-house tenders and revenue cutters, because these vessels constantly come to a place where they must expend more than 20 per cent in repairs or go out of service.

Mr. TAWNEY. Yes; but they always come to Congress to get the money to make these repairs. In this case the Navy Department does not come to Congress and secure the appropriation for the extraordinary repairs or the new construction. That is the reason why this limitation ought to go on, and I hope the gentleman from Illinois will not insist on the point of order. I think the provision is a good one.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. PADGETT. Mr. Chairman, in reference to the point of order, I want to suggest that the gentleman from Illinois [Mr. Foss], the chairman of the committee, had offered his amendment and the reading of it was about completed before the gentleman from Illinois [Mr. MANN] reserved the point of order, and the original provision in the bill being subject to a point of order, it is permissible to amend that by this, and the point of order is not good.

Mr. MANN. Mr. Chairman, the original provision in the bill was not subject to the point of order, but the amendment is subject to the point of order, and I insist upon the point of order.

The CHAIRMAN. The point of order being insisted upon, the Chair sustains the point of order.

Mr. FOSS. Mr. Chairman, I offer then the proviso recommended by the committee in the bill.

Mr. MANN. That is already in.

Mr. FOSS. Do I understand that the provisos recommended by the committee remain in the bill?

The CHAIRMAN. The Chair understood the gentleman from Illinois to raise the point of order to the whole amendment.

Mr. MANN. To the whole amendment, not to the provision in the bill.

The CHAIRMAN. Only to the amendment, certainly.

Mr. FOSS. Then I offer the last proviso, relating to ships in foreign waters.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 58, line 12, after the word "material," insert:

"*Provided*, That nothing herein contained shall deprive the Secretary of the Navy of the authority to order repairs of ships damaged in foreign waters or on the high seas, so far as may be necessary to bring them home."

The CHAIRMAN. The question is on agreeing to the amendment.

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

The Clerk read as follows:

Construction plant, naval station, Charleston, S. C.: Repairs to, and improvement of, plant at naval station, Charleston, S. C., $20,000.

Mr. MANN. Mr. Chairman, I reserve the point of order to the paragraph from line 16 to line 18 on page 59. Is there any plant at this place now?

Mr. FOSS. There is.

Mr. FINLEY. I would like the gentleman to state what his point of order is.

Mr. MANN. The point of order is that it provides for the improvement of the plant, and there is no authority to improve it, so far as I know. It is entirely a new proposition in the bill.

Mr. LEGARE. There is a plant there now.

Mr. FINLEY. The Port Royal plant was moved to Charleston some years ago.

Mr. MANN. This item has never been in the bill before.

Mr. FINLEY. I do not think that makes any difference.

Mr. MANN. It may not make any difference on the point of order. Of course, I think the provision is subject to the point of order, but I do not care to make it if it is really for the purpose of taking the place of the Port Royal appropriation.

Mr. FITZGERALD. Is this appropriation for repairs?

Mr. LEGARE. An increase.

Mr. FITZGERALD. Is this appropriation for repairs to a plant?

Mr. LEGARE. No; it increases the size of the plant.

Mr. FITZGERALD. There has been no work done yet at the Charleston yard in the construction department.

Mr. LEGARE. How does the gentleman mean?

Mr. FITZGERALD. I mean there have been no repairs to ships by the construction bureau of the Navy at the Charleston yard. According to the statement of the Chief of the Bureau it will not be ready to do any work for eighteen months. Why should there be an appropriation to repair a plant that will not be doing any work for eighteen months?

Mr. LEGARE. Why, Mr. Chairman, the gentleman is mistaken.

Mr. FITZGERALD. I am not. I have the testimony before me.

Mr. LEGARE. I do not care where the gentleman got his testimony or from whom he got it or when he got it. I have been there and seen with my own eyes that they are doing repair work there at this time on a small scale.

Mr. FITZGERALD. But Admiral Capps, the Chief of the Bureau of Construction, differs with the gentleman, and although the gentleman from South Carolina may have been at the yard, I am inclined to believe that the head of the Bureau of Construction and Repair is better informed as to whether his Bureau is doing any work at that yard than is the gentleman from South Carolina.

Mr. MANN. I should say the gentleman from South Carolina was a better judge of naval affairs than the constructor.

Mr. LEGARE. Well, I do not agree with either gentlemen, Mr. Chairman, but I know; I have been there and seen the work done.

Mr. FITZGERALD. Admiral Capps said:

We have had no appropriation made for that yard, and the yard may possibly be ready for operation in the next eighteen months.

Mr. LEGARE. Admiral Rousseau, Chief of the Bureau of Yards and Docks, is prepared to have it ready for service within a year. I read his letter to this House on yesterday to that effect.

Mr. FITZGERALD. He has nothing to do with the construction plant.

Mr. LEGARE. But he has been down there only within the last month and went over everything thoroughly, and he wrote me a letter to that effect, that he proposed to have the yard ready for use within a year.

Mr. FITZGERALD. Admiral Capps said further: "My recommendation would be not to do any work there until the yard is properly prepared for such work, including the dock." Of course, if it be necessary to repair the plant which has never been used, if the committee insists that $20,000 is needed for that purpose, I have not the slightest doubt the House will approve, and I shall not attempt to strike it out.

The CHAIRMAN. Does the gentleman from Illinois insist upon his point of order?

Mr. MANN. No; I do not insist.

The Clerk read as follows:

One professor of mathematics, one of mechanical drawing, one of English, one of French, and one of Spanish, at $2,500 each.

Mr. MANN. Mr. Chairman, I reserve the point of order

upon the paragraph just read, lines 20 to 22, and I would like to ask my distinguished friend now in charge of the bill, whose great ability enables him to answer questions at all times, what is the reason for inserting a professor of mechanical drawing, instead of a professor of chemistry?

Mr. LOUDENSLAGER. I can only say, in the hearings before the committee by Admiral Sands and Professor Dodge, they said it came more in conformity with the work of the professor, and they desired that change.

Mr. MANN. Well, Mr. Chairman, in view of the clear and succinct statement of the gentleman in charge of the bill, I will withdraw the point of order.

Mr. LOUDENSLAGER. I thought so, and I hope the Clerk will please read.

The Clerk read as follows:

Provided, That the Naval Academy Band shall consist of one leader, who shall have the rank, pay, and allowance of a second lieutenant in the Marine Corps; one second leader, with pay at the rate of $50 per month; thirty-three musicians, first class, and eleven musicians, second class: *Provided further*, That all members of the Naval Academy Band shall be regularly enlisted for four years in the Navy for special service at the Naval Academy: *And provided further*, That the laws relating to pay and retirements of enlisted men of the Navy be, and the same are hereby, made to apply to members of the Naval Academy Band: *And provided further*, That all members of the band shall be credited with all prior service of whatever nature in said band, as shown by the records of the Naval Academy and pay rolls of the ships attached to the academy.

Mr. MANN. Mr. Chairman, I reserve the point of order upon that paragraph; I think I shall have to make the point of order.

The CHAIRMAN. Does the gentleman from New Jersey desire to be heard?

Mr. LOUDENSLAGER. I do not desire to be heard, Mr. Chairman, in opposition to the point of order, because I am of the opinion that the point of order is good.

Mr. MANN. It is clearly subject to the point of order, but I thought possibly the gentleman was willing to make a noise because it is about a band.

Mr. LOUDENSLAGER. The effort is to get a little better noise at the academy. Admiral Sands, superintendent of the academy, desired to have the band upon a different and better basis, so as to employ men and raise the tone and dignity of it, as well as the quality of the music.

Mr. MANN. Then you are going to put the music on a higher tone?

Mr. LOUDENSLAGER. The estimated amount of increase of cost between the present status of the band and the one which is proposed is about $2,000. The committee considered the matter and rather desired to comply with the superintendent's request, but we also recognized it is subject to the point of order.

Mr. MANN. As it is said in the humorous cartoons, while the gentleman might make a noise like a band——

Mr. LOUDENSLAGER. I may say further in line with the suggestion made to me by the gentleman from North Carolina [Mr. WILLIAM W. KITCHIN], this practically makes the Naval Academy band upon the same basis as the one at West Point.

Mr. MANN. Of course that is the object, and if it does not happen to be exactly on the same, if there is half a thousandth part of a hair's difference between the two in favor of the Naval Academy, next year the Military Academy bill will contain a provision to remedy that and to lift up the material of their band.

Mr. LOUDENSLAGER. I can not say that would be the case, but I can say frankly if that should be the case, I believe there will be made an effort in the bill to do so.

Mr. MANN. Does the gentleman believe it will ever be possible to make the bread and molasses come out even between the naval and military establishments?

Mr. LOUDENSLAGER. I think this will bring it about as near as possible; much nearer than if the point of order is made and sustained.

Mr. OLMSTED. Will you allow me to ask you a question?

Mr. LOUDENSLAGER. Certainly.

Mr. OLMSTED. This gives the leader of the band the pay of a second lieutenant of the Marine Corps. Can you inform me what that pay is?

Mr. LOUDENSLAGER. I think it is about seventeen or eighteen hundred dollars.

Mr. BUTLER of Pennsylvania. It is $1,400, same as in the Army.

Mr. LOUDENSLAGER. I thought it was higher than that. I call for a ruling, Mr. Chairman, on the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

Pay of watchmen, mechanics, and others, Naval Academy: Captain of the watch, and weigher, at $2.50 per diem; second captain of the watch, at $2.24 per diem; twenty-two watchmen, at $2 per diem each; foreman of steam-heating works of the academy, at $5 per diem; labor at power house for masons, carpenters, and other mechanics, laborers, and attendants; and for care of buildings and grounds, wharves, and boats; in all, $100,000.

Mr. MANN. Mr. Chairman, I reserve the point of order on that paragraph in order that I may ask the gentleman in charge of the bill a question. We have been very successful in elucidating information from the gentleman, and I have even noticed how particular the Committee on Naval Affairs has been in making appropriations and in reference to expenditures, but this is the first time I ever saw in any committee where they brought in a matter of $2.24. Is this on the bargain-counter theory?

Mr. BUTLER of Pennsylvania. That could not be helped.

Mr. MANN. The captain of the watch is a new proposition, subject to the point of order, and the second captain of the watch is at $2.24 per diem. What great principle of state actuated the committee in cutting this proposition down from $2.25 to $2.24?

Mr. LOUDENSLAGER. I do not know that I can give the gentleman any great amount of information upon that. I presume it was rated at about so much per hour for an eight-hour day's work. But that is a presumption on my part. It was a recommendation from the commandant of that building, and I presume it is about 20 cents an hour, if the gentleman will figure it up.

Mr. MANN. I withdraw the point of order.

Mr. FITZGERALD. Why are the twenty-two watchmen authorized instead of seven?

Mr. LOUDENSLAGER. In reply I will say to that, as the gentleman from New York very well knows, in recent years we have been making quite a large appropriation at the academy for new buildings. These new buildings are now being completed and occupied, and they require a great deal larger service in the line of watchmen, and the admiral was very clear and specific when he told us that the watchmen he had on there were insufficient.

Mr. MANN. They had seven last year. Would not fourteen be enough for another year?

Mr. LOUDENSLAGER. No. They were not even half enough for last year, and there are an extra number of new buildings that will come into use and occupancy and have to be watched during the next fiscal year.

Mr. FITZGERALD. If the gentleman feels that they ought to have these watchmen, I will not interfere. It seems to me to be an extraordinary increase.

Mr. LOUDENSLAGER. I am confident that it will be of service to the academy.

Mr. FITZGERALD. Are these men on watch during the daytime or nighttime?

Mr. LOUDENSLAGER. Both. They are divided off into different watches.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

In all, Naval Academy, $428,188.36.

Mr. SOUTHARD. Mr. Chairman, I would like to return now——

Mr. FOSS. I want to ask the gentleman from Ohio [Mr. SOUTHARD] if he will not permit us to read through the Marine Corps and get up to the increase of the Navy before he takes up the proposition which he intends to take up.

Mr. SOUTHARD. Mr. Chairman, personally I have no objection, but there are reasons why it should perhaps be called up now instead of waiting until we get further along.

The CHAIRMAN. Without objection, the Clerk will report the amendment on page 33.

The Clerk read as follows:

On page 33, after the word "dollars," in line 15, insert:

"For an addition to brass and iron foundry, to cost $300,000, $100,000."

The CHAIRMAN. To that a point of order has been raised by the gentleman from Pennsylvania. That point of order is pending. Does the gentleman from Ohio wish to discuss the merits of the proposition or the point of order?

Mr. SOUTHARD. I understand the point of order has been raised to the amendment as it now is.

The CHAIRMAN. The point of order has been raised and is reserved.

Mr. SOUTHARD. I desire to say a word further on the point of order. At this time, Mr. Chairman, I will not attempt to discuss the merits of this proposition. I find no affirmative act, what we usually term an "organic act," establishing a naval

gun factory at the Washington Navy-Yard. This term "naval gun factory" is an evolution. Away back in the fifties or sixties we made appropriations for a gun foundry at the Washington Navy-Yard. So I take it that at that early date we had in existence in the navy-yard what is known as a "gun foundry." Afterwards appropriations were made for what was termed a "gun plant," and the words "gun factory" were used first in legislation, so far as I have been able to discover, in the act of 1889; and on June 30, 1890, an appropriation was made in terms for the "Naval Gun Factory" at the Washington Navy-Yard. By the naval act approved March 3, 1883, the President is authorized to select an ordnance board, and by the act of March 3, 1889, an appropriation was made to complete the gun plant and other buildings at the Naval Gun Factory. That appropriation is in the following words:

To complete the construction and equipment of ordnance shops, offices, and gun plant at Washington Navy-Yard, to be made immediately available, $625,000.

I will say, Mr. Chairman, that this building, which is now known as the "foundry" was built in 1867, and was then a part of the Steam Engineering Bureau. By Executive order No. 354, made August 14, 1886, the building was turned over to the Ordnance Department, establishing what is now called the "Naval Gun Factory." Changes and alterations have been made since that date and numerous appropriations for buildings at the gun factory have been made. These buildings have been erected and appropriations for equipment have been made until now we have a plant there which has involved an expenditure of millions of dollars.

Now, the question is, and, as I understand it, the only question is, Is this a public work or object which is now in progress? I confess, Mr. Chairman, that I can see but one side to this question. If it is not a public work or public object already in progress, what is it? What would be a public work or object already in progress? It is something we have been appropriating for annually for many years. This appropriation seeks an enlargement of a part of this factory already in existence. It seems to me, Mr. Chairman, that there is no chance for argument on the other side. I think that is all I have to say at this time.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard upon the point of order?

Mr. BUTLER of Pennsylvania. Mr. Chairman, I submit to the Chair that this is legislation obnoxious to the rule, and therefore the point of order should be sustained. The language which the Chair has before it is this: "For an addition to brass and iron factory, to cost $300,000, $100,000." I submit to the Chair that is a plain legislative provision, obnoxious to the rule, and subject to the point of order.

The CHAIRMAN. The Chair assumes that this is a public work in progress there can not be any doubt about. And the appropriation to give to it the addition the gentleman from Ohio refers to in the opinion of the Chair is not a limitation upon the cost. The act says "complete." It has over and again been held prior to and during this Congress that to limit the cost is a legislative provision and can not be incorporated in an appropriation bill; and this amendment is clearly an attempt, by this appropriation, to limit the cost, and therefore it is obnoxious to the rules; and the Chair sustains the point of order.

Mr. SOUTHARD. The Chair has reference to the limitation to $300,000?

The CHAIRMAN. Most certainly; and the point of order is sustained.

Mr. SOUTHARD. Then I offer the amendment with that part of it stricken out.

The CHAIRMAN. The gentleman offers the following amendment.

The Clerk read as follows:

Page 33, after the word "dollars," in line 15, insert: "For addition to brass and iron foundry, $100,000."

Mr. MANN. I make the point of order on that.

The CHAIRMAN. What is the gentleman's point of order?

Mr. MANN. Mr. Chairman, I understand that the law for this brass foundry—the statute or appropriation—has in it a provision for the completion of the foundry. If that is the case, this is not a public work in progress.

The CHAIRMAN. The Chair thinks that that was descriptive of the appropriation, and was not and could not fairly be construed as a definite limitation upon the limit of cost; and the Chair thinks that it is within the power of the committee to make an appropriation without now providing any limitation for an addition to that plant which is now in operation, for a new building or an addition to the building now in operation.

Mr. MANN. This is a very important ruling, because it has been the practice in the appropriation bills providing for the commencement of a public work, for the continuation of a public work, or for the completion of a public work; and it has been certainly understood generally that where you provide for the commencement of this work in progress, where you provide for the continuation of the work in progress, and where you provide for the completion, that is a limitation on the cost of the public work, not a matter of description. It is carried on many of the appropriation bills, especially in the sundry civil appropriation bill in reference to various items provided for in the bill. If the law separately provides in a given case a limitation of cost, that fixes it; but where there is no separate law providing a limitation of cost, I think it has been generally understood that the provision for completion fixed the limit of cost so far as that work in progress was concerned. Now, that was the case with reference to this foundry. The last appropriation provided, as we find, for the completion of the work, and they could only use that.

The Comptroller has held in cases of that kind that they could only do that if they can complete the work. Now, for instance, in the river and harbor bill we provide items for the completion of public works, and in order that it shall not forbid the carrying on of the work if the amount is not sufficient to complete the work, they always add a section authorizing the Department to proceed with the work if the amount provided is not sufficient to complete it, because without that separate section of the bill authority to complete the work for a certain amount of money would not authorize them, under the holding of the Comptroller, to expend a dollar of it unless it could be completed.

Mr. SOUTHARD. Is the gentleman referring now to the language in the amendment offered?

Mr. BUTLER of Pennsylvania. Oh, no; he is referring to the original appropriation.

Mr. SOUTHARD. Then, I want to say that this building which we are now appropriating to enlarge was built and completed before the appropriation referred to was made. It does not refer to this additional building at all.

The language is:

To complete the construction and equipment of the ordnance shops, offices, and gun plant at the Washington Navy-Yard, to be immediately available, $625,000.

As I stated, this building, now used as a foundry, was built, as I understand, before that time for the Bureau of Steam Engineering, and by an Executive order was transferred to the Ordnance Bureau and made a naval gun factory, or a part of the Naval Gun Factory. The language refers not to this building, but to a number of buildings that were then under construction and nearing completion.

Mr. MANN. Mr. Chairman, whatever may be the fact about that, here is an act of Congress stating—

To complete the construction and equipment of the ordnance shops, offices, and gun plant at the Washington Navy-Yard—

So much money. That covers the completion of the whole plant so far as building is concerned, and under that direction the completion of the plant and the buildings must be made within the amount provided in that law, so far as authorization is concerned, because this is a part of the gun plant and a part of the ordnance shops.

Mr. SOUTHARD. Is the gentleman aware that this public object or work has been progressing from that time to this, and that hundreds of thousands of dollars have since been appropriated for it?

Mr. MANN. Oh, I am aware that the point of order is often not made when an item is subject to a point of order. If we provide by law that a building shall cost not to exceed $200,000 that does not prevent Congress making an appropriation of $100,000 additional, but if the item comes in it is subject to a point of order just the same.

Mr. SOUTHARD. Let me ask the gentleman another question. Take a plain proposition. We will suppose that a million dollars is appropriated for the completion of a dry dock. It would then become a public work or object. Supposing that dry dock were found to be too small. Will the gentleman say that it would be necessary to obtain another authorization before you could appropriate $100,000 to complete it?

Mr. MANN. You could repair a dry dock. Of course, repairs for a public building can be made, but if you make a provision to complete a dry dock at a cost of a million dollars you could not appropriate one cent against a point of order above that sum of money for the completion of the dry dock, without changing the law.

The CHAIRMAN. The Chair thinks that the words "to complete" do not definitely fix a limit of cost in the mind of the lawmaking power. It does not say that the lawmaking

power, in making that statement, intends to definitely limit the total cost of that work to that amount for all time. Where a statement is made, as was made in the amendment as originally offered by the gentleman from Ohio, for an addition to cost $300,000, there being now $100,000 appropriated, that indicates definitely the intention of the lawmaking power to limit the cost to the $300,000. But to appropriate a given sum with the words "to complete," does not, it seems to the Chair, constitute a declaration on the part of the lawmaking power that all future appropriations shall be limited to that amount for that object. With that understanding, that there has heretofore been no definite declaration of Congress limiting the cost of this general work, the Chair overrules the point of order.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I move to amend the amendment of the gentleman from Ohio by striking out "one hundred" and substituting therefor "twenty;" so that it will read $20,000 instead of $100,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out "one hundred" and insert "twenty;" so that it will read "$20,000."

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. SULZER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Ohio wish to be heard on the amendment?

Mr. SOUTHARD. I desire to be heard.

The CHAIRMAN. The Chair then first will recognize the gentleman from Ohio.

Mr. SOUTHARD. Mr. Chairman, the improvement provided for in this amendment is one which is necessary, absolutely necessary, to the reasonably economical administration of this gun factory. It has been recommended by almost everybody in authority. Everybody who has had any connection with the management of this gun factory has recommended it, and it seems to me it is practically beyond dispute that some appropriation should be made looking to better facilities for a foundry at the Government navy-yard.

Three years ago the estimates which came in to the Chief of the Bureau of Yards and Docks for things desired at the different navy-yards amounted to $42,000,000. They came to the Chief of the Bureau of Yards and Docks, and by him they were scaled down to something like $15,000,000. They then went to the Secretary of the Navy and by him they were sifted again, and the amount of appropriation for this purpose recommended by him to the Naval Affairs Committee was something like $9,000.

This proposed appropriation for a new foundry at the navy-yard was retained as one of the most meritorious, and this same thing has happened year after year for three years. It has been recommended in that way by the Secretary of the Navy; by Admiral Endicott, Chief of the Bureau of Yards and Docks; by Admiral Mason, Chief of the Bureau of Ordnance; by the commandant, Leutze, in charge of the navy-yard; by Mr. Pendleton, the general manager, as you might call him; by Mr. Lynch and Mr. Robertson, who are also superintendents in charge, as superintendents at the navy-yard under Mr. Pendleton. It has been urged by the men employed there, and by everybody, as I have already said, who has had anything to do with the conduct of this foundry.

Now, I will read from what Admiral Mason said when before the Naval Affairs Committee last December:

The reasons for requiring this item have been so fully stated they can only be reiterated. A new foundry is indispensable for the economy of the gun factory. It is the most needed of all the improvements that could be recommended.

Now, I submit, he could not have used stronger language in relation to this matter.

The present foundry is antiquated and inadequate in size and unsuitable as a foundry for an institution like the Naval Gun Factory. On account of its unsanitary condition it is a menace to the health of the employees and officers of the yard in its present situation.

I want to suggest that that is a matter that ought to be taken into consideration by the Members of this House.

The Government losses every year by not having better facilities would soon equal the amount requested to properly provide for all the requirements of this portion of the plant, and its increased product would materially add to the production of armament by this factory, saving in both time and expense. At the present time the yard foundry is working up to its extreme capacity, and in case of war the emergency conditions could not be met. We are now practically at a standstill on account of our inability to obtain castings due on existing requisitions. The reasons for this foundry were fully set forth in my hearing before the House Naval Committee last year. (No. 38, January 11, 1906.)

Mr. BUTLER. It is the beginning of a factory that will ultimately cost $4,000,000?

Now, what is there to lead anybody to reach that conclusion? All we are asking for, all we have been asking for years, is a limited amount for the construction of the foundry. There is no reason in the world to apprehend that this is what we call an "entering wedge" for a larger appropriation. There is no necessary connection between this foundry and what the gentleman from Pennsylvania seems to anticipate they are after, and that is a forging plant. My friend from Pennsylvania [Mr. BUTLER] says it is a step toward an appropriation for this large amount. He means that what they desire is a forging plant. I want to say again that there is no necessary connection between this plant and the forging plant referred to. They are separate and distinct propositions—as separate and distinct as they can be. One is a foundry for making castings purely, and the other is a forging plant for the preparation of large forgings of steel used in armor plate and the manufacture of large guns.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SOUTHARD. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Ohio asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. SOUTHARD. Mr. Chairman, I will read just a word or two further of the statement of Admiral Mason:

Mr. ROBERTS. These castings you propose to make here are the small castings?

Admiral MASON. Small castings and type large castings. The castings people are so busy now that unless we give them a big order they will not touch it. When we start in on a new design we will say, "Here are certain improvements we will put in," and we do not want to send out and get castings for 100 mounts until we try 1 mount. We try to get castings for a type mount, and they will not touch it. One firm said, "We will not stop work just to help the Government for that."

There is no necessary connection between this proposed foundry and a forging plant, and I want that distinctly understood; and I also wish it understood that what we are asking for in this appropriation is a foundry. A few years ago—I think the report was made in May, 1905—Secretary Morton employed an expert, a Mr. Nelson, from the city of Chicago, to go through this plant, and he made an extended report, and among other things he reported on this iron and brass foundry. I had the report here a few moments ago, but in some way it has disappeared. I will be able to refer, perhaps, to the CONGRESSIONAL RECORD, however, of last year, and I wish to say, in passing, that he recommends in the strongest possible terms an appropriation for a new foundry to take the place of the foundry which now exists in the Naval Gun Factory.

Mr. LOUDENSLAGER. Will the gentleman permit an inquiry?

Mr. SOUTHARD. Yes.

Mr. LOUDENSLAGER. Is that the purpose of the gentleman's amendment, to conform to his report, to build a new building?

Mr. SOUTHARD. The purpose of my amendment is to increase the facilities of the foundry plant at the Naval Gun Factory.

Mr. LOUDENSLAGER. By what means?

Mr. SOUTHARD. By any means that it can be accomplished by the expenditure of money provided for in this appropriation.

Mr. LOUDENSLAGER. By building an addition to the present building?

Mr. SOUTHARD. I don't care whether they build a new building or whether they build an addition to the building they now have. The purpose of this amendment is to provide better facilities in this foundry at the Government Gun Factory——

Mr. WILLIAMS. Will the gentleman yield?

Mr. SOUTHARD. I will be very glad to.

Mr. WILLIAMS. Is it not a fact that these things can be manufactured more cheaply there than they can be bought?

Mr. SOUTHARD. I wish to refer to that subject and to read from the report of this gentleman, Mr. S. T. Nelson, who says this in regard to that matter that there is abundant competition in the furnishing of castings throughout the country, and he does not complain that castings furnished to the Government have been furnished at exorbitant prices, but he does say that the delays, practically what Admiral Mason says, occasioned in the gun plant as a whole by reason of the failure to furnish these castings within a reasonable time after they are called for is a great source of loss to the Government and a great obstruction to the proper administration of this foundry.

Mr. DAWSON. If the gentleman from Ohio [Mr. SOUTHARD] will permit me, in answer to the gentleman from Mississippi [Mr. WILLIAMS], I would say that I quoted from this Nelson report a year ago on this floor, and included in the record of that date a table submitted by Mr. Nelson in which it was pointed out that they could and did manufacture these things here cheaper than they bought them by contract.

Mr. WILLIAMS. I asked that question because that seems to me to be the business side of this proposition.

Mr. SOUTHARD. I will say that I have found something bearing on that question, and I will read from the CONGRESSIONAL RECORD of a year ago. It is from the report of Mr. Nelson:

FORGE SHOP.

The greatest trouble at the present time is the slow filling of orders. The Department takes so long in first advertising for bids, then letting the contract, and then getting the forgings; during all this time the other parts of the guns, or whatever it may be, are lying around the shops taking up valuable room, while they are waiting for the forgings to come in from outside forges. When the forgings do come in, and are found to be defective, the inspector condemns them; this in turn must be reported to the superintendent; the superintendent reports this to a board that condemns them officially; then it is referred to the purchasing department.

They have to be condemned and then to wait and go through a long process of "red tape," and frequently it is said that six months or many months are taken to replace a casting that has been declared unfit for the purpose for which it was ordered.

In order to get replaces promptly is one of the greatest arguments in favor of increasing the steel plant and making a greater number of steel casfings than it now makes. When a steel casting is condemned it has to go through the same routine as mentioned in connection with the condemning of forgings, and it will require from six to ten weeks to get a defective steel casting replaced which, if made in your own shops, could be replaced in the length of time that is required to mold it and anneal it, which is about two weeks or less; so that, for the sake of prompt deliveries and prompt replacing of condemned castings, this steel plant ought to be increased to several times its present size——

The CHAIRMAN. The time of the gentleman has expired.

Mr. VREELAND. Mr. Chairman, I want to say to the committee that this proposition is one which has become very familiar to the members of the Naval Committee; it is an old friend of ours. Some five or six years ago the then commandant of the Washington Navy-Yard or Gun Factory, Captain Pendleton, appeared before our committee and advocated this proposition. The first thing we want to know is, What will it cost? Notwithstanding the assurances that have been given to my friend from Ohio [Mr. SOUTHARD], the gentlemen on the Naval Committee know very well that it is the intention and hope of the men who advocate this new gun factory to start there a plant for making gun forgings. My friend from New Jersey [Mr. LOUDENSLAGER] will, I hope, present to the committee tables which were presented to our committee by the Navy Department, showing that this plant will cost from five to six millions of dollars before it is completed.

Mr. BUTLER. And that without machinery.

Mr. VREELAND. The gentleman says there is no connection between this foundry and the balance of the plant, but I say they are building a foundry there totally unnecessary in size, cost, and magnitude, unless it is intended to complete it along the lines which I have outlined here. I say to the committee that we are embarking on an enterprise which will cost us six or seven millions of dollars before it is completed.

Why do they come in with a modest appropriation this year? Because for the last three or four years the larger scheme has been defeated before the committee, and they come hoping to make this the entering wedge for this larger plan. Now, Mr. Chairman, what is the reason that we should build a great plant down here for manufacturing guns? Will gentlemen point out upon what line of policy we are entering? Is it upon the ground of economy, or is it upon the ground of some great public policy?

Mr. Chairman, I voted in this committee within the last two days in favor of carrying coal to the Philippine Islands, in favor of carrying supplies for our Army and Navy to the Philippine Islands in our own ships, although it directly cost more, because it is a matter of great public policy; it is a matter which would be humiliating to this country if we must depend upon foreign bottoms to carry our military supplies to our own possession. But here we have no such grounds of public policy. Here it must rest upon the ground of economy. I call the attention of every man of this committee who has served here long enough to become at all familiar with the public service to the fact that no man has ever been able to name a single province in which the Government has entered into manufacture where it has not cost more—frequently twice or three times as much—to make the same thing as by private manufacture.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman a question.

Mr. VREELAND. Very well.

Mr. CLARK of Missouri. Do you not think it would be well for the United States Government to put itself in a position where, if necessary, it could make everything we need in the way of armament for soldiers or sailors in time of war?

Mr. VREELAND. I will reach that proposition if I have the time, and I was about to ask this committee whether we are going to take up the suggestion made by the gentleman from Missouri and manufacture for ourselves all the things which are needed by our Army and Navy. But why stop there? Why not make all the things needed in every department of the Government?

Mr. CLARK of Missouri. Will the gentleman permit a suggestion?

Mr. VREELAND. Yes.

Mr. CLARK of Missouri. I did not say to make them all. I say to put itself in the position so you can make them yourself if the outsiders undertook to gouge us.

Mr. VREELAND. Why, Mr. Chairman, let me say to my friend from Missouri we have put ourselves in shape down at the Brooklyn Navy-Yard to make a ship. It was urged on this floor year after year that we were being cheated by the great shipbuilding yards in the building of our ships and that we could build them much cheaper. We built a great plant in Brooklyn for building a battle ship complete and put in there I do not know how many millions of dollars in the investment. We have just finished building the first ship in competition with a sister ship built in a private yard. What is the result? The result is it has cost this Government about half a million dollars more to build that ship in that plant than it cost to build the same ship in a private plant.

Mr. FITZGERALD. Mr. Chairman——

Mr. VREELAND. Let me finish this and then I will yield to an interruption. I am in favor of having one navy-yard where we can build complete a battle ship; perhaps it will save us from the formation of a trust by the private yards of the country; but in the face of the experience we have had, is there any gentleman here who would seek to equip all of our navy-yards so that we may attempt to turn out all the ships which are needed for our Navy? Why, I say, Mr. Chairman, there is no department of the Government, as every man on this floor knows, where it does not cost more to make for ourselves than we pay in the market. Why do we not make the engines for our ships, the clothes and shoes? Why do we not make the canned goods, the meat and corn, the supplies for our Army and Navy? If we are going to enter into this enterprise of manufacturing for ourselves, where will you stop? What reason of public policy is there for equipping down here a plant for making gun forgings? Is it urged that there is any trust in this line? Not at all. Is it urged there is lack in competition in the country in the forgings? Not at all. I assert, as a matter of public policy——

The CHAIRMAN. The time of the gentleman has expired.

Mr. VREELAND. I will ask for one or two minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. VREELAND. I assert as a matter of public knowledge, as every man knows who is familiar with the public service, that there is not a single Department of the Government where the Government can compete on the ground of economy with private enterprise.

Mr. SOUTHARD rose.

The CHAIRMAN. Will the gentleman from New York yield to the gentleman from Ohio?

Mr. VREELAND. In just a moment, when I get through. Why, gentlemen, take the administration of this building itself, right here under the eyes of the legislators of this country, and while the work is performed well, will anyone assert that such care and attention is given to it that it is bringing about economy here in the Capitol? Go down to the Post-Office Department. Why, Mr. Chairman, any business man knows that one of the great business men of the United States could take the Post-Office Department and could give the people better service and run it for three-quarters of the expense that it now costs. A few days ago we had the question of making chains and anchors before this committee, articles that are now made in the Boston Navy-Yard. There was a discussion on this floor at the last session, during which it was shown that anchors and chains manufactured in the Boston Navy-Yard cost twice what they can be bought for in the open market.

Why, Mr. Chairman, I remember the first time this proposition was brought before the Naval Committee. One Captain Pendleton, then commandant of the navy-yard, came before the committee, not by the direction of the Secretary of the Navy, but by permission given to him by the committee, and we asked the captain about a certain item that was in the appropriation bill, namely, an item of $100,000 to pay for holidays for the employees of the yard. We asked him why that $100,000 should not go in with the rest of the appropriation made for the salaries of the employees down there. He said he wanted a separate

appropriation made of that sum so that it would not be carried against the cost of the manufacture of the guns that they turned out there.

Mr. Chairman, I ask the question, What ground of public policy is there which calls for the building of a great plant down there capable of making forgings? If we get that after a while, if we buy the steel ingots out of which to make forgings, why should we not put in a blast furnace, and what logical reason is there why we should not complete the steel plant and be able to completely make all the great guns that are used in the Navy from iron ore?

Mr. Chairman, it seems to me it is better as a ground of public policy, as a ground of supplying our needs in time of war, that we should encourage the private plants of the country—the great steel plants of the country—to put in machinery and equipment for supplying the Army and Navy with these great guns. At any time the Government can make this appropriation, at any time the Government under stress of danger of war can fit up these plants. We should have an addition there to all the private plants that are willing to embark into this line of enterprise, ready and equipped to furnish the people of the United States with these necessary implements of war.

Mr. McCALL. Will the gentleman permit a question?

Mr. VREELAND. Yes, sir.

Mr. McCALL. And right in line with the gentleman's argument, could not the Government seize these plants in time of war—every private plant in the country—and take possession of them?

Mr. VREELAND. I thank the gentleman for the suggestion. Every plant that is equipped to make these guns in time of need could be seized by the Government and turned into channels for manufacturing our war supplies.

Why, gentlemen, did any of you ever go down to the navy-yard? Have any of you been through these institutions? Any man familiar with the work of men in factories need only to walk through those yards and see how the guns are built there to realize that, while they may be well built, they are built at a high expense. Every three years at the navy-yard there the officer in charge is changed. What kind of management is that from which to obtain economical results, that of men in charge being constantly changed and assigned to other duty?

Mr. SOUTHARD. Is not the gentleman aware that every gun built at the gun factory is built in competition with bids received from other sources?

Mr. VREELAND. I do not know any such thing, Mr. Chairman. I have never received such information.

Mr. SOUTHARD. They are required to bid on these guns in competition.

Mr. VREELAND. I do not think that correct. I know every gun built by a private concern is subject to strict inspection by the officers of the Navy. If there is any defect in it, it is rejected. If, as often happens, these castings are defective castings—castings which cost $10,000—that falls upon the concern that builds them, and it is their loss. But what becomes of that loss which takes place down in our own plant? Who is it that inspects the work turned out by this commandant and pronounces it good or bad? Why, Mr. Chairman, the Government can not manufacture these things. It is contrary to the very nature of things to expect them to do it cheaply. I have alluded to the fact that the management of it changes every two or three years, and a new man comes in—one who is totally unfamiliar with the business, perhaps knowing nothing except what he learned twenty years before at the Naval Academy.

The officers of our Navy are not business men. They are not educated to be business men. They have no training in the value of money. We do not want them to be business men. I believe that when they are on board ship, performing the duties for which we educated them, that there are no men in any navy in the world who render better service than the naval officers who sail under our flag. [Loud applause.] But, gentlemen, when we put them in charge of a great manufacturing plant they are out of place. They are in an unfamiliar field, and the results you obtain will be at a great expense to the Government. They are educated to build for all the ages. If you want to dig a hole, you go and get a contractor, and he digs the hole, and will do so cheaper than can any naval officer. Why? He will dig the hole, but he will go down for all time. He will dig a hole that will carry his name down the waves of the future.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULZER. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Pennsylvania and hope that it will be defeated. I am in favor of the amendment offered by the gentleman from Ohio [Mr. SOUTHARD] and hope it will be adopted by an overwhelming vote.

The gentleman from New York [Mr. VREELAND] in his remarks assumed to know it all, and seemed to speak as one with authority. He doubted if anyone here knew anything about the subject. I beg to inform him I have been to the Washington Navy-Yard a great many times, and have visited several of the gun factories of the United States. The Washington Gun Factory is the greatest of them all, and its equipment should be maintained at the highest standard by the Government.

Now, Mr. Chairman, I want to read from a special report made to Secretary Paul Morton on May 18, 1905, then the Secretary of the Navy, by a great expert, Mr. Nelson, that Mr. Morton brought here from Chicago to investigate this whole question. This report speaks for itself and absolutely refutes every statement the gentleman from New York has made. Reporting to the Secretary of the Navy, this great expert in whom Mr. Morton had so much confidence that he brought him all the way from Chicago to make this investigation and this report, Mr. Nelson says:

> The greatest trouble at the present time is the slow filling of orders. The Department takes so long in first advertising for bids, then letting the contract, and then getting the forgings; during all this time the other parts of the guns, or whatever it may be, are lying around the shops taking up the valuable room, while they are waiting for the forgings to come in from outside forges. When the forgings do come in and are found to be defective the inspector condemns them; this in turn must be reported to the superintendent; the superintendent reports this to a board that condemns them officially; then it is referred to the purchasing department, and from there to where the forging was made; so you can readily see the ridiculous loss of time in such cases. When they make their owns castings and forgings they can get them when they want them and as they want them. If a forging is condemned by the inspector, the forge department is immediately notified and another made in its place, and the work that the forging is a part of can go along and become finished; whereas if it is bought outside everything has to lie around and wait for the roundabout way of getting it in the first place, getting it officially condemned, as they call it, and then replaced by the concern that made it. These replace orders get very scanty attention from all concerns, especially in busy times, and especially so with the Government, where there is no one in particular to keep prodding at them all the time to fill these orders.

Now, sir, the gentleman from New York [Mr. VREELAND] argued at length that it cost the Government more to do its own work than it did to buy from outside concerns. Now, here is what the expert, Mr. Nelson, reported to Secretary Paul Morton, and I will now read what he says in regard to that:

> In this connection will say that I investigated the prices that they are now paying for forgings from the outside concerns, and for the large guns they are charging from 30 to 35 cents per pound; for the smaller guns from 40 to 45 cents per pound. I was also informed that the Bethlehem Steel Company—

And here is the whole thing, gentlemen, in a nutshell—the real milk in the cocoanut. There are only two competitors in the United States for these forgings—one is the Bethlehem Steel Company and the other the Midvale Steel Company—and these are the only two bidders for this work, and they always bid just the same price—no doubt by agreement. But I will continue to read what Expert Nelson said to Secretary Morton:

> I was also informed that the Bethlehem Steel Company and the Midvale Steel Company, in Philadelphia, are both quoting the same figures. These are about the only two concerns in the country that are large enough to handle the heavy gun forgings, and I consider that this price is exorbitant.

I think this report answers my colleague from New York and completely demolishes his contentions.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SULZER. I ask five minutes more time.

The CHAIRMAN (Mr. OLMSTED). The gentleman asks unanimous consent that he may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SULZER (reading):

> They used to charge 20 cents per pound for these gun forgings, and there ought to be a fortune in that business at that figure.

They used to charge, says Mr. Nelson, the expert, 20 cents per pound for these gun forgings, and at that price, says this great expert from Chicago, there ought to be a fortune in it. They may charge from 40 to 45 cents a pound if the forging capacity is not increased. Listen to this; and I read from the report:

> If the forge capacity of the Government gun shops in the Washington Navy-Yard is not increased so as to produce competition with the above-named concerns, they will probably raise their prices still higher.

What has my friend from New York [Mr. VREELAND] to say to this? Where is his argument now? He assumed to know it all, but I doubt not any man who can distinguish the difference between a hawk and a handsaw will take the judgment on this subject of Mr. Nelson, the disinterested expert from Chicago, to the prejudiced opinion of the gentleman from New York.

Now, gentlemen, if you want to turn over to a private concern in the nature of a monopoly this important business of the Government, all right, go ahead, and go on crippling the foundry of the gun factory at the navy-yard; but if you are with the Government and you do not want the Government to be robbed

by a confederated monopoly; if you want the Government to get what is fair and just and right in competition with these outside concerns that have an understanding and an agreement to raise the price when the foundry and the forges can no longer compete with them, then you will vote for the $100,000 in favor of the Government increasing the capacity of this foundry plant.

Gentlemen, the recommendations of the Secretary of the Navy, of the admirals who speak for the good of the Government, and the official report—a report that Mr. Morton had made especially for his own guidance and information—all recommend the enlargement of the foundry at the navy-yard as one of the most important matters that the Government can enter upon at the present time. The Government can not afford to be at the mercy of outside concerns. It can not allow itself to be held up and robbed.

This confederated monopoly has gone on charging the Government from 20 cents up to 45 cents a pound for castings, and if we do not have some check on it, if we have no way of making these things ourselves, it will ere long take advantage of our helplessness and incapacity and charge the Government 50 to 75 cents a pound. Let me show you how easily it is done. I recall a special instance concerning a forging for a large gun. The weight of the piece in the rough was about 6,000 pounds. The Government asked for outside bids, and the Bethlehem Steel Company and the Midvale Steel Company quoted the Government the same price of 76 cents a pound. The Secretary of the Navy told these two companies—and no doubt they were in collusion—that the Washington Gun Factory could make the forgings and would do so before the Government would pay such an exorbitant price.

When the Government threatened to do this work itself the Bethlehem and Midvale companies immediately cut the price to 53 cents a pound, and then they made at least 50 per cent profit. These are the facts, and they can not be denied or disputed, and if there is a man here who is a friend of the Government he will stand by this proposition recommended by the Secretary of the Navy, recommended by this great expert, in the interest of economy and in the interest of the Government making and controlling its own forgings. And another thing. The Government will save a great deal of money by the fact that all the shavings, chippings, and everything of that kind can be saved and used for other purposes. I declare that it is my deliberate opinion that this enlargement of the foundry at its gun factory will mean a saving of 50 per cent a year, and that will mean a saving of hundreds and hundreds of thousands of dollars a year to the Government.

Mr. CHARLES B. LANDIS. What do these contracts aggregate a year?

Mr. SULZER. I don't know. The gentleman can get that information very quickly by stepping outside and telephoning the Secretary of the Navy. He will tell the gentleman what they aggregate; and he will also tell him that his recommendation to the Congress of the United States in favor of increasing the facilities of the foundry is based on this report of Mr. Nelson, which I have in my hand.

Mr. Chairman, the question in its last analysis narrows down to this: Will you stand by the Government or stand by this confederated monopoly? If you are in favor of the trusts, vote down this appropriation of $100,000. If you are in favor of the Government, vote for the appropriation—and all of it—the entire $100,000. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. GREGG. Mr. Chairman, my friend from New York and my colleague on this committee [Mr. VREELAND] states that if this appropriation is made it will eventually cost five or six million dollars. Now, do not be stampeded by that statement, because the fact is that the highest estimate for everything that anybody has ever asked for in connection with this foundry is $300,000

Mr. CHARLES B. LANDIS. Does the gentleman mean to say that is the aggregate of all the contracts?

Mr. GREGG. No; all that is asked for in connection with this iron and brass foundry——

Mr. CHARLES B. LANDIS. I was trying to get at the total contracts.

Mr. GREGG. My recollection is that the expert, Mr. Nelson, appointed by Secretary Morton, recommended entire improvements aggregating about $3,000,000, instead of five or six. This, however, is only one part, and I ask why is this House bound to go further than what is now before us? This foundry is separate and distinct from all the other improvements, and it can be built without in any way binding us to make the other improvements.

Mr. THOMAS of Ohio. May I ask the gentleman a question? Do I understand that these forgings are to be made in the proposed new foundry?

Mr. GREGG. We are not making the large forgings.

Mr. THOMAS of Ohio. No forgings at all?

Mr. GREGG. Simply the iron and brass castings.

Mr. THOMAS of Ohio. The gentleman from New York [Mr. SULZER] was talking about forgings to be made in the proposed new foundry.

Mr. GREGG. I am not talking about that. I am talking about the iron and brass castings.

Mr. THOMAS of Ohio. I should like to know the connection between the forgings and the castings.

Mr. GREGG. As I understand, there is no connection.

Mr. THOMAS of Ohio. Does the Bethlehem Steel Company furnish iron castings?

Mr. GREGG. I am not talking about that.

Mr. THOMAS of Ohio. What is all this talk about, then?

Mr. GREGG. This is a matter to itself, and is not a part or parcel of any other improvement. It stands alone by itself. If it were connected with other matters so that it would necessitate the building up of other projects, there might be some force in the gentleman's suggestion.

Mr. SOUTHARD. Let me ask the gentleman this question. Did not Mr. Nelson say that this was the most urgently needed of all the things mentioned in his report?

Mr. GREGG. That is the way I understand it, and the Navy Department and the commandant of the navy-yard has abandoned all the other requests, and he comes before the committee and asks simply to be given this. Now, the gentleman from New York——

Mr. COOPER of Pennsylvania. If this work is so urgent, why is it only proposed to give them $100,000 when $300,000 is required to construct the necessary addition?

Mr. GREGG. Simply because we do not believe we can get more at this time. We would take the whole $300,000 if we could get it.

Mr. COOPER of Pennsylvania. Does not that show that this is an entering wedge?

Mr. GREGG. It is an entering wedge for the amount of $300,000, and nothing more.

Mr. COOPER of Pennsylvania. I understood the gentleman from New York to propose it on the theory that the Government ought to make all of its own cannon and forgings.

Mr. GREGG. Mr. Chairman, I do not want the gentleman from Pennsylvania to interject a speech into mine.

Mr. COOPER of Pennsylvania. I want to know whether it is a question or policy or an improvement for better facilities to meet a present emergency.

Mr. GREGG. It is a question of economical administration of this yard; that is my understanding of it.

Mr. COOPER of Pennsylvania. Nothing further?

Mr. SOUTHARD. Isn't this the question, whether or not it is good policy to allow the work of 100 men or 50 men to obstruct the work of 4,000 men?

Mr. GREGG. Yes; that's it, in part. But that is not the line of my argument. The gentleman from New York argues that it costs more to do the work in the Government yard than to do it on the outside.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GREGG. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Texas asks an extension of five minutes. Is there objection?

There was no objection.

Mr. GREGG. Now, here is the situation we are put in. The gentleman complains that the work costs too much. Yet when the Department comes here and asks for an appropriation that will enable them to do it cheaper, he opposes that appropriation.

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

Mr. GREGG. Certainly.

Mr. MADDEN. Is there any evidence in the possession of the committee or any member of the committee to show the difference between the cost of the manufacture of the same thing by the Government and by private individuals?

Mr. SOUTHARD. Yes; and the Government manufactured it the cheapest.

Mr. MADDEN. Let us have the evidence.

Mr. GREGG. There was a provision in this bill providing for the appointment of a commission to visit the navy-yards and report and suggest methods for putting them upon a more economical and businesslike basis. My friend from New York is a member of the committee that reported this bill. He is therefore—presumably, at least—in favor of that provision; yet when we offer an amendment here that will accomplish in the

Washington Navy-Yard the very thing contemplated in that provision he opposes it.

Mr. MADDEN. Will the gentleman be kind enough to answer my question, whether there was any evidence in the possession of the committee to show the difference between the cost of the material or thing manufactured by private enterprise and that manufactured under Government management?

Mr. GREGG. I can not answer that question exactly, but I will read from the evidence to show the great saving that will be made at this gun factory if this provision is passed. The gentleman from Ohio has read extensively from the hearings of Admiral Mason. I want to read you a little from the hearings of Captain Leutze, the commandant of this yard. Speaking of this particular building—that is, the iron and brass foundry—he says:

It is overcrowded and suffers for the want of air and on account of the fumes in there is detrimental to good work in the other shops, which are carried in whatever direction the wind is blowing, and also the fact that it can not be cleaned and its insanitary condition. We have no yard attached to it, so that our flasks, appliances, and foundry material are stored, the coal and iron particularly, quite a distance from the foundry, and we have to handle such material two or three times before we get it there. I think from this we could save 20 per cent in labor. The labor bill is $14,000 a month, amounting to about $200,000, I believe, a year.

Now, that is the saving there. I say the proposition is to put it upon a more economical and businesslike basis, and the members of the Committee on Naval Affairs are committed to that theory, every one of them. Is there a business man on that side or anywhere who would say that it was good business to have your material stored away so far that you had to handle it two or three times before you could get it to where you want it?

Mr. MADDEN. Would it not be a good idea to furnish the House with the information which would enable the House to conclude what the comparative cost under Government management and private management would be for making a particular thing required in connection with this work? There is no evidence here to show, so far as I have been able to discover, that the Government can make as cheaply as private individuals can make.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ROBERTS. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GREGG. I have here, for the benefit of the gentleman from Illinois [Mr. MADDEN], a table showing a statement as to some work done there and some obtained by contract. Here is one: The contract price is $2,329.72; the cost of the same article manufactured at this factory is $1,874.75.

Mr. BUTLER of Pennsylvania. I will ask my colleague what does that estimate include?

Mr. SOUTHARD. It includes an exorbitant price for forgings.

Mr. GREGG. There is evidence that we pay an exorbitant price for our rough forging. Here is another item: $2,500 to buy, $2,333 to make; another, $1,337 to buy, $1,063 to make; another, $1,783 to buy, $1,754 to make; another one, $4,333 to buy, $4,129 to make.

Mr. MADDEN. That is just the pure cost of making, I presume, and does not include the capital invested.

Mr. GREGG. As I understand it it includes the cost to the Government.

Mr. SOUTHARD. And 40 per cent added for maintenance of plant and interest on investment.

Mr. GREGG. Yes.

Mr. LOUDENSLAGER. Oh, I don't think the gentleman from Texas wants that last remark to go in about the 40 per cent.

Mr. GREGG. I think it is 40 per cent allowed in this estimate.

Mr. LOUDENSLAGER. The testimony before the committee is very clear on that matter.

Mr. GREGG. I don't want any incorrect statement to go in.

Mr. LOUDENSLAGER. The testimony of Captain Leutze is that no account is taken there for repairs or interest on investment.

Mr. PAYNE. Or depreciation or interest on investment?

Mr. SOUTHARD. That report states that 40 per cent is allowed in each case for maintenance, which is the same thing as depreciation, and for interest on investment.

Mr. GREGG. This report states that the manufactured prices include 40 per cent for depreciation and interest on investment. This is the report of Secretary Morton's expert, and I take it Captain Leutze in his statement refers to the same items.

Mr. PAYNE. I understand the gentleman from New Jersey [Mr. LOUDENSLAGER] negatives that, and says that no account is taken down there for repairs or depreciation or interest on investment.

Mr. ROBERTS. That is what Captain Leutze says.

Mr. SOUTHARD. The man who made the report says 40 per cent is allowed. How he arrives at those figures I do not know.

Mr. LOUDENSLAGER. For the benefit of the gentleman from Texas [Mr. GREGG] I will state that on page 1142 of the hearings of 1905–6 Captain Leutze, before the committee, makes the statement that no account is taken for the maintenance of the yards or the cost of the plant.

Mr. SOUTHARD. But Captain Leutze did not make this report from which the gentleman from Texas is reading.

Mr. GREGG. Referring to my original line of thought, when speaking about putting this yard upon an up-to-date economic businesslike basis, to which every member of this committee is committed—that is, the Committee on Naval Affairs—and every other man ought to be. As I said before, I have shown that we manufacture cheaper. I have shown also by building this new foundry and affording the facilities for handling the material, so as not to handle it so often, there will be an annual saving of about $20,000. In addition to that, I want to call attention to another thing, and that is this. I read:

Manganese and other bronzes are used largely, as we have not the facilities to make enough steel castings.

The hearings show that steel castings answer the purpose just as well as the bronze castings, and if they had the foundry, as provided for by this amendment, they would make the steel castings and discontinue the use of the bronze.

Captain Leutze says the following about the bronze and steel castings:

The difference in price is about 20 cents a pound. Last year we made about 143,000 pounds of bronze castings, which cost us about $28,000 more than steel castings would have cost.

Thus it is shown that by erecting this foundry the Government will save in item of labor annually $20,000, and in the difference between bronze and steel castings $28,000 more. We have this gun factory and have had it for years. It is doing certain work; and the question for us to settle now by our vote on this amendment is whether we shall so equip it that it can do that work economically, so that we can save annually about $50,000 upon an ultimate investment of $300,000.

I do not favor the Government doing all its work, but I do favor it doing enough to have a criterion and test as to quality and cost of production, so as to protect itself against combinations and trusts. To do this so as to get a correct test either as to quality or cost of production it must have the most improved and up-to-date means and agencies. This is what is sought to be accomplished by this amendment. Nothing more. I can't see how anyone having the public interest at heart can oppose it.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. STERLING 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 bill of the following title:

On February 14:

H. R. 23889. An act authorizing the Secretary of the Interior to issue deed of conveyance to Lyman Ballou to certain lands in Custer County, S. Dak.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. FOSS. Mr. Chairman, I move that we close debate upon this proposition in fifteen minutes.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I would like to have five minutes of that.

The CHAIRMAN. The gentleman from Illinois moves that debate——

Mr. WALDO. Mr. Chairman, before that motion is put I would like to have five minutes.

Mr. FOSS. I will make it half past 4. I move to close debate in twenty-two minutes. That will make it just half past 4. I make that motion on the paragraph and all amendments thereto.

The CHAIRMAN. The gentleman from Illinois moves that debate on this paragraph and all amendments be closed at 4.30.

Mr. SOUTHARD rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SOUTHARD. Mr. Chairman, I move to amend by making it a quarter to 5.

The CHAIRMAN. The gentleman from Ohio moves to amend that motion by making it a quarter to 5.

The question was taken; and the amendment was rejected.

The CHAIRMAN. The question now is upon the motion of the gentleman from Illinois.

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

Mr. ROBERTS. Mr. Chairman——

The CHAIRMAN. The Chair will ask if the gentleman is for or against the amendment?

Mr. ROBERTS. I am in favor of the amendment of the gentleman from Ohio.

The CHAIRMAN. The question now before the committee is the amendment offered by the gentleman from Pennsylvania to the amendment offered by the gentleman from Ohio. No one caring to be heard in favor of the amendment, the Chair will recognize the gentleman from Massachusetts.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I would like to hear that amendment again reported.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Pennsylvania will be again reported.

The amendment was again reported.

Mr. ROBERTS. Mr. Chairman, the gentleman from New York, my colleague on the committee, in the course of his remarks made reference to the great and increased cost of the battle ship *Connecticut*, built in the Government yard, over the cost of her sister ship *Louisiana*, built in a private yard. I know the gentleman wants all the facts stated exactly as they are, and I am sure he will thank me for setting him right as to a few inaccuracies in his statements. He told the committee the Government had put millions of dollars into the Brooklyn Navy-Yard for the purpose of building a battle ship there. I want to call his attention to the fact we have only put $175,000 into that yard for the purpose of building the *Connecticut*. The plant existed there when we authorized the ship and all that was necessary to utilize that plant was the construction of ways upon which the keel could be laid, and in the naval bill of July 1, 1902, which authorized the *Connecticut* and the *Louisiana*, you will find the provision for the $170,000 for the ways. That is all of the added expense the Government has been put to in the Brooklyn yard for the building of the *Connecticut*. He stated further that the cost was so much more in the navy-yard over that of private concerns that we had to extend the limit of cost of the *Connecticut* a half a million dollars. I want to call his attention and the attention of the committee to the fact that in the naval appropriation bill of last year we increased the limit of cost of the *Louisiana* not half a million dollars, but $400,000. I want also to call his attention, and that of the committee, to this further fact. When it was proposed to build the *Connecticut* in a Government yard the argument was made before the Naval Committee, and it was made upon the floor of this House, that to do so would make that ship cost from 33 to 50 per cent more than the sister ship which was to be built in a private yard. The limit of cost as originally placed upon those two ships was $4,200,000. We have increased the limit of cost of the *Connecticut* $400,000, or less than 10 per cent. Now, in the matter of time of the construction of those two ships, we were told it would take far longer to complete the ships in a Government yard than in a private yard, yet, as a matter of fact, the *Louisiana*, built in a private yard, was built in record time.

Every effort was made by the Newport News Company to get that ship out quickly, and every exertion was made, with the result that the *Louisiana* went into commission on the 2d of June last year. The *Connecticut* went into commission on the 29th of September last year, only a few months behind her sister ship, and I want to call attention further to the fact that to-day the *Louisiana*, built in the private shipyards, is in the Brooklyn Navy-Yard undergoing three months' repairs. The ship only went into commission last June, and she is having three months' repairs put upon her. It would be interesting to know if her construction in the Newport News yard did not result in the incomplete work which the Government now has to complete in its own yards. The *Connecticut* has not gone into the navy-yard for repairs yet, and my prediction is that it will be a longer time before she needs repairs than any ship built in private yards in the last twenty years. [Applause.]

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I am against the amendment of the gentleman from Pennsylvania [Mr. BUTLER] and am in favor of the amendment of the gentleman from Ohio [Mr. SOUTHARD]. The argument of the gentleman from New York, who opposed this main amendment, it seems to me, would mean to dismantle the gun factory at Washington and turn our entire manufacturing of guns over to private concerns, although we now make the best guns, probably, in the world. But if we are going to continue to make guns there and use that plant for a gun factory, we ought to properly equip it. The question has been asked as to what testimony we have that we can make these castings cheaper than we can buy them. In the testimony of Captain Pendleton, some three or four years ago, it was stated that we could make gun forgings there at a price, as I now recollect, of 30 per cent cheaper than we had to pay for those forgings. In the testimony of Captain Leutze last year——

Mr. LOUDENSLAGER. Will the gentleman permit an inquiry?

Mr. WILLIAM W. KITCHIN. Yes, sir.

Mr. LOUDENSLAGER. Does the gentleman know where those cannon were made that exploded on the battle ships?

Mr. WILLIAM W. KITCHIN. I do not.

Mr. LOUDENSLAGER. Is it not a fact that they were made down in these yards?

Mr. WILLIAM W. KITCHIN. I know that accidents will happen in use of the products of the best private concerns in this country. However, further on that question, Captain Leutze last year said:

> We make our most intricate steel castings at 7 cents a pound, and the last contract that we let for some similar castings, the only kind we make, were 12.3 cents a pound. The lowest bidder in this case was the American Steel Foundries, at $0.1238 per pound.

And then later:

> The CHAIRMAN. Now, with regard to the question of cost. You stated that you buy these castings at how much?
>
> Captain LEUTZE. Twelve and three-tenth cents a pound, and we can make them for 7.

And I challenge any gentleman in this House to find one solitary particle of testimony in the last six years on this subject that does not state that we can make our castings there cheaper than we can buy them. There is no testimony to the contrary. We have a gun factory. Why not equip it? They need this foundry. Why hamper the factory with insufficient equipment? The annual report of this bureau chief says:

> The Superintendent of the Naval Gun Factory, in his annual report, recommends as regards improvements as follows, and in these recommendations the Bureau fully concurs as being absolutely essential to make the gun factory, especially in time of war, as nearly as possible self-contained.

Now, he mentions as improvements something like $1,400,000 worth, but among them is this foundry at $300,170, as follows:

New foundry and foundry yard	$300,170
Machinery, cupolas, furnaces, etc., for the same	121,075

> Only one-half of this item need be appropriated this year. The reasons for requiring this item have been so fully stated they can only be reiterated. A new foundry is indispensable for the economy of the gun factory. It is the most needed of all of the improvements that could be recommended. The present foundry is antiquated and inadequate in size and unsuitable as a foundry for an institution like the Naval Gun Factory. On account of its insanitary condition it is a menace to the health of the employees and officers of the yard in its present situation. The Government losses every year by not having better facilities would soon equal the amount requested to properly provide for all the requirements of this portion of the plant and its increased product would materially add to the production of armament by this factory, saving in both time and expense. At the present time the yard foundry is working up to its extreme capacity, and in case of war the emergency conditions could not be met. We are now practically at a standstill on account of our inability to obtain castings due on existing requisitions.

Why can not the Government do better work than it does? It is because Congress, in my judgment, not in the best interest of the public service, hampers this gun factory. Congress has for years withheld a proper foundry there, and it has withheld proper equipment, and even with all these hamperings it makes its castings a great deal cheaper than it can buy them. And the object of this recommendation is to better equip the factory we already have. There is one thing sure, we either ought to equip that factory properly or ought to dismantle it and turn over the entire manufacture of our guns to private enterprise altogether. I favor equipment. [Applause.]

Mr. LOUDENSLAGER. Mr. Chairman, as was well remarked by the gentleman from New York [Mr. VREELAND], this is a matter that has been brought to the attention of the Naval Committee and to this House for several years past.

The gentleman from North Carolina just now urgently argued that we equip this gun plant. What I desire to say to the House I believe will be on the line of what is desired by the Chief of the Bureau of Ordnance concerning what he deems is urgently required for the extension of this gun factory. In October, 1905, he made a recommendation to Congress, which was before the Committee on Naval Affairs, in which was presented the argument of the Chief of the Bureau of Ordnance of what was desired to be immediately considered as urgently desired for the proper extension of this gun factory, and the estimated cost, not including all the machinery required, was three millions and some hundred thousand dollars.

In February, 1906, encouraged by the report before the committee, they also presented an additional plan for further ex-

tending and improving the gun factory in the Washington Navy-Yard, wherein over $3,000,000 more of expenditures were suggested, or, under the two plans, over $6,000,000, without taking into consideration large expenditures for machinery and equipment of buildings that were not considered or estimated for, and an estimate which I believe would be a conservative one would amount to a million and a half of dollars to complete the equipment of these buildings with machinery in the form of what is considered as urgently needed. These estimates would make an expenditure of $7,500,000 before that extension of the gun factory would come up to what is urgently requested by the Department itself.

Mr. SOUTHARD. Will the gentleman yield?

Mr. LOUDENSLAGER. Certainly.

Mr. SOUTHARD. Does the gentleman object to doing what is urgently needed because we can do it?

Mr. LOUDENSLAGER. They contend that all of this is urgently needed. The same gentleman that the gentleman has quoted has said that all is urgently needed for the properly equipping of this gun factory. If the gentleman has been a member of any committee where any of these chiefs of departments come down and recommend anything, he will know that it is always urgent. I have never known of an exception.

Mr. GREGG. Is it not a fact that Captain Leutze, the commandant, stated that he had quit asking you for anything except for this particular brass and iron foundry?

Mr. LOUDENSLAGER. I will come to that and believe I will fully answer it if I have the time. Now, the estimate made by the officers amounts, as I have stated, to about $2,500, and I will say that, so far as my observation goes, they generally underestimate; and, in my judgment, to build that gun factory or extend it in the way and manner which they say is urgently needed would cause an expenditure of from ten to twelve million dollars.

Mr. DAWSON. I would like to ask my colleague if he is in favor of the amendment of the gentleman from Pennsylvania for the expenditure of $30,000?

Mr. LOUDENSLAGER. I will explain that fully to my colleague if he will just have a little patience.

Now, they fell below their first request, and now the gentleman from Ohio, representing some of his constituents perhaps or some other person or persons, comes and asks for $100,000. He pleads and begs for it like Members who are earnestly in favor of national expositions, who come and beg the House to let the Government put in their exhibit, and the moment that Congress approves of that they then immediately come and say that Congress has approved of it and they want an appropriation to fully assure the carrying out of their plans; and if we provide any of this appropriation, now urgently asked for, it will be urged by the gentleman from Ohio and others that it is a confirmation of this great plan of expenditure of from ten to twelve million dollars.

Mr. SOUTHARD. I want to say to the gentleman that I have no constituents especially interested in this appropriation, and no man who has asked me for it.

Mr. LOUDENSLAGER. I did not know.

Mr. WILLIAM W. KITCHIN. Is the gentleman opposed to it because he has no constituents interested?

Mr. LOUDENSLAGER. I have several constituents there.

Mr. MADDEN. If the $100,000 appropriation was made, would it not be used at this foundry?

Mr. LOUDENSLAGER. I am informed that the Chief of the Bureau says he does not want it; it is not what he requested and urgently needed. I do not know of this matter personally, but a Member has so informed me.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LOUDENSLAGER. I ask unanimous consent that I may proceed for a minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LOUDENSLAGER. So far as the cost of these things are concerned, there is no man upon the floor of this House who will go and look at any place run by the Government, but he will come to the conclusion that they can manufacture nothing as cheaply as a well-conducted private establishment. They have eight hours labor a day. Then there are sixty days' leave of absence, or practically only ten months for twelve months' pay, with eight hours a day labor, so that they can not have a producing capacity equal to that of a private establishment. Now, if you go to figuring on all of the cost of this, if you pin them down closely by cross-examination, they will tell you that no cost of plant, no cost of repairs, no cost of any official, who is a naval officer or whose pay is provided for by some law or authorization other than that which is for the plant direct, is charged by them to the cost of the goods which are produced.

Mr. UNDERWOOD. Mr. Chairman, I do not understand the proposition now before the committee to be one in which we are determining whether we shall go into the manufacture of great guns or not. That question has already been decided by the Congress. For many years we have been engaged in the manufacture of great guns, and the only question that can possibly be before the House at this time is the question of making the best gun in the most economical way. The argument as to whether we make guns better by private manufacture or whether we make them better in Government manufacture is not involved in this case. The great work, the costly work, on these guns is now being done by the Government. The manufacture of the steel ingots out of which the guns are ultimately finished is a comparatively small part of making the gun. It is not a difficult proposition; it is not a matter nearly as difficult in point of manufacture as the finishing of the guns.

Now, as to the economy of manufacturing the steel ingot, the gentleman seemed to overlook the important question of the cost of assembling the raw material at the point of manufacture. In the making of the steel ingot the raw material is the pig iron to be converted into the steel ingot. It is a matter of comparatively small cost to transship the pig iron across the country and bring it to the steel foundry, where it is converted into the steel ingot; but to transport the steel ingot from Pennsylvania to Washington is an expensive process and a large proportion of the cost of the ingot. It is easy to ship the bars of pig iron, piled in an ordinary box car, but when you attempt to transport the ingot out of which the great gun is made, a piece of steel of great length, and carried a hundred miles, the cost of transportation must be very large. It amounts to $10 or $15 a ton.

I am not informed as to the exact cost, but I know the cost of transportation must be somewhere in that neighborhood, and that that cost will figure so largely in the cost of the production of the ingot that the mere loss by reason of Government methods of manufacture, in a Government yard, will nothing like equal the difference between the cost of carrying the ingot from Pennsylvania to Washington and the manufacture of it here by simply bringing the pig iron to the Washington yard. Therefore I think for the economical handling of this business, the economical conduct of the manufacture of these great guns here, it is much cheaper to manufacture the ingot here in Washington than to pay the transportation charges of bringing it by rail or by water to this point.

The CHAIRMAN. The time for debate on this paragraph and amendment has expired.

Mr. SOUTHARD. I ask that the amendment and the amendment to the amendment be again reported to the House.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Ohio [Mr. SOUTHARD] and the amendment offered by the gentleman from Pennsylvania [Mr. BUTLER] to that amendment will be again reported.

The two amendments were again read.

Mr. BUTLER of Pennsylvania. I ask unanimous consent to withdraw the amendment which I offered.

The CHAIRMAN. If there be no objection, the amendment offered by the gentleman from Pennsylvania will be considered as withdrawn.

There was no objection.

Mr. CLARK of Missouri. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Missouri. We vote now on the proposition of the gentleman from Ohio, do we?

The CHAIRMAN. The question now is upon the amendment offered by the gentleman from Ohio.

The question being taken, on a division (demanded by Mr. SULZER) there were—ayes 94, noes 87.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I ask for tellers.

Tellers were ordered; and the Chairman appointed Mr. SOUTHARD and Mr. BUTLER of Pennsylvania.

The committee again divided; and the tellers reported—ayes 111, noes 84.

So the amendment was agreed to.

The Clerk read as follows:

MARINE CORPS.

Pay, Marine Corps: For pay and allowances prescribed by law of officers on the active list, $598,140, and for the following additional officers here authorized: One major-general commandant with the pay and allowances of officers of like grade in the Army, and the rank of brigadier-general, in the Marine Corps is herewith discontinued; one major, assistant adjutant and inspector; one major, assistant quartermaster; two captains, assistant quartermasters; one major, assistant

paymaster; two captains, assistant paymasters; three majors, ten captains, fifteen first lieutenants, $67,260, a total of $685,400.

Mr. MANN. Mr. Chairman, I make a point of order against that paragraph commencing at the word "and," after the word "dollars," in line 20, down to the end of the paragraph.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. MANN. The point of order is that it is a change of existing law.

Mr. FOSS. I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. FOSS. Now, Mr. Chairman, I would like to be informed as to what lines go out, as I wish to offer an amendment.

Mr. MANN. Commencing with the word "and," in line 20. It leaves in the appropriation.

Mr. FOSS. Then I have no desire to offer any amendment.

The Clerk read as follows:

Pay of noncommissioned officers, musicians, and privates, as prescribed by law; and the number of enlisted men shall be exclusive of those undergoing imprisonment with sentence of dishonorable discharge from the service at expiration of such confinement, and for the expenses of clerks of the United States Marine Corps traveling under orders, and including additional compensation for enlisted men of the Marine Corps regularly detailed as gun pointers, messmen, signalmen, or holding good-conduct medals, pins, or bars, and for prizes for excellence in gunnery exercise and target practice, both afloat and ashore, $1,883,555.20: *Provided*, That hereafter privates regularly detailed and serving as cooks, shall receive, in addition to the pay otherwise allowed by law, the following: First-class cooks, $10 per month; second-class cooks, $8; third-class cooks, $7; and fourth-class cooks, $5.

Mr. MANN. Mr. Chairman, I reserve the point of order on the provision in that paragraph. I want to ask the chairman what is the necessity for the provision; what pay do the cooks now receive?

Mr. FOSS. They get the pay of an enlisted man in the Army simply. We have reduced this increase two-thirds of what they asked for in the estimate. They asked that first-class cooks receive $32 per month.

Mr. MANN. What have they done heretofore in reference to it?

Mr. FOSS. Nothing.

Mr. MANN. They serve as cooks, then, without any additional pay?

Mr. FOSS. I think that is true.

Mr. BUTLER of Pennsylvania. I understand that voluntary contributions have been made by the enlisted men in order to pay the cooks a little something extra.

Mr. MANN. Then, in a way, this would be a slight increase in the pay of enlisted men?

Mr. BUTLER of Pennsylvania. Now, my friend must not take this as a statement of fact, but I understand that at some of the posts the enlisted men make voluntary contributions, small amounts, no set amount, so that they may pay the cook a little more money.

Mr. MANN. Can the gentleman from Iowa, chairman of the Committee on Military Affairs, tell us what is the practice in the Army? Here is a proposition to pay enlisted men from $5 to $10 extra when they act as cooks. What do they do in the Army in reference to it, because this means extra pay for cooks?

Mr. HULL. I do not recollect of any extra pay for cooks in the Army.

Mr. FOSS. What do they get?

Mr. HULL. From $16 to $18; $18 on reenlistment.

Mr. MANN. I suppose the operation of this is to abolish the practice that exists of a man serving as cook this week and another man the next week, and to provide for the enlistment of cooks?

Mr. BUTLER of Pennsylvania. Yes.

Mr. MANN. Will they be required to use pure food? [Laughter.]

Mr. BUTLER of Pennsylvania. Yes.

Mr. MANN. Then I withdraw the point of order.

The Clerk read as follows:

For the pay as prescribed by law for the following additional men here authorized: One sergeant-major, 12 quartermaster-sergeants, 19 gunnery-sergeants, 47 sergeants, 85 corporals, 12 drummers, 12 trumpeters, and 800 privates, $170,334.

Mr. MANN. Mr. Chairman, I reserve a point of order on this paragraph.

Mr. FOSS. I hope the gentleman will insist on it if he intends to, for I do not care to discuss it.

The CHAIRMAN. The Chair has no doubt that the point of order is well taken.

Mr. MANN. I was going to ask the gentleman, the chairman of the committee, whether this went with the other provision for officers that went out on the point of order?

Mr. FOSS. The other provision was for an increase of officers and this provides for an increase of privates.

Mr. MANN. Is the one dependent upon the other?

Mr. FOSS. I think so.

Mr. MANN. Without the additional officers there is no occasion for the additional men?

Mr. FOSS. No; I wouldn't say that altogether; we could use the men even if we did not have the officers.

Mr. FITZGERALD. Mr. Chairman, there has been a recommendation to discontinue sending marines to sea on the ships. Is that recommendation to be put into force?

Mr. FOSS. No; it has not been put into force.

Mr. FITZGERALD. Is it the intention to put it into force?

Mr. FOSS. No; not that I know of.

Mr. BUTLER of Pennsylvania. We have no information about it, I will state to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. There has been some discussion regarding it, and if it is the intention of the Department to take the marines who act as police off the ships, then there is no necessity for this increase in the force.

Mr. BUTLER of Pennsylvania. The gentleman's conclusion would be correct, but we know enough about a discussion in the Department concerning it, and there is quite an opposition to the removal of the marines from the ships. That opposition is very strong and we are informed they are not likely to be removed.

Mr. FITZGERALD. They might be removed, if the gentleman's committee was convinced that they should be removed.

Mr. BUTLER of Pennsylvania. I may say to the gentleman from New York that the Committee on Naval Affairs has nothing to do with the subject. They may be removed, I understand—of course I am not sure about that—by an order of the Department.

Mr. MANN. Would it not be well to wait to find out whether that is to be the case, if it is a matter under discussion, before we provide the men necessary to man the ships?

Mr. BUTLER of Pennsylvania. Mr. Chairman, in answer to the gentleman's query, these men are urgently recommended at this time to the Committee on Naval Affairs, that they may be drilled and put in order to go, at the direction of the Department, upon the ships about to go into commission.

Mr. MANN. How can they use these men without the additional officers?

Mr. BUTLER of Pennsylvania. They will use them the best they can.

Mr. MANN. Will not the plea be made at once, if this bill goes through with the men in it, to the Committee on Naval Affairs in the Senate that they must have officers to officer the men?

Mr. BUTLER of Pennsylvania. In the last session of Congress the enlisted men were increased 800 or 900, but no officers.

Mr. MANN. Last year they made an increase of 900 without officers?

Mr. BUTLER of Pennsylvania. Yes.

Mr. FOSS. That was the year before.

Mr. MANN. I think that is increase enough. I insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For interest on soldiers' deposits, $4,000, and so much as may be necessary to refund such deposits; and the money herein specifically appropriated for the pay of the Marine Corps shall be disbursed and accounted for in accordance with existing law as pay of the Marine Corps, and for that purpose shall constitute one fund.

Mr. MANN. Mr. Chairman, I would like to call the attention of the gentleman from Illinois [Mr. Foss] to the fact that the same item is repeated here. In lines 12 to 15, on page 75, there is reference to money appropriated for the Marine Corps, to be disbursed, etc., and identically the same language in reference to the same thing occurs in lines 18 to 21. I think lines 18 to 21 ought to go out of the bill.

Mr. FOSS. I think that is a repetition.

Mr. MANN. Mr. Chairman, I move to strike out lines 18 to 21, page 75.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois, to strike out lines 18 to 21, page 75, inclusive.

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

Mr. FOSS. Mr. Chairman, I ask unanimous consent to substitute a period for a semicolon after the word "deposit."

The CHAIRMAN. Without objection the period will be inserted.

There was no objection.

The Clerk read as follows:

In all, Naval Academy, $428,188.36.

Mr. VREELAND. Mr. Chairman, last winter I was a member of an investigation committee which took up the subject of hazing at the Naval Academy at Annapolis.

The discovery that hazing existed in the academy became known by reason of a fight which took place between two boys named Branch and Meriwether, as the result of which Branch died. Commandant Colvocoresses, commandant of midshipmen, gave, in his testimony before the committee, what purported to be the first information as to the cause of the unfortunate personal encounter between these two boys, which led to the death of Branch. The commandant gave what purported to be a statement made to him by Meriwether as to the cause of the fight. The statement of the commandant was as follows:

Captain COLVOCORESSES. No, sir. If you desire, I will tell you what Meriwether told me was the true cause of the fight, and which never came out.

The CHAIRMAN. I would like to hear it.

Mr. GREGG. Yes; state that, please.

Captain COLVOCORESSES. I do not think I am breaking any confidence. He came to my room once and said, "Captain, I have never told what the real cause was." He said, "I have got a grandmother in Louisiana who is a very old lady. She does not write well. Her sight is bad. She also has a pretty dark complexion. I had a photograph from her, and with it a letter written in a very crabbed, old-fashioned handwriting. It was lying on my table, and Mr. Branch came into the room and commenced to make fun, and to criticise the writing. He said a person who had correspondents of that kind could not be much," and so forth and so on, and he also commenced to make remarks about the looks of the grandmother in the photograph. That is what he told me was the real origin of that fight. So you see it had nothing to do with any class business whatever.

During the debate on the subject, in commenting upon it, I made the declaration that if the testimony was correct young Meriwether was fully justified in resenting so gross an insult, and that boy who would not fight upon such provocation was not fit to hold command in the service of his country. The parents of young Branch have been to see me and have presented to me affidavits made by classmates of the boys tending to show that Meriwether's statement was incorrect. I do not desire to take the time to read these, but will insert them as a part of my remarks. I would not knowingly add a feather's weight to the sorrow of this father and mother over the loss of their only son in this unfortunate affair. They feel that the uncontradicted statement of Meriwether is a stain upon the memory of their boy. I have been reluctant to again refer to this unhappy episode, but in deference to their feelings will insert in the RECORD the evidence which they think clears the memory of their boy of the insolent and unworthy conduct attributed to him:

STATE OF NEW YORK, *County of New York, ss:*

George S. Dougherty, being duly sworn, deposes and says: "My name is George S. Dougherty. I reside in the Borough of Brooklyn, city of New York, and State of New York. On Monday, April 9, at the Naval Academy, Annapolis, Md., I called upon Midshipman Earl W. Pritchard, the former roommate of Midshipman James R. Branch, for the purpose of investigating certain remarks alleged to have been made by Midshipman Branch concerning the general appearance, spelling, etc., of a letter alleged to have been written to ex-Midshipman Minor Meriwether by his grandmother, and also criticisms alleged to have been made by Midshipman Branch of a photograph of ex-Midshipman Meriwether's grandmother.

"Midshipman Earl W. Pritchard informed me that from investigations made by him at the academy that he was satisfied, beyond a question of a doubt, that the remarks alleged to have been made by Midshipman Branch are without foundation, which was the opinion of Midshipman Branch's class and brigade of midshipmen; that Midshipman Branch's character made such criticisms by him impossible; that ex-Midshipman Meriwether's character was such that if they had been made he (Meriwether) would then and there have resented them.

Midshipman Herbert V. Labhardt, age 18 years, resident of Highlands, Ill., who has been at the Naval Academy for the past two years, during much of which time he was a roommate of ex-Midshipman Minor Meriwether informed me that during some time of the latter part of October Midshipman James R. Branch came to the room of ex-Midshipman Minor Meriwether; while in such room there was a letter, folded and lying on a table, which Midshipman Branch, to find a place to sit, picked up and removed to another part of the table, without examining the letter or making any comments concerning it. That ex-Midshipman Minor Meriwether did not have a photograph of his grandmother, according to his (Labhardt's) best knowledge, but did have a rather indistinct photograph of his mother holding a baby, seated on a porch, but that to his (Labhardt's) knowledge Midshipman Branch never criticised or made any remarks concerning this photograph. Midshipman Labhardt further informed me that ex-Midshipman Minor Meriwether never at any time informed him, although he was ex-Midshipman Meriwether's roommate, that Midshipman Branch had ever criticised a letter from ex-Midshipman Meriwether's grandmother or that he had ever criticised or referred at any time to the photograph of ex-Midshipman Meriwether's mother or grandmother. Midshipman Labhardt further stated that he never testified to anything at the court-martial proceeding than that above mentioned. That he was asked whether he remembered anything about the letter. He first stated he did not, but subsequently stated he remembered about the letter being removed by Midshipman Branch from one part of the table to another without any criticism being made by Midshipman Branch.

Midshipman Harold V. McKittrick, of Rochester, N. Y. informed me that immediately after the remarks of Congressman VREELAND were published in the newspapers, and in which it was alleged by Mr. VREELAND that the fight between Midshipman Branch and ex-Midshipman Meriwether was a result of criticisms made by Midshipman Branch of ex-Midshipman Meriwether's grandmother's handwriting and composition and of a photograph of ex-Midshipman Meriwether's grandmother, ex-Midshipman Meriwether informed Midshipman McKittrick that all of the allegations published in the newspapers were absolutely false. That Midshipman Branch had never criticised a letter written by his grandmother or ever insinuated about any photograph he had in his room. That ex-Midshipman Meriwether requested him (McKittrick) to write Midshipman Branch's mother so informing her. That Midshipman McKittrick told ex-Midshipman Meriwether it was his duty to write. All of which was said within the hearing of Midshipmen Walsh and Pugh, both of whom corroborated Midshipman McKittrick.

GEORGE S. DOUGHERTY.

Sworn to and subscribed this 14th day of April, 1906.

[SEAL.] CHAS. A. LEWIS,
Notary Public, Kings County.

Certificate filed in New York County.

[Statement of Midshipman H. V. McKittrick, second class, United States Naval Academy.]

The day after the speech of Mr. VREELAND was published in the papers I was accosted by Mr. Meriwether, who said he wished to see me. I told him I would be in my room at 9.30 that evening, and he said he would come up. This was just before a formation, and we had but a moment to talk. Between 9.30 and 10 p. m. he came up, and in the room at that time were my roommate, Midshipman Walsh, and Midshipman Pugh.

Meriwether said to me, "I suppose you saw the papers to-day, about what Congressman VREELAND said." I said, "No." Meriwether said, "Don't believe a word of it; it is all damn lies." He started in to tell me what a shame it was to have that subject come before the public again. Conversation ended here.

In the meantime I had heard all about Mr. VREELAND'S speech. Between 9.30 and 10 p. m. he wanted me to write to Mrs. Branch and make for him a sweeping denial of all that had been said by the Congressman. About this time Walsh and Pugh left the room, and he said to me, "You know it reflects discredit on me to have such an insult to my people without instantly resenting it." I did not promise to write to Mrs. Branch, knowing she would discredit the current reports, and I thought, anyway, it was not my place, but Meriwether's, the person whose simple public denial would remedy all misstatements. We talked for a few minutes on the subject in general, and the whole impression left on my mind is that Mr. VREELAND'S speech was entirely false, and what seemed to impress Meriwether most was that it reflected as much discredit on himself as on Branch, if such remarks had been passed about his grandmother, and he had not resented it immediately.

For my personal comment on Mr. VREELAND'S speech, his data is entirely wrong. My testimony before the court-martial will explain the true, immediate cause of the fight. As I there stated, Meriwether said he was going to *make* Branch fight, and everybody here knows that evening he went to Branch's room, while Branch was in bed, and said the things there which caused the challenge.

H. V. MCKITTRICK.

Test:

NANNIE S. STOCKETT.

STATE OF MARYLAND, *Anne Arundel County, to wit:*

I hereby certify that on this 9th day of December, 1906, before the subscriber, a notary public of the State of Maryland, of and for Anne Arundel County, personally appeared H. V. McKittrick and C. E. Pugh, midshipmen, United States Navy, and made oath in due form of law that the aforegoing instrument of writing is true, to the best of their knowledge and belief.

Witness my hand and notarial seal.

[SEAL.] NANNIE S. STOCKETT,
Notary Public.

ANNAPOLIS, MD., *December 9, 1906.*

Having read the statement of Midshipman H. V. McKittrick regarding his conversation with ex-Midshipman Meriwether, and having been present when same took place, I assert that the same is true.

C. E. PUGH,
Midshipman, U. S. Navy.

Sworn to and subscribed before me this 9th day of December, 1906.

[SEAL.] NANNIE S. STOCKETT,
Notary Public.

[Statement of Midshipman W. H. Walsh, second class, United States Naval Academy.]

Mr. Meriwether came into the room while I was there, but I left without listening to much of his conversation. I did, however, hear him say to Midshipman McKitrick that what had appeared in the paper of the day or so before was false, and that he was not responsible for it. He asked Midshipman McKitrick to write to Mrs. Branch and tell her those statements.

W. H. WALSH.

[Statement of class of 1907.]

The papers of a few weeks ago, in referring to the sad death of Midshipman James R. Branch, at the Naval Academy, published that Branch was guilty of reading a letter from Mr. Meriwether's grandmother and of criticising the spelling in it, which was the cause of vengeance on the part of Meriwether toward Branch.

Investigation in the academy fails to find any evidence supporting this, nor can any facts be found sustaining any other approaching it. Not only was every circumstantial evidence against this report, but Meriwether himself denied the publications before a number of midshipmen.

The midshipmen in the academy, knowing the exceptional character of Branch, considered it a false statement at the outset. No such treatment of an underclassman would have been tolerated under any conditions. But particularly is it noticeable how at no time has Mr. Branch's own class wavered in their loyalty to him as a young man among them of honor and courage, for whom they hold the highest respect and regard.

The Clerk began the reading of the bill.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the Clerk have leave to correct that total.

Mr. FOSS. I think the Clerk has leave, which was given on yesterday, to correct all totals.

The CHAIRMAN. The Chair is informed the Clerk has leave to correct all totals.

The Clerk read as follows:

In all, pay Marine Corps, $3,101,892.46.

Mr. MUDD. Mr. Chairman, I have offered the formal amendment for the purpose of asking leave to print in the RECORD a statement I referred to in my remarks made before the committee on yesterday, in reference to the depths of water of the various dry docks of the country.

I made the statement that a disabled battle ship of what we are now beginning to call the "*Dreadnought* class" would require a depth of water of about 35 feet.

I stated, in this connection, that none of the dry docks in this country, either those already constructed or those provided for, had any such depth of water; therefore that none of them could take in any such battle ship in such a condition.

Bearing upon this, I desire to append to my remarks two letters bearing date of May 14 and 15, 1906, written to me by the Acting Chief of the Bureau of Yards and Docks.

These letters contain, also, other valuable information in reference to floating steel dry docks. They are signed by the Acting Chief because Admiral Endicott, who was then Chief of that Bureau, was at that time absent from the Department. I withdraw the pro forma amendment.

DEPARTMENT OF THE NAVY,
BUREAU OF YARDS AND DOCKS,
Washington, D. C., May 14, 1906.

SIR: In response to your verbal inquiries of to-day the Bureau has the honor to submit the following statements:

2. A floating dock can lift a disabled battle ship or cruiser drawing more water than will permit them to pass through the standard 30-foot channels or to enter the ordinary masonry docks having 30 feet of water over the entrance sill. The disabled ship having been lifted, temporary patches can be put on and the ship again floated at normal draft and taken to a masonry dock for extensive repairs. Moreover, the disabled ship having been lifted on the floating dock, the entire combination can be towed long distances, and as the dock will only draw from 12 to 18 feet of water, according to the weight of the ship on it, the injured ship and dock can be taken up a shallow river where it is unassailable by ships of a like class.

For instance, a floating dock is stationed at the Capes of the Chesapeake during a war; a torpedoed ship, just able to float, comes in drawing more water than will allow it to enter a masonry dock; the floating dock picks up the ship and puts temporary patches on it; the ship is again floated and started for the Norfolk Navy-Yard. The dock is then ready for the next ship, which can be patched and sent to the League Island Navy-Yard. Both these yards being full, the disabled ship can be repaired sufficiently to reach the New York yard. Tenders from the Norfolk and League Island yards can keep the dock supplied with materials and mechanics. Such a base can be established at the mouth of the Delaware or at any place of naval activity. By wireless telegraph the dock can be informed ahead what ship is coming and the nature of the injuries, so that everything will be ready for the particular case. Besides its independent value you will thus see that a floating dock is a most important auxiliary to the masonry docks. A ship might enter the Capes of the Chesapeake during a war and with not sufficient life left to reach a navy-yard; a floating dock at that place would be its salvation.

3. A floating dock should and can contain a large amount of tools for all sorts of repairs, and on its extensive working deck much complicated and intricate work can be performed. In fact, a modern floating dock can and should be a complete and independent repair station in itself, ready to move to any point in emergency.

4. The greatest depth of water over the entrance sills of our existing masonry docks at high water is as follows:

Portsmouth Navy-Yard, 30 feet.
Boston (1), 25 feet 10 inches; (2) 30 feet 7 inches.
New York (1), 25 feet; (2) 25 feet 11 inches; (3) 29 feet 4 inches.
League Island, 25 feet 5 inches.
Norfolk (1), 25 feet 1 inch; (2) 25 feet 3 inches.
Mare Island (1), 27 feet 6 inches.
Puget Sound, 30 feet.

The greatest depth of water over the entrance sills of the masonry docks now building is as follows:

New York yard, 31 feet.
League Island, 30 feet.
Norfolk, 34 feet.
Charleston, S. C., 34 feet.
Mare Island, 30 feet.

At Norfolk and Charleston some dredging will have to be done to make the 34-foot entrance to the dock available for their full depth.

5. In the case of our large floating docks, that at New Orleans has a standard draft over the blocks of 28 feet, which can be increased in emergency to 32 feet, and the *Dewey* dock, now en route to the Philippines, has a standard draft over the blocks of 30 feet, which can be increased in emergency to 39 feet. Both of these docks are located in positions where the greatest submergence can be obtained. In the case of a graving dock the standard depth over the entrance sill can not be increased, and it is only at high tide that the full depth is available. A floating dock is independent of the tide, and the greatest possible submergence can be obtained at all times.

6. You will note that we are increasing the depths over the sills of our new docks, but in general it may be said that this will involve more or less dredging of approaches and channels to become fully effective, and the increased depth is obtained at increased cost, and ordinarily is not needed. These maximum depths are most quickly and economically obtained with the floating dock, and the increase in the value of the masonry docks in connection with a deep-draft floating dock has been previously pointed out.

Very respectfully,
WM. M. SMITH,
Acting Chief of Bureau.

Hon. SYDNEY E. MUDD, M. C.,
House of Representatives, Washington, D. C.

DEPARTMENT OF THE NAVY,
BUREAU OF YARDS AND DOCKS,
Washington, D. C., May 15, 1906.

SIR: In further response to your inquiries, and supplementing the Bureau's letter of yesterday, the following additional information will be of interest to you.

2. The shipbuilding firm of Bhlom & Voss, of Hamburg, Germany, have built a floating dock of 17,500 tons capacity, 570 feet long. This dock is intended to be taken down the river some 60 miles to Cuxhaven, when the occasion shall arise, to lift disabled trans-Atlantic steamers and bring them up to the shipyard, which they could not otherwise reach. In the meantime this dock has been kept so busy on regular work that the shipbuilding company have found it necessary to build two more to meet their necessities.

3. Some years ago another floating dock in Germany picked up a ship on one side of the river, transported it to the shipyard on the other side, where the ship was cut in two at the center, pulled apart some 30 feet on the dock, and a new section built in.

4. The last foreign military floating dock to be built has recently been finished by the German Government at their new naval station, Tsing Tau, in China.

5. Referring to the *Dewey* dock in its trip across the Atlantic the official reports show that in the very heavy weather encountered the greatest roll was 4°, which means that the dock was only out of level 4 feet in a width of 134 feet. In still worse weather in the Mediterranean the dock was only out of level 6 feet. There is less danger of losing these docks in bad weather than there is of losing the ships that tow them.

Very respectfully,
WM. M. SMITH,
Acting Chief of Bureau.

Hon. SYDNEY E. MUDD, M. C.,
House of Representatives, Washington, D. C.

The Clerk read as follows:

For repairs of barracks, Marine Corps: Repairs and improvements to barracks and quarters at Portsmouth, N. H.; Boston, Mass.; Narragansett Station, R. I.; New York, N. Y.; League Island, Pa.; Annapolis, Md.; headquarters and navy-yard, District of Columbia; Norfolk, Va.; Port Royal and Charleston, S. C.; Pensacola, Fla.; Dry Tortugas, Fla.; New Orleans, La.; Mare Island and San Francisco, Cal.; Bremerton, Wash., and Sitka, Alaska; for the renting, leasing, improvement, and erection of buildings in Porto Rico, the Territory of Hawaii, the Philippine Islands, at Guam, the District of Columbia, and at such other places as the public exigencies require; and for per diem to enlisted men employed under the direction of the Quartermaster's Department on the repair of barracks, quarters, and the other public buildings, $70,000.

Mr. UNDERWOOD. Mr. Chairman, I move to strike out the last word. I do this, Mr. Chairman, for the purpose of asking the chairman of the committee—it is now about 5 o'clock, and very few Members are here—whether he intends to take up the matter of increase of the Navy this afternoon or not?

Mr. FOSS. I will state to the gentleman from Alabama I desire to read up to the item of "Increase of the Navy" and allow that to go over until to-morrow.

Mr. UNDERWOOD. The gentleman proposes to rise when he reaches that point.

Mr. FOSS. Yes; I propose to move that the committee rise when we reach that point.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn. There was no objection.

The Clerk read as follows:

Total Marine Corps, $5,244,815.46.

Mr. FOSS. Mr. Chairman, I ask unanimous consent now to return to the first paragraph of the bill, and in line 11, on page 2, after the word "troops," I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to recur to the first paragraph of the bill for the purpose indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Chairman, I would like to hear the amendment reported.

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Insert, after the word "troops," page 2, line 11, the words:

"And the proper accounting officers of the Treasury are hereby authorized and directed to allow in the settlement of accounts of disbursing officers all payments made since November 13, 1905, and prior to July 1, 1907, for commutation of quarters for officers on shore serving with troops and not provided with public quarters."

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

Mr. FOSS. Mr. Chairman, this takes the bill up to the increase of the Navy, which will be the first thing in the morning. Now, Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. OLMSTED, 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. 24925, the naval appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 21383. An act providing that terms of the circuit court of the United States for the western district and of the district court of the United States for the northern division of the western district of the State of Washington be held at Bellingham;

H. R. 21204. An act to amend section 4446 of the Revised Statutes, relating to licensed masters, mates, engineers, and pilots; and

H. R. 20990. An act to create a new division of the southern judicial district of Iowa and to provide for terms of court at Ottumwa, Iowa, and for a clerk for said court, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 7486. An act granting an increase of pension to Byron A. Williams;

S. 7740. An act granting an increase of pension to Dwight Simpson;

S. 7744. An act granting a pension to Josephine Brackett;

S. 7919. An act granting an increase of pension to John D. Abel;

S. 7998. An act granting an increase of pension to George N. Julian;

S. 7294. An act granting an increase of pension to William P. Pattison;

S. 7265. An act granting an increase of pension to John R. McCoy;

S. 7246. An act granting an increase of pension to William H. Berry;

S. 7243. An act granting an increase of pension to Justus B. Coomer;

S. 7293. An act granting an increase of pension to John White;

S. 7193. An act granting an increase of pension to David C. Benjamin;

S. 7192. An act granting an increase of pension to Noah Jarvis;

S. 7175. An act granting an increase of pension to Adline Mabry;

S. 7174. An act granting an increase of pension to Rebecca Faggart;

S. 7119. An act granting an increase of pension to Charles Boxmeyer;

S. 7724. An act granting an increase of pension to Paul J. Christian;

S. 7162. An act granting an increase of pension to William H. Sheckler;

S. 7161. An act granting an increase of pension to George A. Tyler;

S. 7157. An act granting an increase of pension to Austin S. Dunning;

S. 7105. An act granting an increase of pension to Samuel Baker;

S. 7220. An act granting an increase of pension to Nancy Bethel;

S. 7069. An act granting an increase of pension to Marshall Johnson;

S. 7101. An act granting an increase of pension to Catherine Matimore;

S. 7067. An act granting an increase of pension to Edmund Fillio;

S. 7094. An act granting an increase of pension to George B. Drake;

S. 7066. An act granting an increase of pension to Timothy Drew;

S. 7075. An act granting an increase of pension to John S. Lewis;

S. 7062. An act granting an increase of pension to John Monroe;

S. 7074. An act granting an increase of pension to William Jenkins;

S. 7025. An act granting an increase of pension to James C. West;

S. 7060. An act granting an increase of pension to John Hager;

S. 6964. An act granting an increase of pension to Silas N. Palmer;

S. 7056. An act granting an increase of pension to Fredrick Carel;

S. 6963. An act granting an increase of pension to William B. Sayles;

S. 7053. An act granting an increase of pension to Solomon Draper;

S. 6960. An act granting an increase of pension to Thomas Ashton;

S. 6958. An act granting an increase of pension to Keziah Walker;

S. 7377. An act granting an increase of pension to Martha J. Collins;

S. 6957. An act granting an increase of pension to Hiram Siegfried;

S. 7361. An act granting an increase of pension to George Downing;

S. 6948. An act granting an increase of pension to Albert H. Nash;

S. 7358. An act granting an increase of pension to David Turner;

S. 6943. An act granting an increase of pension to Lewis A. Grant;

S. 6947. An act granting an increase of pension to Charles M. Brough;

S. 7356. An act granting an increase of pension to Henry Schlosser;

S. 7384. An act granting an increase of pension to Orson B. Johnson;

S. 7353. An act granting an increase of pension to Augusta T. Eichholtz;

S. 7378. An act granting a pension to Giles M. Caton;

S. 7350. An act granting an increase of pension to Richard Dodge;

S. 7349. An act granting an increase of pension to Luke M. Lewis;

S. 7339. An act granting a pension to Julia C. R. Baird;

S. 7337. An act granting a pension to Henry W. Blair;

S. 7335. An act granting an increase of pension to Charles C. Burt;

S. 7295. An act granting an increase of pension to Cabriel Campbell;

S. 7489. An act granting an increase of pension to Albert C. Wagher;

S. 7488. An act granting an increase of pension to William W. Putnam;

S. 7475. An act granting an increase of pension to William D. Hudson;

S. 7673. An act granting an increase of pension to William W. Jordan;

S. 7672. An act granting an increase of pension to Elvina Adams;

S. 7623. An act granting an increase of pension to Sarah A. Kumler;

S. 7445. An act granting an increase of pension to Charles J. Freese;

S. 7617. An act granting an increase of pension to Victor H. Coffman;

S. 7428. An act granting an increase of pension to Helen C. Lettenmayer;

S. 7402. An act granting an increase of pension to Francis H. De Castro;

S. 7566. An act granting an increase of pension to John Anslow;

S. 7398. An act granting an increase of pension to Page G. Potter;

S. 7558. An act granting an increase of pension to Mary Morgan;

S. 7556. An act granting an increase of pension to Thomas Spanton;

S. 7554. An act granting an increase of pension to Amelia R. Randolph;

S. 7543. An act granting an increase of pension to Robert B. McCumber;

S. 7513. An act granting an increase of pension to Alexander M. Cowgill;

S. 7505. An act granting an increase of pension to Michael Bogue;

S. 7484. An act granting an increase of pension to Samuel E. Coover;

S. 7640. An act granting an increase of pension to Stephen H. S. Cook;

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;
S. 6137. An act granting an increase of pension to Fannie L. Pike;
S. 6233. An act granting an increase of pension to George E. Vanderwalker;
S. 6278. An act granting an increase of pension to Henry Humble;
S. 6325. An act granting an increase of pension to David A. Edwards;
S. 6350. An act granting an increase of pension to Silas G. Clark;
S. 6351. An act granting an increase of pension to Andrew J. West;
S. 6372. An act granting an increase of pension to Marvin Osgood;
S. 6408. An act granting a pension to Mary Louise McLean;
S. 6431. An act granting an increase of pension to R. Smith Coats;
S. 6436. An act granting an increase of pension to George W. Kelsey;
S. 6589. An act granting an increase of pension to Washington D. Gray;
S. 6590. An act granting an increase of pension to Theron Hamner;
S. 6623. An act granting an increase of pension to Mollie J. Mitchell;
S. 6624. An act granting an increase of pension to Alvin N. D. Kite;
S. 6670. An act granting an increase of pension to Dana H. McDuffee;
S. 6671. An act granting an increase of pension to Horace P. Marshall;
S. 6687. An act granting an increase of pension to Henry W. Mahaney;
S. 6703. An act granting an increase of pension to John H. Niblock;
S. 6706. An act granting an increase of pension to James T. Stewart;
S. 6708. An act granting an increase of pension to Columbus B. Mason;
S. 6710. An act granting an increase of pension to Thomas P. Way;
S. 6722. An act granting an increase of pension to William Arnold;
S. 6732. An act granting an increase of pension to John Trefry;
S. 6733. An act granting an increase of pension to Anna D. Barnes;
S. 6736. An act granting an increase of pension to Charles H. Tracy;
S. 6769. An act granting an increase of pension to James T. McReynolds;
S. 6793. An act granting an increase of penson to Simon Peter Wallerson;
S. 6800. An act granting an increase of pension to Esther Eldridge;
S. 6811. An act granting an increase of pension to James Carpenter, jr.;
S. 6820. An act granting an increase of pension to Henry M. Bullard;
S. 6823. An act granting an increase of pension to John H. Holsey;
S. 6827. An act granting an increase of pension to Theodore J. Sweeting;
S. 6828. An act granting an increase of pension to Walter D. Greene;
S. 6830. An act granting an increase of pension to Daniel L. Seavey;
S. 6835. An act granting an increase of pension to George Maybury;
S. 6872. An act to amend an act entitled "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak.;"
S. 6875. An act granting an increase of pension to Lemuel T. Williams;
S. 6876. An act granting an increase of pension to Jesse L. Pritchard;
S. 6914. An act granting an increase of pension to Albert T. Barr;
S. 6915. An act granting an increase of pension to Samuel G. Healy;
S. 6916. An act granting an increase of pension to Nathan E. Stover;
S. 6933. An act granting an increase of pension to Fredrick Middaugh;
S. 6935. An act granting an increase of pension to William R. Neil;
S. 6936. An act granting an increase of pension to Robert Jenkins;
S. 6937. An act granting an increase of pension to Michael Rosbrugh;
S. 6459. An act granting an increase of pension to Ellen Carpenter;
S. 6532. An act granting an increase of pension to Joseph Daniels;
S. 6571. An act granting an increase of pension to William I. Ross;
S. 6573. An act granting an increase of pension to John A. Williams;
S. 6582. An act granting an increase of pension to Moses Rowell;
S. 6584. An act granting an increase of pension to John Heath;
S. 6587. An act granting an increase of pension to Marcus M. Currie;
S. 6588. An act granting an increase of pension to Arthur Hathorn;
S. 6625. An act granting an increase of pension to Anderson Henry;
S. 6633. An act granting an increase of pension to Benjamin F. Wright;
S. 6637. An act granting an increase of pension to James J. Eubank;
S. 6656. An act granting an increase of pension to Eli M. Skinner;
S. 6223. An act granting an increase of pension to William E. Cummin;
S. 6273. An act granting an increase of pension to William J. Wells;
S. 6139. An act granting an increase of pension to Eliza Brusie;
S. 6143. An act granting an increase of pension to Thomas J. Northrop;
S. 6145. An act granting an increase of pension to Enoch Bolles; and
S. 6205. An act granting a pension to Hansford G. Gilkeson.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolution:

H. J. Res. 224. Joint resolution directing the Secretary of Commerce and Labor to investigate and report to Congress concerning existing patents granted to officers and employees of the Government in certain cases;
H. R. 19930. An act referring the claim of S. W. Peel for legal services rendered the Choctaw Nation of Indians to the Court of Claims for adjudication;
H. R. 25043. An act to authorize the Atlanta, Birmingham and Atlantic Railroad Company to construct a bridge across the Chattahoochee River in the State of Georgia;
H. R. 24473. An act to define the status of certain patents and pending entries, selections, and filings on lands formerly within the Fort Berthold Indian Reservation in North Dakota;
H. R. 23578. An act to authorize the county of Clay, in the State of Arkansas, to construct a bridge across Black River at or near Bennetts Ferry, in said county and State;
H. R. 20168. For the relief of F. Kraut, of Leon Springs, Tex.;
H. R. 20169. For the relief of Margaret Neutze, of Leon Springs, Tex.;
H. R. 8365. For the relief of C. A. Berry;
H. R. 20060. Granting an increase of pension to Anna E. Hughes;
H. R. 18007. To authorize the appointment of Acting Asst. Surg. Julian Taylor Miller, United States Navy, as an assistant surgeon in the United States Navy;
H. R. 22291. To authorize the reappointment of Harry McL. P. Huse as an officer of the line in the Navy; and
H. R. 15242. To confirm titles to certain lands in the State of Louisiana.

POSTAL SAVINGS BANKS.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

I transmit herewith, in response to a resolution adopted by the House of Representatives on June 29, 1906, a report by the Secretary of State inclosing copies of correspondence, with accompanying documents, from

American diplomatic officers in regard to the operation, etc., of postal savings banks in the countries to which they are accredited.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 14, 1907.*

The SPEAKER. The message is referred to the Committee on the Post-Office and Post-Roads, and so much of the documents as accompany the manuscript message and now on the Clerk's table will be printed, if there be no objection. Other documents will not be printed, if there be no objection.

There was no objection.

EDWARD H. LUNN.

The SPEAKER laid before the House the bill (H. R. 22282) entitled "An act granting an increase of pension to Edward H. Lunn," with Senate amendment.

The Senate amendment was read.

Mr. PAYNE. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

WITHDRAWAL OF PAPERS.

Mr. LIVINGSTON, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Travis Glasscoe (H. R. 9536, Fifty-seventh Congress), no adverse report having been made thereon.

LEAVE OF ABSENCE.

Mr. SHERMAN, by unanimous consent, was granted leave of absence for two days on account of a death in the family.

ADJOURNMENT.

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

The motion was agreed to.

Accordingly (at 5 o'clock and 10 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 the Treasury, transmitting a report of the Commissioner of Internal Revenue as to appointments and regulations under the so-called "denatured-alcohol law"—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for the Official Gazette, Patent Office—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Attorney-General submitting an estimate of appropriation for United States court-house and jail at Nome, Alaska—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for purchase of additional land for the Duluth (Minn.) range-light station—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a recommendation for legislation to permit José March Duplat, a citizen of Venezuela, to enter the United States Military Academy at West Point—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting a copy of a letter from the Chief of Ordnance, with report of tests of iron and steel at the Watertown Arsenal—to the Committee on Manufactures, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolution of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SMITH of Arizona, from the Committee on the Territories, to which was referred the bill of the House (H. R. 25039) to enable the city of Phoenix, in Maricopa County, Ariz., to use the proceeds of certain municipal bonds for the purchase of the plant of the Phoenix Water Company and to extend and improve said plant, reported the same without amendment, accompanied by a report (No. 7608); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DIXON of Montana, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 25124) amending section 2477 of the Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 7609); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURKE of South Dakota, from the Committee on Indian Affairs, to which was referred the bill of the Senate (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, reported the same with amendment, accompanied by a report (No. 7611); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MARSHALL, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 24054) for the relief of the Mille Lac band of Chippewa Indians, of the State of Minnesota, reported the same without amendment, accompanied by a report (No. 7612); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURKE of South Dakota, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 24987) to authorize the sale and disposition of a portion of the surplus or unallotted lands in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect, reported the same with amendment, accompanied by a report (No. 7613); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HINSHAW, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 25614) authorizing the Omaha tribe of Indians to submit claims to the Court of Claims, reported the same with amendment, accompanied by a report (No. 7614); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURKE of South Dakota, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 25570) amending an act entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations," etc., approved February 8, 1887, reported the same with amendment, accompanied by a report (No. 7615); which said bill and report were referred to the House Calendar.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the resolution of the House (H. Res. 838) (in lieu of H. Res. 828) requesting information from the Secretary of the Interior relative to reported shortage in accounts of Indian agency at Muskogee, Ind. T., reported the same with amendment, accompanied by a report (No. 7616); which said resolution and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

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

By Mr. JENKINS: A bill (H. R. 25646) granting appeals from the United States court of appeals for the Indian Territory, and providing for the procedure, and for other purposes—to the Committee on the Judiciary.

By Mr. LAMAR: A bill (H. R. 25647) authorizing the Secretary of the Navy to contract for the construction of a stone graving dry dock at the navy-yard, Pensacola, Fla.—to the Committee on Naval Affairs.

By Mr. MORRELL: A bill (H. R. 25648) to extend the limits of the city of Washington so as to include all territory within the District of Columbia, and to establish a republican form of government therein, and for other purposes—to the Committee on the District of Columbia.

By Mr. ROBINSON of Arkansas: A bill (H. R. 25649) to limit mileage hereafter to be paid Members of Congress to actual necessary expenses incurred in traveling once each session of Congress to and from the national capital—to the Committee on Appropriations.

By Mr. PEARRE (by request): A bill (H. R. 25650) to authorize the Baltimore and Ohio Railroad Company to lay, construct, and operate four tracks, no more than two of which shall be within 200 feet of each other, into, across, and over squares Nos. 712 and 673, in the city of Washington, D. C., and for other purposes—to the Committee on the District of Columbia.

Also, a bill (H. R. 25651) to fix the salary of the United

States deputy clerk for the district of Maryland at Cumberland, Md.—to the Committee on the Judiciary.

By Mr. CHANEY: A bill (H. R. 25652) providing for a memorial commemorating the preservation of the first permanent settlement of the English-speaking people on the Western Hemisphere—to the Committee on the Library.

By Mr. LOUD: A joint resolution (H. J. Res. 238) authorizing the Secretary of the Navy to investigate cost of manufacture in the navy-yard as compared with cost of purchase elsewhere—to the Committee on Naval Affairs.

Also, a joint resolution (H. J. Res. 239) to authorize the appointment of a board to investigate the administration of the navy-yards—to the Committee on Naval Affairs.

By Mr. MOON of Pennsylvania: A joint resolution (H. J. Res. 240) to create a joint committee to consider the revision and codification of the laws of the United States—to the Committee on Rules.

By Mr. WHARTON: A joint resolution (H. J. Res. 241) authorizing the President to exclude from the mails certain publications—to the Committee on the Post-Office and Post-Roads.

By Mr. BENNET of New York: A joint resolution (H. J. Res. 242) appropriating $50,000 for the Interstate Commerce Commission—to the Committee on Appropriations.

By Mr. MADDEN: A resolution (H. Res. 837) requesting the Department of Commerce and Labor to collate information and report concerning the public utilities in the District of Columbia—to the Committee on the District of Columbia.

By Mr. STEPHENS of Texas, from the Committee on Indian Affairs: A resolution (H. Res. 838) directing the Secretary of the Interior to furnish the House certain information concerning the cashier of the Indian agency at Muskogee, Ind. T.—to the House Calendar.

By Mr. CLARK of Florida: A resolution (H. Res. 839) providing for printing Senate Document No. 266—to the Committee on Printing.

By Mr. COUDREY: A concurrent resolution (H. C. Res. 54) appointing a commission to view and make recommendations relative to acquirement by the United States of the Grant farm and the historic log cabin built by General Grant in St. Louis County, Mo.—to the Committee on the Library.

By the SPEAKER: Memorial by the legislature of South Dakota, praying for the enactment of the bill (S. 5133) to promote the safety of travelers and employees on railroads by limiting the hours of service on railroads—to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER: Memorial of the legislature of Kansas, proposing an amendment to the Constitution of the United States favoring the election of United States Senators by a direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. REEDER: A memorial of the legislature of Kansas, proposing an amendment to the Constitution favoring the election of United States Senators by a 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. BELL of Georgia: A bill (H. R. 25653) granting an increase of pension to Francis A. Shipman—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: A bill (H. R. 25654) granting an increase of pension to Charles E. Row—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25655) granting an increase of pension to Francis H. Britton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25656) for the relief of Blanche F. Fox—to the Committee on Naval Affairs.

By Mr. BINGHAM: A bill (H. R. 25657) for the relief of Henry S. Hannis & Co. and others—to the Committee on Claims.

By Mr. DOVENER: A bill (H. R. 25658) granting relief to the heirs of the late John M. Doddridge, of Wheeling, W. Va.—to the Committee on War Claims.

By Mr. GOULDEN: A bill (H. R. 25659) granting an increase of pension to John J. Nolan—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 25660) granting an increase of pension to Alford Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25661) granting an increase of pension to William H. Tullock—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 25662) to remove the charge of desertion from the military record of James Wilson—to the Committee on Military Affairs.

By Mr. MUDD: A bill (H. R. 25663) granting a pension to John Littleford—to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 25664) to correct the military record of William J. Harrison—to the Committee on Military Affairs.

By Mr. RAINEY: A bill (H. R. 25665) granting an increase of pension to Watson Goodrich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25666) granting an increase of pension to W. C. Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25667) granting a pension to Edward Gallagher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25668) to correct the military record of William H. Filey—to the Committee on Military Affairs.

Also, a bill (H. R. 25669) for the relief of Edward Gallagher—to the Committee on War Claims.

By Mr. SMITH of Illinois: A bill (H. R. 25670) granting an increase of pension to Joseph G. Lanham—to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

By the SPEAKER: Petition of various organizations of citizens in the States and the District of Columbia, against the Littlefield bill—to the Committee on the Judiciary.

By Mr. ACHESON: Petition of the Ohio River Improvement Association, for an appropriation to improve the Ohio River—to the Committee on Rivers and Harbors.

Also, petition of citizens of Pennsylvania, for increase of salaries of post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Socialist Party of America, Lawrence County (Pa.) committee, against the legal persecution of Moyer, Haywood, and Pettiborne—to the Committee on the Judiciary.

By Mr. BARCHFELD: Petition of citizens of Portland, Ind.; Pleasanton, Kans.; Fresno, Cal.; Columbia, Pa., and Wake County, N. C., against bill S. 5221, to regulate the practice of osteopathy in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of David A. Teager (previously referred to the Committee on Invalid Pensions)—to the Committee on War Claims.

By Mr. BOUTELL: Petition of the New Immigrant Protective League, against the Lodge-Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. BROUSSARD: Paper to accompany bill for relief of heirs of Joseph H. Pugh—to the Committee on War Claims.

By Mr. BUTLER of Pennsylvania: Petition of Lieutenant Josiah White Post, No. 45, of Phoenixville, Pa., against abolition of pension agencies—to the Committee on Appropriations.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of Henry M. Neely—to the Committee on War Claims.

By Mr. CROMER: Paper to accompany bill for relief of Isaac H. Thornburg—to the Committee on Invalid Pensions.

Also, petition of Nelson Trusler Post, Grand Army of the Republic, of Winchester, Ind., against discontinuance of United States pension agencies—to the Committee on Appropritions.

By Mr. DOVENER: Paper to accompany bill for relief of John E. Bowers—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of the Second Congregational Church of Eau Clare, Wis., for the Littlefield bill—to the Committee on the Judiciary.

Also, petition of citizens of Wisconsin, for the Hansbrough amendment to the free-alcohol bill—to the Committee on Ways and Means.

By Mr. FULLER: Petition of the Emerson Manufacturing Company, of Rockford, Ill., for an appropriation to better care for Patent Office models—to the Committee on Appropriations.

Also, petition of L. E. West, of Rock Island, Ill., for the Littlefield bill—to the Committee on the Judiciary.

Also, petition of President John W. Cook, of the Northern Illinois State Normal School, for bill S. 1642—to the Committee on the Public Lands.

Also, petition of C. E. Wilcox, of Highland Park, Ill., for an appropriation for a floating dry dock—to the Committee on Naval Affairs.

By Mr. GAINES of West Virginia: Petition of the Daughters of Liberty of Charleston, W. Va., for bill S. 4403—to the Committee on Immigration and Naturalization.

Also, petition of the West Virginia State Grange, against the subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. GRONNA: Petition of John Zurcher et al., of Russell,

N. Dak., for an amendment to the free-alcohol law—to the Committee on Ways and Means.

By Mr. HALE: Paper to accompany bill for relief of Alfred Baker—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Mary A. Bradford—to the Committee on War Claims.

By Mr. HILL of Connecticut: Paper to accompany bill for relief of William Carpenter (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. HOWELL of Utah: Petition of the National Convention for the Extension of Foreign Commerce in the United States, for a dual tariff—to the Committee on Ways and Means.

By Mr. HUFF: Petition of General Alexander Hayes Post, No. 3, Grand Army of the Republic, Department of Pennsylvania, against the abolition of pension agencies—to the Committee on Appropriations.

Also, petition of the Association of Army Nurses of the Civil War, for bill H. R. 21379, to pension volunteer Army nurses—to the Committee on Invalid Pensions.

Also, petition of A. G. Reid Post, No. 105, Grand Army of the Republic, of Butler, Pa., favoring amending the act of Congress approved March 2, 1903—Public, No. 134—to the Committee on Invalid Pensions.

Also, petitions of the Pennsylvania State Camp and the National Camp, Patriotic Order of Sons of America, for bill S. 4403—to the Committee on Immigration and Naturalization.

Also, petition of the National Editorial Association of the United States, for bill H. R. 22476—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Fruit Growers' Association of Bedford County, Pa., for an amendment to bill H. R. 19750—to the Committee on Ways and Means.

By Mr. LEVER: Paper to accompany bill for relief of David F. Kirby—to the Committee on Pensions.

Also, paper to accompany bill for relief of H. P. Kohn—to the Committee on Pensions.

By Mr. LINDSAY: Petition of A. E. Yoell, of the Japanese and Korean Exclusion League, against Japanese subjects of the labor class entering the United States—to the Committee on Foreign Affairs.

Also, petition of the Guild of St. Philip's Episcopal Church, of Brooklyn, N. Y., for the Beveridge-Parsons child-labor bill—to the Committee on Labor.

By Mr. McKINLEY of Illinois: Petition of S. Z. Burrow et al., of Cowden, Ill., for the Littlefield bill (H. R. 13655)—to the Committee on the Judiciary.

By Mr. MILLER: Petition of the State board of agriculture of Kansas, for such reciprocal treaties with foreign nations as shall enlarge the market for products of American farms—to the Committee on Ways and Means.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Housell Halfield (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. MOORE of Pennsylvania: Petition of the National Board of Trade, for repeal of the tariff on works of art—to the Committee on Ways and Means.

By Mr. PAGE: Petition of citizens of Monroe, N. C., for the enactment of interstate reciprocal demurrage—to the Committee on Interstate and Foreign Commerce.

By Mr. PRINCE: Petition of business men of Cuba, Fulton County, Ill., against reduction of pay of railway mail clerks—to the Committee on the Post-Office and Post-Roads.

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

By Mr. SULZER: Petition of citizens of New York, against any statutes to contract the volume of the "medium of exchange"—to the Committee on Coinage, Weights, and Measures.

Also, petition of Edgar T. Gaddis, against the no-fee provision of the service pension bill—to the Committee on Invalid Pensions.

Also, petition of Congregational ministers of Greater New York, for an investigation of affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. TIRRELL: Petition of the Hudson News, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Jewett Piano Company, for an amendment to the free-alcohol bill—to the Committee on Ways and Means.

By Mr. WEBB: Petition of citizens of the District of Columbia, for enactment of bill H. R. 6016—to the Committee on the District of Columbia.

By Mr. WHARTON: Petition of the National Convention for the Extension of Foreign Commerce of the United States, for a dual tariff—to the Committee on Ways and Means.

SENATE.

FRIDAY, *February 15, 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. HANSBROUGH, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

TITLE TO COAL LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of the General Land Office, with the accompanying schedules, showing the area of coal lands in each township or fraction thereof in certain States, title to which has passed from the United States, etc.; which, with the accompanying paper, was referred to the Committee on Public Lands, and ordered to be printed.

ACCEPTANCE OF GOLD CUP.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, requesting that permission be granted Mr. Leslie Combs, formerly minister of the United States to Guatemala and Honduras and now minister to Peru, to accept a gold cup presented to him by the President of Guatemala as a souvenir of the peace conference on board the U. S. S. *Marblehead;* which was referred to the Committee on Foreign Relations, and ordered to be printed.

DISPOSITION OF USELESS DOCUMENTS.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, transmitting schedules of papers and documents which are not needed in the transaction of the public business and which have no permanent value or historical interest.

The VICE-PRESIDENT. The communication will be referred to the Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints as such committee on the part of the Senate the Senator from Alabama [Mr. PETTUS] and the Senator from New Hampshire [Mr. GALLINGER]. The Secretary will notify the House of the appointment.

SPECIAL EMPLOYEES OF INTERSTATE COMMERCE COMMISSION.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting, in response to a resolution of the 8th instant, a list of the number and compensation of all special employees in the Commission during the fiscal year 1906 and at the present time; which, with the accompanying papers, was ordered to lie on the table, and be printed.

CREDENTIALS.

Mr. DRYDEN presented the credentials of Frank O. Briggs, chosen by the legislature of the State of New Jersey 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 bill (S. 7515) to authorize the Missouri River Improvement Company, a Montana corporation, to construct a dam or dams across the Missouri River with amendments; in which it requested the concurrence of the Senate.

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

H. R. 4678. An act granting an increase of pension to John F. Casper;

H. R. 17334. An act granting an increase of pension to Henry Power;

H. R. 20605. An act granting a pension to Mary E. P. Barr;

H. R. 21175. An act granting a pension to Martin J. Flagstad;

H. R. 21529. An act granting an increase of pension to Charlotte Game;

H. R. 21808. An act granting an increase of pension to Levi Mitchell;

H. R. 22101. An act granting a pension to Mack Rittenberry;

H. R. 22264. An act granting an increase of pension to Sibby Barnhill;

H. R. 22282. An act granting an increase of pension to Edward H. Lunn;

H. R. 22443. An act granting an increase of pension to Lyman S. Strickland;

H. R. 24323. An act granting an increase of pension to Talcott M. Brown; and

H. R. 23870. An act granting an increase of pension to America J. Austin.